mean life, for as long as the child lives his cancer is not incurable."

It is this indomitability of the man as well as his advanced techniques in the treatment of cancer that entitles him to a revered place in medicine's list of its illustrious. But his energy and genius go way beyond cancer and chemotherapy. Modern heart surgery, owes him a sizeable debt, as do so many of the advances (and the practitioners) in all of pathology's and bacteriology's many mystifying facets. The medical societies and universities who have honored this first S. Burt Wolbach Professor of Pathology at Harvard are worldwide. But the esteem in which he is held by his colleagues is as great an honor as a man could ask.

ORDER FOR CALL OF CALENDAR ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the reading of the Journal on tomorrow, it may be in order to call up any unobjected-to bills on the legislative calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of such disposition of any unobjected-to items on the legislative calendar tomorrow, the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the able Senator from New York (Mr. JAVITS) tomorrow, there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business tomorrow not exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, it is my understanding that, under the previous order, at the request of the very distinguished majority leader (Mr. MANSFIELD), the unfinished business, the so-called equal rights for women amendment, will be laid before the Senate at the conclusion of the morning business—not the morning hour, but at the conclusion of morning business.

The PRESIDING OFFICER. The Senator is correct.

LIMITATION OF DEBATE ON EQUAL RIGHTS AMENDMENT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that discussion of the equal rights amendment on tomorrow be limited to not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at that time, when not to exceed 1 hour has transpired for discussion on the equal rights amendment, the pending business, H.R. 18583, be then laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I understand that the pending question before the Senate at that time will then be——

The PRESIDING OFFICER. Agreeing to the amendment offered by the Senator from Iowa.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT TO TOMORROW AT 10 A.M.

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

The motion was agreed to; and (at 8 o'clock and 39 minutes p.m.) the Senate, in accordance with the order of yesterday, adjourned until tomorrow, Wednesday, October 7, 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate October 6 (legislative day of October 5), 1970:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David Ogden Maxwell, of Pennsylvania, to be General Counsel of the Department of Housing and Urban Development, vice Sherman Unger.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6 (legislative day of October 5), 1970:

U.S. CIRCUIT COURTS

Max Rosenn, of Pennsylvania, to be a U.S. circuit judge for the third circuit.

U.S. DISTRICT COURTS

Cornelia G. Kennedy, of Michigan, to be U.S. district judge for the eastern district of Michigan.

HOUSE OF REPRESENTATIVES—*Tuesday, October 6, 1970*

The House met at 12 o'clock noon.

Bishop William R. Cannon, bishop of the Raleigh area of the United Methodist Church, Raleigh, N.C., offered the following prayer:

O God, who art ever more able to help us than we are to help ourselves and whose resources are infinitely greater and more effective than are our own, grant us, we beseech Thee, a clearer and better understanding of Thy will, the resolution of mind and heart always to obey Thee, and Thy grace which alone can empower us as a free people to do what we ought to do and to fulfill our destiny in history and among the families of men.

Deliver us, we pray, from factionalism and from a petty concern for party and the sectional and local interests of those we represent if they impair the well-being of the Nation as a whole, compromise our basic unity as one people, and divide and weaken us at a time when we need to be united and strong in the face of hosts of evil which inflict and threaten to destroy mankind. In an election year, help us to be at our best, not at our worst, to behave like statesmen, not like politicians, and to conduct the business of this country in a way that merits Thy favor and wins Thy recognition: "Well done, good and faithful servant. Thou hast been faithful over a few things; I shall make thee ruler over many things. Enter thou into the joys of thy Lord."

We pray for our people, the citizens of this country, that they may be optimistic, confident, courageous, and compassionate. Help those who are affluent and prosperous constantly to be concerned about the welfare of those who live in poverty and deprivation, while at the same time help the poor to see that the solution to their problems is not to dispossess the rich and covet the resources of others but rather to cultivate the means to acquire resources of their own. Help us all to realize that nothing worthwhile is ever accomplished through the selfish disruption of an orderly society, through angry agitation in the streets and on the campuses of schools and universities, and through hate and violence in which one race or class is set in opposition to another. We pray with all our hearts for the moral reformation and spiritual renewal of all our people, majorities and minorities, blacks and whites, rich and poor, that we may live together in unity, understanding, mutual respect for one another, and in charity and brotherhood, that all the world may

see our good works and glorify our Father in heaven.

We do not pray only for ourselves but for other nations and peoples as well, remembering that all the inhabitants of the earth are Thy children, made in Thine image and loved of Thee. Bless them, too, and grant them the will and disposition, even our enemies, to live in peace and cooperation with us as we strive to live in peace and cooperation with them.

O God, almighty and all merciful, save America that America may be used by Thee in the salvation of the world. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3154. An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

TRIBUTE TO BISHOP WILLIAM R. CANNON

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

Mr. FLYNT. Mr. Speaker, it is my pleasure to join in welcoming to the House of Representatives today as guest Chaplain, Bishop William R. Cannon of the Raleigh area of the United Methodist Church of Raleigh, N.C.

Bishop Cannon is a native Georgian and a former schoolmate of mine at the University of Georgia. Following his graduation from the University of Georgia, he attended and graduated with distinction from the Yale Divinity School. Following that, he became an ordained minister in the North Georgia Conference of the Methodist Church. Following that, he served as instructor, professor, and dean of the Candler School of Theology, Emory University, Atlanta, Ga. In 1968 at the Southeastern Jurisdictional Conference of the Methodist Church, he was elected a bishop of the Methodist Church and assigned as resident bishop of the Raleigh area, which includes the North Carolina Conference with headquarters in Raleigh, N.C.

Mr. Speaker, it is a pleasure to have Bishop Cannon with us today.

APPOINTMENT AS PUBLIC MEMBER OF COMMISSION ON RAILROAD RETIREMENT

The SPEAKER. Pursuant to the provisions of section 7(a)(1)(B), Public Law 91-377, the Chair appoints as a public member of the Commission on Railroad Retirement the following person from private life on the part of the House: Mr. George E. Leighty, of Maryland.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Department of Defense appropriation bill for the fiscal year 1971.

Mr. BOW reserved all points of order on the bill.

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

There was no objection.

OPERATION COOPERATION

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

Mr. MYERS. Mr. Speaker, the effort by Larry O'Brien, chairman of the Democratic National Committee, to turn the grave national problem of drug addiction into votes for Democrats should win this year's award for the outstanding display of political opportunism.

Speaking in Buffalo, N.Y., on September 16, Mr. O'Brien said that the Nixon administration, and I quote, "will want to talk about the menace of drug addiction—for which their only solution to date is the hiring of a few more customs inspectors and adding an extra hour to the time it takes to get through the airport in New York."

In his desperate quest for Democrat votes, Mr. O'Brien obviously is willing to hurt and belittle a program which has been successful in cutting down the flow of dangerous narcotics into this country.

Just last week, John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, looked at the end of the first year of the Nixon administration's "Operation Cooperation" which is designed to shut off drugs coming into this country from Mexico, and termed it an unqualified success. Mr. Ingersoll pointed out that in the last 3 months alone, U.S. customs agents seized 3,083 pounds of marihuana as compared to only 1,603 pounds for a like period before the operation began.

Mr. O'Brien obviously does not feel that vastly reducing the flow of drugs across the border is worth a small inconvenience.

I am sure Mr. O'Brien is not speaking for the Democrat Party in this matter.

DEMOCRATS ON THE ISSUE OF CRIME

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

Mr. MICHEL. Mr. Speaker, the wire services carried a story Monday that the Democrats are desperately trying to move in on the issue of crime. They have suddenly became John Laws-come-lately as their party is clumsily trying to do an about face on the issue of law and order. They are trying to save their political hides from a public that is sick and tired of the permissive society that was created by Democrats in the White House working with Democrats in Congress.

Let us refresh the record.

It was under Democrats in the White House and in Congress that the population grew 11 percent in 8 years, but crime went up 100 percent.

It was under Democrats in the White House and in Congress that criminals took over our Nation's streets, that lawlessness, rioting, and violence became a way of American life.

It was Democrat-appointed Supreme Court judges who made rulings that hamstrung law enforcement and set criminals free.

It was under Democrats in the White House and in Congress that the Bail Reform Act of 1966 was rammed through, which forces judges to let vicious criminals out on bail to kill, rob, and terrorize the citizenry.

It was under Democrats that the drug traffic flourished and became a national menace.

It is a little late for reform. But, all the public has to do is to look at the inaction of this present Democrat-run Congress on President Nixon's anticrime package, proposed a year ago, and they will realize that the Democratic Party is only posturing, and that it really believes in peaceful coexistence with crime.

DAY OF BREAD AND HARVEST FESTIVAL

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

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to focus attention on the significance of this day in our Nation's efforts to eliminate hunger and malnutrition in the world and to achieve world peace.

President Nixon has designated today, October 6, a "Day of Bread." This day is part of an international observance, and the week within which it falls as a period of "Harvest Festival."

In the quest for world peace, for too long now we have overlooked the talents of the most successful producer in the American economy—the farmer. Our greatest weapon in the arsenal of peace should be our willingness to share our agricultural abundance and expertise with the developing nations.

A hungry world is a troubled world. Through food for peace and programs to promote self-help development, we have used our agricultural abundance to reduce hunger and malnutrition and achieve significant economic progress in many underprivileged areas of the world.

In this regard, an outstanding success story exists in the Philippines. American wheat is processed in Philippine mills.

Small privately owned bakeries bake bread for the schools and local communities. This project has not only improved diets, but also reduced school dropouts.

Today, we should focus attention and direct our appreciation to the farmers whose tireless and selfless efforts provide our abundant supply of food oftentimes with little monetary compensation. We take for granted the fact that we are the best fed nation at the lowest personal cost in the world's history—in spite of the fact that a great percentage of our diet is preference food and high quality convenience items.

Today, we should also focus our attention and make renewed efforts to use our agricultural surplus to fight hunger and malnutrition here at home and abroad.

By celebrating this day in the ancient tradition of breaking bread together, may we all dedicate ourselves to working together to use agriculture to achieve President Nixon's goal of a full generation of peace in this century.

CINCINNATI REDS—NATIONAL LEAGUE CHAMPS, 1970

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

Mr. TAFT. Mr. Speaker, the big Red machine "showed 'em" in Cincinnati yesterday, in a hard fought game with the Pirates, and now it is on to the World Series with the Orioles.

Obviously, as a Cincinnatian, my choice is the Reds. I must say that seldom have I seen as exciting a team.

Under the leadership of Manager Sparky Anderson, the Reds dominated the National League this year. I predict it will be the same in the series.

Last year it was the Mets, of course, and we National League boosters cheered them on to victory. No hard feelings this year, and we welcome all Mets fans to join us in rooting for the Big Red machine. I am hopeful that the Reds have set the tone for Cincinnati, in sports as well as in politics.

ENVIRONMENTAL STALEMATE

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

Mr. DEVINE. Mr. Speaker, no one can deny the Democrats their talent for political expediency. If an issue makes the headlines, and television decides it is news, then a great pother takes place in the Democrat ranks. Once the issue fades, so does their interest, and the issue is relegated to the legislative pigeonhole. The example I would cite is environment. The first bill, of the new year 1970, of the new decade, that President Nixon asked, concerned human environment. He called for steps and solutions before it was too late. There was an immediate uproar among the Democrats, all of them crying for clean air and water and atmosphere. The need for corrective measures, dormant during two Democratic administrations, had suddenly become a popular issue. Everybody turned out for Earth Day. Everybody paid loud lipservice to eradicating pollution and smog. Every auto, it seemed, had a bumper sticker calling for solutions.

The Nixon administration, meantime, sent 37 bills to this Hill dealing with the environment. But the Democrats, seeing that public interest had waned, went back to doing nothing. And there it stands. Four administration bills to control water pollution have yet to be heard in the Public Works Committee. Other legislation sponsored by Congressmen HARSHA and CRAMER remains in the pigeonhole. If Democrats really meant what they said about the environment problem a few months back, then let them come alive and take action. The issue is a vital one, even if it has left the front page.

OFFICE FURNISHINGS FOR THE SECRETARY OF THE INTERIOR

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

Mr. GROSS. Mr. Speaker, Secretary of the Interior Walter J. Hickel has once again demonstrated his fondness for writing letters and then "leaking" them to the press. This will serve as an acknowledgment that I have received his latest missive.

It seems, Mr. Speaker, that the Secretary is upset because I requested the General Accounting Office to look into the spending of some $40,000 of the taxpayers' money to refurbish his office.

Apparently he is not as upset about that as he is that I released the report of the GAO which found he would have spent nearly $2,000 for a desk and more than $50 a yard for what must be the fanciest carpet this side of Araby and the Persian Gulf.

The Secretary complains that my statement on the House floor last August that he "is sitting at a custom desk that cost $1,795 and walking on carpeting that cost $56.25 a square yard," is false.

I admit that Secretary Hickel has a point. My statement should have been: "The Secretary of the Interior—were it not for the General Accounting Office—would be sitting at a desk that cost $1,795 and walking on a carpet that cost $56.25 a square yard."

I must also admit that when I said the Secretary "is sitting at a custom desk" I was not being fully accurate because he was, in fact, that very day in Canada on a lengthy junket.

One other little matter needs to be mentioned. Mr. Hickel's letter to me, which I received on Saturday, October 3, and which he "leaked" to the press, is dated Friday, October 2, 1970. That happens to be the same date on which the Comptroller General advised him, in writing, to limit payments for his office furnishings to that allowed by Government regulations or suffer the consequences.

Come again, Mr. Hickel. Take another dive. The water is fine.

WELCOME BACK, PRESIDENT NIXON

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

Mr. GERALD R. FORD. Mr. Speaker, I would like to join with the rest of the Nation in welcoming back President Nixon from his successful trip. His trip accomplished several important objectives:

First, it improved the chances of peace in the Mediterranean and therefore, in the world;

Second, it reassured our allies that the United States stands by its commitments;

Third, it showed the world that American seapower in the Mediterranean will remain preeminent; and

Fourth, it proved that the President of the United States does not fear to travel any place in the world in the cause of peace and international understanding.

Mr. Speaker, President Nixon continues to carry America's message of friendship and freedom to the world. As we salute his efforts, let us not forget his partner in the arduous quest for a generation of peace.

Indeed, I do not remember a time when a President's wife did not aid and strengthen her husband in his duties and his travels.

A shining example of a First Lady and the important role she must play is Mrs. Nixon, the President's always poised and gracious wife.

Pat Nixon, from the time her husband first came to prominence, has endured the bad times and accepted the good times with grace and courage and a rare good humor.

On the President's just-completed trip—as on others—she has been an ambassador of good will and a wonderful example to the world of American womanhood.

We are happy to have them both home safely.

HOUR OF MEETING ON THURSDAY, OCTOBER 8

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns on tomorrow, Wednesday, it adjourn to meet at 10 o'clock on Thursday.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, may Members of the House infer from that that we will very likely be able to recess at the end of this week until after the election?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ALBERT. I do not think the gentleman can draw that inference, but I do say I think it means we may recess earlier than we would be able to do otherwise. I am hopeful we can get out early next week.

Mr. GROSS. I would hope we could adjourn sine die, but apparently that is utterly impossible, at the end of this week. However, if we are going to come in at 10 o'clock in the morning on Thursday, we ought to try. I would like to think that we could have some assurance we can leave here this week on a recess basis.

Mr. ALBERT. I wish I could give the gentleman that assurance, but the gentleman knows that the Defense appropriation bill is one of the major bills of the year. We would like to come in and dispose of it as soon as possible, because it is important to the ultimate disposition of our business.

Mr. GROSS. In order to join in the hopes of the majority leader that we can recess promptly at the end of this week, Mr. Speaker, I withdraw my reservation.

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

Mr. HALL. Mr. Speaker, further reserving the right to object, what is the purpose of coming in and asking permission 2 days early?

Mr. ALBERT. Will the gentleman yield?

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

Mr. ALBERT. I have discussed this with the distinguished chairman of the Committee on Appropriations and with the distinguished minority leader. The committee I think rightfully wants to know whether it can begin to make preparations for starting its consideration of that bill early and, if it can, the members of the committee would like to know it as soon as possible. It is a big bill, and they are working hard on it.

Mr. HALL. What the gentleman is telling us is that the DOD appropriation bill will follow S. 30 which is scheduled for consideration today per your announcement as an addition to the legislative program yesterday?

Mr. ALBERT. Yes, with the one exception that we will not start the DOD appropriation bill tomorrow. If we get through with S. 30 early tomorrow, we will take up some other previously programed bill or bills tomorrow and then start on the DOD appropriation bill on Thursday.

Mr. HALL. Mr. Speaker, I see no objection to that. I think it is right and proper that the committee should know in advance whether or not it should come in early, and whether or not the other committees of the House will call witnesses or not. I still differ with my distinguished friend from Iowa vis-a-vis whether or not a recess should be taken at this time. I think we ought to finish up our business and get out of here. It would serve no useful purpose to have a lameduck session of Congress. I think we ought to bend every effort as I am sure the leadership of the majority and minority are, toward completing the necessary business of the Congress and recessing sine die until a newly elected Congress is seated.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection?

PERMISSION FOR SUBCOMMITTEE ON EDUCATION, COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Education of the Committee on Education and Labor may sit during general debate today.

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

There was no objection.

PRIVATE CALENDAR

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

DR. ANTHONY S. MASTRIAN

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

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

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

There was no objection.

ATKINSON, HASERICK & CO., INC.

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

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

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

There was no objection.

CLAUDE G. HANSEN

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

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

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

There was no objection.

JOHN R. GOSNELL

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

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

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

There was no objection.

DAVID L. KENNISON

The Clerk called the bill (H.R. 15272) for the relief of David L. Kennison.

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

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

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

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

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

There was no objection.

REFERENCE OF H.R. 1390 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 108, referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

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

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

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

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

There was no objection.

MAUREEN O'LEARY PIMPARE

The Clerk called the bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare.

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

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

There was no objection.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Mario de Conceicao Botelho Pereira.

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

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

There was no objection.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

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

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

There was no objection.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

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

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

There was no objection.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 4665) for the relief of Clinton M. Hoose.

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

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

There was no objection.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

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

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

There was no objection.

ROGER STANLEY AND THE SUCCESSOR PARTNERSHIP

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

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

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

There was no objection.

HERSHEL SMITH, PUBLISHER, LINDSAY NEWS, LINDSAY, OKLA.

The Clerk called the bill (H.R. 6100) for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.

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

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

There was no objection.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

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

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

There was no objection.

CENTRAL GULF STEAMSHIP CORP.

The Clerk called the bill (H.R. 12958) for the relief of Central Gulf Steamship Corp.

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

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

There was no objection.

DAVID Z. GLASSMAN

The Clerk called the bill (H.R. 13805) for the relief of David Z. Glassman.

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

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

There was no objection.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

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

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

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

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

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

There was no objection.

KATHRYN TALBOT

The Clerk called the bill (S. 2661) for the relief of Kathryn Talbot.

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

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kathryn Talbot, of Chaumont, New York, is relieved of all liability for payment to the United States of the sum of $5,458.13, representing the amount of cash and stamps, in her custody as clerk-in-charge of the Chaumont Post Office, which were taken from such post office in a burglary occurring over the weekend of July 22-23, 1967, the taking of such cash and stamps having arisen out of conditions existing at the post office prior to the time the said Kathryn Talbot became responsible for the cash and stamps. In the audit and settlement of accounts relative to such sum, credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Kathryn Talbot the sum of any amount received or withheld from her on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

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

ARTHUR JEROME OLINGER, A MINOR

The Clerk called the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

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

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

There was no objection.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN MINERAL INTERESTS OF THE UNITED STATES TO I. EARL NUTTER

The Clerk called the bill (H.R. 9087) to authorize the Secretary of the Interior to convey certain mineral interests of the United States in certain lands located in Wagner County, Okla., to I. Earl Nutter.

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

H.R. 9087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to I. Earl Nutter of Tulsa, Oklahoma, all right, title, and interest of the United States in and to 112.1 acres of land described as lots 5 and 6 and the southeast quarter of the northwest quarter (less the south half of the north half of the northeast quarter of the southeast quarter of the northwest quarter) of section 6, township 15 north, range 17 east, of the Indian meridian, Wagoner County, Oklahoma. The Secretary shall convey such property upon payment by or on behalf of I. Earl Nutter to the United States, within one year after the date of enactment of this Act, of the fair market value of all right, title, and interest of the United States in and to such land. The Secretary shall determine the fair market value of all right, title, and interest of the United States in and to such land and notify I. Earl Nutter of his determination within six months after the date of enactment of this Act.

With the following committee amendment:

Page 1, beginning on line 3, strike out all

after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be authorized and directed to convey to the record owner of lots 5 and 6 and the southeast quarter of the northwest quarter (less the south half of the north half of the northeast quarter of the southeast quarter of the northwest quarter) of sec. 6, township 15 north, range 17 east, Indian meridian, Wagoner County, Oklahoma, in accordance with section 3 of this Act, all right, title, and interest of the United States in the mineral deposits in the land.

"SEC. 2. The Secretary shall require the deposit of a sum of money which he deems sufficient to cover estimated administrative costs of this Act. If a conveyance is not made pursuant to this Act, the deposit shall constitute full satisfaction of administrative costs notwithstanding that the administrative costs exceed the deposit, but if the amount of the deposit exceeds the actual administrative costs, the Secretary shall refund the excess.

"SEC. 3. No conveyance shall be made unless application for conveyance is filed with the Secretary within 6 months of the date of approval of this Act and unless within the time specified by him payment is made to the Secretary of (1) administrative costs of the conveyance and (2) the fair market value of the interest to be conveyed. In determining the amount of the payment required, if the sum deposited pursuant to section 2 hereof to cover estimated administrative costs is less than the actual administrative costs, the applicant shall be required to pay the difference. If such deposit is more than actual administrative costs, the applicant shall be given a credit or refund for the excess.

"SEC. 4. The term 'administrative costs of conveyance', as used in this Act, includes, but is not limited to, all costs which the Secretary finds are necessary to determine (1) the character of the mineral deposits in the land, (2) the fair market value of the rights to be conveyed, and (3) the costs of preparing and issuing the instrument of conveyance.

"SEC. 5. Moneys paid to the Secretary for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. Moneys paid for the minerals conveyed shall be deposited into the general fund of the Treasury as miscellaneous receipts."

The committee amendment was agreed to.

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

PETER RUDOLF GROSS

The Clerk called the bill (S. 378) for the relief of Peter Rudolf Gross.

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

S. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Peter Rudolph Gross has resided in the United States and any State since his lawful admission for permanent residence on April 15, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act. In this case the petition for naturalization may be filed with any court having naturalization jurisdiction.

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

MRS. NIMET WEISS

The Clerk called the bill (S. 732) for the relief of Mrs. Nimet Weiss.

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

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Mrs. Nimet Weiss shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

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

KONRAD LUDWIG STAUDINGER

The Clerk called the bill (S. 737) for the relief of Konrad Ludwig Staudinger.

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

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

There was no objection.

AH MEE LOCKE

The Clerk called the bill (S. 1123) for the relief of Ah Mee Locke.

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

S. 1123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ah Mee Locke, the widow of the late Loy Hepp Locke, a citizen of the United States, shall be held and considered to be an alien eligible for immediate relative status under the provisions of section 201(b), and the provisions of section 204 of such Act shall not be applicable in this case.

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

KIMOKO ANN DUKE

The Clerk called the bill (S. 3167) for the relief of Kimoko Ann Duke.

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

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kimoko Ann Duke shall be held and considered to be within the purview of section 323(c) of such Act.

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

CURTIS NOLAN REED

The Clerk called the bill (S. 3212) for the relief of Curtis Nolan Reed.

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

S. 3212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Curtis Nolan Reed may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and notwithstanding the provisions of section 204 (C) of the said Act, a petition may be filed pursuant to section 204 of the Act in behalf of the said Curtis Nolan Reed by Mr. and Mrs. H. Nolan Reed, citizens of the United States: *Provided,* That no brothers or sisters of the said Curtis Nolan Reed shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under this Immigration and Nationality Act.

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

MARIA PIEROTTI LENCI

The Clerk called the bill (S. 3263) for the relief of Maria Pierotti Lenci.

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

S. 3263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Pierotti Lenci, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that act and the provisions of section 204 of such act shall not be applicable in this case.

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

MRS. ANITA ORDILLAS

The Clerk called the bill (S. 3265) for the relief of Mrs. Anita Ordillas.

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

S. 3265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Anita Ordillas, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that act and the provisions of section 204 of such act shall not be applicable in this case.

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

JOHNNY MASON, JR. (JOHNNY TRINIDAD MASON, JR.)

The Clerk called the bill (S. 3529) for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.).

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

S. 3529

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

purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Johnny Mason, Junior (Johnny Trinidad Mason, Junior) shall be held and considered to be the natural-born alien son of J. D. Mason, a citizen of the United States: *Provided*, That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, lines 8 and 9, strike out the language "of the beneficiary shall not, by virtue of such parentage," and insert in lieu thereof the following: "or brothers or sisters of the beneficiary shall not, by virtue of such relationship,".

The committee amendment was agreed to.

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

KYUNG AE OH

The Clerk called the bill (S. 3600) for the relief of Kyung Ae Oh.

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

S. 3600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kyung Ae Oh may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Samuel E. Kramm, citizens of the United States, pursuant to section 204 of such Act. The brothers or sisters of the said Kyung Ae Oh shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

MRS. ANASTASIA PERTSOVITCH

The Clerk called the bill (S. 3620) for the relief of Mrs. Anastasia Pertsovitch.

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

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

There was no objection.

MING CHANG

The Clerk called the bill (S. 3675) for the relief of Ming Chang.

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

S. 3675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ming Chang may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Shurman Y. Chang, citizens of the United States, pursuant to section 204 of such Act. The brothers or sisters of the said Ming Chang shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

KIM JULIA AND PARK TONG OP

The Clerk called the bill (S. 3813) for the relief of Kim Julia and Park Tong Op.

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

S. 3813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of such Act, relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of petitions filed in behalf of Kim Julia and Park Tong Op by Mr. and Mrs. Lester Gibson, citizens of the United States. The natural brothers or sisters of the said Kim Julia and Park Tong Op shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

MRS. PANG TAI TAI

The Clerk called the bill (S. 3853) for the relief of Mrs. Pang Tai Tai.

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

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

There was no objection.

BRUCE M. SMITH

The Clerk called the bill (S. 3858) for the relief of Bruce M. Smith.

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

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

There was no objection.

HYUN JOO LEE AND MYUNG JOO LEE

The Clerk called the bill (S. 4073) for the relief of Hyun Joo Lee and Myung Joo Lee.

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

S. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of petitions filed in behalf of Hyun Joo Lee and Myung Joo Lee by Mr. and Mrs. Bruce Boldon, citizens of the United States. The natural brothers and sisters of the said Hyun Joo Lee and Myung Joo Lee shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

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

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

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

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

There was no objection.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 11676) for the relief of Philip C. Riley and Donald F. Lane.

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

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

There was no objection.

IRWIN KATZ

The Clerk called the bill (H.R. 13806) for the relief of Irwin Katz.

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

H.R. 13806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,050 to Irwin Katz of Brooklyn, New York, in full settlement of his claims against the United States for losses and expenses and penalties due to the cancellation of a contract for the purchase of a home in New York due to his forced transfer of employment from the Naval Applied Science Laboratory in Brooklyn, New York, to the Naval Weapons Laboratory in Dahlgren, Virginia. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary not withstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$1,050" and insert "$800".

The committee amendment was agreed to.

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

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 15864) for the relief of Robert L. Stevenson.

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

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

There was no objection.

MARION OWEN

The Clerk called the bill (H.R. 15865) for the relief of Marion Owen.

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

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

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 16276) for the relief of William E. Carroll.

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

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

There was no objection.

GARY W. STEWART

The Clerk called the bill (H.R. 16502) for the relief of Gary W. Stewart.

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

H.R. 16502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gary W. Stewart of Baldwin Park, California, is relieved of liability to the United States in the amount of $537.76, representing the total amount of overpayments of active duty pay received by the said Gary W. Stewart during the period from January 1966, through December 1967, as a result of administrative error on the part of the United States Marine Corps with respect to monthly allotment for December 1967, sent to Joyce Stewart, wife of said Gary Stewart, representing overpayment of clothing maintenance and leave rations, overpayment of basic pay and basic allowance for quarters, and rental value of inadequate family quarters during his active service as a member of the United States Marine Corps and received in good faith on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Gary W. Stewart an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

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

With the following committee amendment:

Page 1, line 5, strike "$537.76" and insert "$553.21".

The committee amendment was agreed to.

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

CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

The Clerk called the bill (H.R. 17272) for the relief of certain employees of the Department of Defense.

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

H.R. 17272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following-named persons is relieved of liability to the United States in the amount which appears beside his name:

Sarah L. Botsai	$100.00
Ouida Bankston	100.00
William Hood	1,052.98
James Child	269.93
Ronald Roth	564.46
Dexter Brown	146.50
Susan Groswith	100.00
Mary Kubal	100.00
Michael Madore	238.75
Diana Hensley	200.00
Robert Tarr	254.25
John Mollick	398.56
Howard Sargent	563.06
Allen P. Alsop	591.76
John Rowland	600.56
Carolyn Dischert	100.00
Alan Koseff	373.18
Thomas Orr	461.10
Samuel Raskin	384.50

Such amounts represent overpayments of travel, transportation, and other related expenses made, as a result of an administrative error, to the above named civilian employees of the Department of Defense during the years 1966, 1967, and 1968. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to his indebtedness to the United States specified in such section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following individuals the sums listed after their names in full settlement of all their claims against the United States for reimbursement of certain travel expenses incurred in connection with travel pursuant to travel orders issued in 1966, 1967, and 1968:

James Child	$247.00
Carolyn Dischert	100.00
Alan Koseff	543.20
Thomas Orr	483.00
Samuel Raskin	492.00

SEC. 3. No part of the amount appropriated in subsection (b) of the first section of this Act or in section 2 of this Act, for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, in list of names after line 2, after "Ronald Roth" strike "546.46" and insert "589.30".

Page 3, in list of names after line 9, after "Carolyn Dischert" strike "$100.00" and insert "190.97".

Page 3, in list of names after line 9, insert the following:

"James R. Duncan	342.58
Robert E. Eckert	412.63".

The committee amendments were agreed to.

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

CARLO BIANCHI & CO., INC.

The Clerk called the bill (H.R. 17853) for the relief of Carlo Bianchi & Co Inc.

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

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

There was no objection.

JAMES E. MILLER

The Clerk called the bill (S. 878) for the relief of James E. Miller.

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

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

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

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

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

There was no objection.

DONAL E. McGONEGAL

The Clerk called the bill (S. 1422) for the relief of Donal E. McGonegal.

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

The SPEAKER. Is there objection to

the request of the gentleman from Tennessee?

There was no objection.

DONAL N. O'CALLAGHAN

The Clerk called the bill (S. 2755) for the relief of Donal N. O'Callaghan.

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

S. 2755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donal N. O'Callaghan of Carson City, Nevada the sum to which he would be entitled under section 5274(a)(4), title 5 of the United States Code and the regulations issued thereunder without regard to section 4.1d of the Bureau of the Budget Circular Numbered A-56, Revised, October 12, 1966. Such sum represents the amount of expenses the said Donal N. O'Callaghan incurred in selling his residence in Carson City, Nevada, incident to his transfer in June 1967, as an employee of the Office of Emergency Preparedness, from one location to another for the convenience of the Government, the said Donal N. O'Callaghan having been unable, due to circumstances beyond his control, to comply with a Government regulation permitting reimbursement of such expenses only in the case of sales completed within one year after transfer.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine of not to exceed $1,000.

With the following committee amendments:

Page 1, line 6, after "section 5724" insert "a".

Page 2, line 10, strike "in excess of 20 per centum thereof".

The committee amendments were agreed to.

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

RUTH E. CALVERT

The Clerk called the bill (S. 3138) for the relief of Ruth E. Calvert.

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

S. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to pay, out of money appropriated for the payment of veterans' benefits, to Ruth E. Calvert, of Stirling, New Jersey, the sum of $1,600, representing the amount of an allowance erroneously authorized by the Veterans' Administration on behalf of her late husband, Ben Sassin Calvert, a disabled veteran, for the purchase of a specially equipped automobile, the payment of such allowance having been disallowed after the purchase of the automobile had been made by the said veteran.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

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

MRS. ROLANDO C. DAYAO

The Clerk called the bill (H.R. 14543) for the relief of Mrs. Rolando C. Dayao.

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

H.R. 14543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Rolando C. Dayao shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

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

MRS. MARIA ZAHANIACZ (NEE BOJKIWSKA)

The Clerk called the bill (H.R. 15767) for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska).

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

H.R. 15767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Maria Zahaniacz (nee Bojkiwska) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the Immigration and Nationality Act, Mrs. Maria Zahaniacz (nee Bojkiwska), the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case."

The committee amendment was agreed to.

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

LEELA MEESIN BELL

The Clerk called the bill (H.R. 15922) for the relief of Leela Meesin Bell.

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

H.R. 15922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Leela Meesin Bell may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in her behalf by Mrs. Stephanie Elizabeth Bell, a citizen of the United States, may be approved pursuant to section 204 of the Act.

With the following committee amendments:

On page 1, line 4, strike out the name "Leela Meesin Bell" and substitute in lieu thereof the name *"Somporn (Leeta Noi) Bell".*

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by the virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

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

The title was amended so as to read: "For the relief of Somporn (Leeta Noi) Bell".

A motion to reconsider was laid on the table.

SOON HO YOO

The Clerk called the bill (H.R. 16857) for the relief of Soon Ho Yoo.

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

H.R. 16857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Soon Ho Yoo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Wallace Wenge, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 11, strike out the word "case." and substitute in lieu thereof the following: "case: *Provided,* that the brothers or sisters of the beneficiary *shall* not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

JACQUELINE AND BARBARA ANDREWS

The Clerk called the bill (H.R. 17431) for the relief of Jacqueline and Barbara Andrews.

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

H.R. 17431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Jacqueline and Barbara Andrews shall be held and considered to be the natural-born alien children of Mr. and Mrs. James Deas, both legal resident aliens.

With the following committee amendment:

On page 1, line 7, strike out the word "aliens." and insert in lieu thereof the following: "aliens: *Provided,* That the natural parents, brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

JUNG YUNG MI AND JUNG AE RI

The Clerk called the bill (H.R. 17508) for the relief of Jung Yung Mi and Jung Ae Ri.

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

H.R. 17508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jung Yung Mi and Jung Ae Ri may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by William J. Spaven and Harriet Spaven, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 11, strike out the word "case." and insert in lieu thereof the following: "case: *Provided,* That the brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

JIN SOO PARK AND MOON MI PARK

The Clerk called the bill (H.R. 17912) for the relief of Jin Soo Park and Moon Mi Park.

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

H.R. 17912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jin Soo Park and Moon Mi Park may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by James R. and Mary Ann Sikorski, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 11, strike out the word "case." and substitute in lieu thereof the following: case: *Provided,* That the brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

FRANCIS X. TUSON

The Clerk called the bill (H.R. 4463) for the relief of Francis X. Tuson.

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

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

There was no objection.

ELMER M. GRADE

The Clerk called the bill (H.R. 6114) for the relief of Elmer M. Grade.

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

H.R. 6114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Elmer M. Grade, of Annandale, Virginia, the sum of $1,000 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Denver, Colorado, residence pursuant to his change of official station as an employee of the United States Department of Labor.

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

With the following committee amendments:

Page 1, line 6, strike "$1,000" and insert "$900".

Page 1, line 12, strike "in excess of 10 per-centum thereof".

The committee amendments were agreed to.

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

COMDR. ALBERT G. BERRY, JR.

The Clerk called the bill (H.R. 10233) for the relief of Comdr. Albert G. Berry, Jr.

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

H.R. 10233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander Albert G. Berry, Junior, United States Naval Reserve, retired, of Coronado, California, the sum certified to him by the Comptroller General of the United States pursuant to section 2 of this Act. The payment of such sum to the said Commander Albert G. Berry, Junior, shall be in full settlement of all of his claims against the United States for loss of active duty pay and allowances during the period beginning February 25, 1941, and ending February 1, 1947, arising from failure to credit him (for longevity purposes) with service as a midshipman at the United States Naval Academy.

SEC. 2. The Comptroller General of the United States shall, within ninety days after the date of enactment of this Act, certify to the Secretary of the Treasury the difference between the amount of active duty pay and allowances received by the said Commander Albert G. Berry, Junior, from the United States during the period specified in the first section of this Act and the amount of such pay and allowances to which he would have been entitled during such period had he correctly been credited (for longevity purposes) with his service as a midshipman at the United States Naval Academy.

With the following committee amendment:

Page 2 line 2, strike "February 1, 1947" and insert "January 31, 1947".

The committee amendment was agreed to.

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

The SPEAKER. That concludes the call of the Private Calendar.

KEUM JA FRANKS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2043) for the relief of Keum Ja Franks, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "Keum Jo Kim" and insert "Keum Ja Franks."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 30, 1970.)

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. EDMONDSON. 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. 328]

Adair	Feighan	Murphy, N.Y.
Aspinall	Fisher	Nedzi
Barrett	Foreman	Obey
Beall, Md.	Fulton, Tenn.	O'Konski
Berry	Gallagher	O'Neal, Ga.
Betts	Gettys	Ottinger
Biaggi	Griffiths	Pike
Blackburn	Gubser	Pirnie
Blanton	Haley	Pollock
Brock	Hanna	Powell
Brooks	Hays	Rees
Burlison, Mo.	Hébert	Rosenthal
Burton, Utah	Heckler, Mass.	Rostenkowski
Bush	Jonas	Roudebush
Button	Jones, N.C.	Ruth
Byrne, Pa.	Jones, Tenn.	Sandman
Cabell	Landrum	Satterfield
Clark	Long, La.	Saylor
Clay	Lowenstein	Scheuer
Corbett	Lujan	Scott
Cowger	Lukens	Snyder
Daddario	McCarthy	Stephens
Dawson	McClory	Stratton
de la Garza	McDonald, Mich.	Teague, Tex.
Denney	McKneally	Thompson, N.J.
Dent	McMillan	Tunney
Derwinski	Melcher	Ullman
Diggs	Meskill	Weicker
Dowdy	Monagan	Widnall
Edwards, La.	Morse	Wold
Fallon		Young

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

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

CONFERENCE REPORT ON H.R. 17575—DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

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

Mr. ROONEY of New York. Mr. Speaker, this bill making appropriations for the Departments of State, Justice, and Commerce, the Federal Judiciary, and related agencies for the fiscal year ending June 30, 1971, contains a total of $3,108,074,500 in new obligational authority.

There is also an additional $194,348,000 for liquidation of prior contract authorizations.

This bill as it comes out of conference is $143,125,500 below the total amount of the budget estimates. It is $14,006,000 below the bill as it passed the other body. It is $1,118,000 above the bill as it passed this body. However, the other body considered supplemental amendments totaling $7,295,000 which were not before the House at the time the bill was passed by this body. Also included in the total is an increase of $2,750,000 inserted by the other body for the Federal Bureau of Investigation to reinstitute the processing of non-Federal applicant fingerprints.

Mr. Speaker, at this point I shall insert in the RECORD a table showing the actions of the House-Senate conferees with regard to the various departments and agencies in the bill.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1971

Department or agency	New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Department of State	$420,703,100	$454,434,000	$447,381,800	$445,531,800	$445,431,800	+$24,728,700	−$9,002,200	−$1,950,000	−$100,000
Department of Justice	851,247,000	1,127,510,000	1,117,223,000	1,120,523,000	1,120,323,000	+269,076,000	−7,187,000	+3,100,000	−200,000
Department of Commerce	819,425,000	1,007,645,000	949,203,000	952,613,000	943,955,000	+124,530,000	−63,690,000	−5,248,000	−8,658,000
The Judiciary	129,273,400	138,561,600	132,956,300	135,870,300	135,870,300	+6,596,900	−2,691,300	+2,914,000	
American Battle Monuments Commission	2,716,000	2,739,000	2,739,000	2,739,000	2,739,000	+23,000			
Arms Control and Disarmament Agency	9,500,000	8,300,000	8,250,000	8,250,000	8,250,000	−1,250,000	−50,00		
Commission on Civil Rights	2,650,000	3,200,000	3,200,000	3,200,000	3,200,000	+550,000			
Office of Education: Civil rights education	19,000,000	24,000,000	19,000,000	19,000,000	19,000,000		−5,000,000		
Equal Employment Opportunity Commission	13,400,000	19,000,000	14,313,000	19,000,000	15,485,000	+2,085,000	−3,515,000	+1,172,000	−3,515,000
Federal Maritime Commission	3,943,000	4,629,000	3,929,000	4,479,000	4,479,000	+536,000	−150,000	+550,000	
Foreign Claims Settlement Commission	706,000	750,000	710,000	710,000	710,000	+4,000	−40,000		
National Commission on Reform of Federal Criminal Laws	300,000	100,000	100,000	100,000	100,000	−200,000			
Small Business Administration	194,065,000	267,440,000	220,290,000	221,290,000	220,290,000	+26,225,000	−47,150,000		−1,000,000
Special representative for trade negotiations	533,000	757,000	550,000	597,000	597,000	+64,000	−160,000	+47,000	
Subversive Activities Control Board	401,400	401,400	401,400	401,400	401,400				
Tariff Commission	4,139,000	3,845,000	3,845,000	3,845,000	3,845,000	−294,000			
U.S. Information Agency	181,216,000	187,888,000	182,865,000	183,931,000	183,398,000	+2,182,000	−4,490,000	+533,000	−533,000
United States-Mexico Commission for Border Development and Friendship	159,000					−159,000			
Total, new budget (obligational) authority	2,653,376,900	3,251,200,000	3,106,956,500	3,122,080,500	3,108,074,500	+454,697,600	−143,125,500	+1,118,000	−14,006,000
Memoranda: Appropriations to liquidate contract authorizations	(195,815,000)	(194,348,000)	(194,348,000)	(194,348,000)	(194,348,000)	(−1,467,000)			
Total appropriations, including appropriations to liquidate contract authorizations	(2,849,191,900)	(3,445,548,000)	(3,301,304,500)	(3,316,428,500)	(3,302,422,500)	(+453,230,600)	−143,125,500)	(+1,118,000)	(−14,006,000)

(Mr. ROONEY of New York asked and was given permission to revise and extend his remarks and include extraneous matter and a table.)

Mr. ROONEY of New York. Mr. Speaker, however, I must point out that this bill is $454,697,600 more than the appropriations for these purposes for the last fiscal year. This amount is made up primarily of an increase of $171,582,000 for ship construction for our merchant marine and increases for the Department of Jus-

tice of $269,076,000 over the total for the last fiscal year for combating crime.

As in every conference there had to be a good bit of give-and-take and everyone, including myself, is not satisfied with the end result. I took strenuous exception to the action of the conferees on amendments 29 and 30 which deal with increased and necessary funds for the Equal Employment Opportunity Commission. I pleaded for the full amount requested for this Commission when the House considered this bill earlier this year and I am still for the full amount requested. However, a majority of the conferees agreed to the $15,485,000 included in the report.

In connection with the item for the Regional Action Planning Commissions we have no objection to the use of $600,000 to equally fund the Federal share of the administrative costs of the two planned commissions; namely, the Mid-South and the Upper Missouri Regional Economic Development Commissions.

Mr. BOW. Mr. Speaker, I support the report and concur in what the gentleman from New York had to say.

This conference agreement is over $14 million under the bill passed by the other body. It merits your support.

I believe there are two items in this bill that should be called to your attention, because they involve amendments to the budget received after the bill had been considered by the House. This bill now provides for the protection of our foreign service personnel in countries where kidnapings and other incidents have occurred. It is important that we approve this bill as soon as possible in order to try and protect these employees from harm and further indignities around the world. I also point out, as the gentleman from New York did, that this bill also reinstitutes the fingerprint service of the FBI to State and local governments. This is an important provision, and is another reason why we should approve this bill as soon as possible. I would suggest, Mr. Speaker, that, because of these two items and others, we should send this bill to the President for signature without further delay.

Mr. Speaker, I support this conference report and recommend its approval.

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

Mr. ROONEY of New York. I yield briefly to the gentleman from New Jersey for a question.

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to ask about the reduction in the contribution to international organizations.

Mr. ROONEY of New York. Mr. Speaker, I am delighted that the gentleman from New Jersey has asked this question, because that very issue was decided in the other body on August 24 last by a vote of 49 to 22, when the other body as well as this committee found that we belonged to an organization that has become dominated by Communists. We, therefore, withdrew all the remaining funds for our payments to that organization.

We had testimony not only from Mr. George Meany, and remember that this was a fine organization originally, I will say to my distinguished friend. This organization was founded long before the U.N. This organization was founded by Samuel Gompers in 1920, and it did many good things over the years until they admitted the Soviet Union and its satellites to membership. We all know there is no free trade union allowed by the Kremlin. It is now nothing but a stage for Communist propaganda, and there is no reason why our taxpayers should be paying 25 percent of every dollar of cost of keeping that organization alive.

At this point I shall insert in the RECORD the testimony on July 31 last of Mr. George Meany, president, AFL–CIO, Mr. Ed Neilan, employer delegate to the ILO, Hon. George H. Hildebrand, Deputy Under Secretary for International Organization Affairs, Department of Labor, and others, given to this committee:

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1971, FRIDAY, JULY 31, 1970

DEPARTMENT OF STATE—CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS—INTERNATIONAL LABOR ORGANIZATION—WITNESS

George Meany, president, AFL–CIO; Ed Neilan, employer delegate to the ILO; George H. Hildebrand, Deputy Under Secretary for International Affairs, Department of Labor; Samual DePalma, Assistant Secretary for International Organization Affairs, Department of State.

Philip A. Kleinberger, Director, Office of International Organizations, Department of Labor; Michael Boggs, Associate Inter-American Representaive, AFL–CIO; Ron Van Helder, International Represenative, AFL–CIO; Ernest Lee, International Department, AFL–CIO.

A. J. Biemiller, Legislative Director, AFL–CIO; Rudolph Faupl, Worker Representative, ILO; William G. Van Meter, U.S. Chamber of Commerce; James F. Steiner, U.S. Chamber of Commerce; Oscar H. Nielson, Executive Director, Bureau of International Organization Affairs, Department of State.

George P. Delaney, Special Assistant to the Secretary and Coordinator, International Labor Affairs, Office of the Secretary, Department of State; Edward B. Persons, Foreign Affairs Officer, Bureau of International Organization Affairs, Department of State.

Sidney S. Cummins, International Administration Officer, Bureau of International Organization Affairs, Department of State; Al Delong, Assistant General Counsel, Department of Commerce; John Mulligan, Assistant to Administrator, BDSA, Department of Commerce.

Mr. ROONEY. The committee will now please come to order.

Gentlemen, we are here this morning concerned with an international organization known as the International Labor Organization, domiciled in Geneva, Switzerland. We have been advised that there is the possibility that a Soviet Russian national might be installed at the No. 2 level in this organization. The No. 2 position was filled for a number of years by a national of the United Kingdom and the organization has been directed by an American national named David A. Morse.

Most of us on this committee and in the Congress feel that there is not a real democratic labor union in all the Soviet alleged Socialist Republics.

So far the American taxpayers have paid in dues to this International Labor Organization a total of $70,280,000.

The request for this fiscal year alone is in the amount of $7,458,875. This is a very substantial increase over the past fiscal year which just ended on June 30. The increase is in the amount of $805,691.

It is my understanding that the percentage of payments to this organization to keep it in business, made by the United States Government at the expense of the American taxpayer, is 25 percent as compared, Mr. DePalma, with how much paid by the Soviet Russians?

Mr. DEPALMA. Ten percent.

Mr. MEANY. And with other U.S.S.R. States it is brought up to 12.34.

Mr. ROONEY. We are gathered here this morning because of the concern of the head of the AFL–CIO, Mr. Meany, at what might take place insofar as installing a Russian national in a No. 2 position in this International Labor Organization.

Mr. George Meany is here with us this morning and we shall first ask him if he would proceed to give us his views with regard to this organization and the possibility of this Russian national taking office in the second slot formerly held by Mr. Jenks, who has now been promoted by election to take the place of Mr. David A. Morse as Director General.

Mr. HILDEBRAND. It is not the second slot that is involved. It is the Assistant Director General, which is a little further down, but it is part of the top hierarchy.

Mr. ROONEY. It is not Mr. Jenks' slot?

Mr. HILDEBRAND. No.

STATEMENT OF MR. GEORGE F. MEANY, PRESIDENT, AFL–CIO

Mr. MEANY. It is one of the most important positions in the whole setup. It is one of the Assistant Director Generals. It causes us a great deal of concern.

Mr. Chairman, I would like to as briefly as I can go over this whole picture.

History of the ILO

The ILO came into being in 1920. It was the direct result of the activities of the president of the American Federation of Labor at that time, Mr. Samuel Gompers. It was based on a theory of Gompers' that if the workers and the employers throughout the world, in conjunction with government, would try to improve the quality of life among the people at the lower end of the economic ladder, and if we could step up the development of viable economics in the backward nations of the world, that this would in itself be a contribution toward future world peace.

Based on Gompers' theory that most wars came about because certain nations had more than others, and those who did not have what they thought was their share, they would go to war to try to get that share. Gompers broached this matter to leaders of labor in other countries, notably the British and the French. They were in agreement that when the peace treaty was signed that something could be done to establish some sort of an international agency to direct its attention to this problem of raising the standards of life of the people all over the world who were at the lower end of the economic structure and in many cases who were citizens of countries which had no industrial potential at all.

In 1919 this matter was brought up to the convening powers in Versailles by President Woodrow Wilson, with Mr. Gompers at his side. A special committee was set up by the victorious powers in World War I. A special committee was set up to see what could be done to bring about the creation of this organization. Mr. Gompers was named chairman of that committee. After a report was submitted by him there was a provision in the Treaty of Versailles which set up the ILO. It provided for setting up the ILO and the ILO was set up here in the city of Washington shortly after the peace treaty was signed.

The Peace Treaty, of course, really set up

the League of Nations and it provided that any country which joined the League of Nations automatically became a member of the ILO, and the entire structure of the ILO was based on what we call tripartitism, with Government, labor, and employers represented—with the Government having two representatives to each labor representative so that you had a tripartite system on a 2–1–1 basis, two representatives of Government, one representative of workers, and one representative of employer groups.

The ILO then, of course, lived for a number of years as part of the old League of Nations. Under the constitution of the League of Nations you could not be a member of the ILO unless you were also a member of the League of Nations, so for the first 13 years of the life of the ILO the United States of America was not represented.

However, in 1933 there was a constitutional change which allowed sovereign states to join the ILO even if they did not hold membership in the League of Nations.

When the League of Nations went down the drain the ILO continued to function as an independent international agency with the U.S. participation.

When World War II came to an end the ILO became a coordinating and cooperating organization with the U.N. Our country, of course, played a very prominent part in the early days of the ILO. The former Governor of New Hampshire, John Winant, was the Director General of the ILO during most of the war years. He was succeeded by a representative of Ireland, Ed Phelan who came out of the staff of the ILO, and when Phelan retired in 1949 David Morse, who was then Assistant Secretary of Labor in charge of international affairs, and who had attended ILO meetings, became the Director General of the ILO and remained in that post from the summer of 1948 until the spring of 1970.

The whole basis of the ILO is the tripartite system. The ILO recognized the necessity for bringing into its structure the independent think of labor unions to the point where member countries could not designate a labor representative unless that labor representative was suggested and approved by the major labor organization in that country. In other words, while the ILO is an organization of sovereign states, it must have representation from both employers and workers, and the Government cannot under the ILO constitution submit the name of a worker in advance unless that worker is approved in advance by the organization in the country which represents the majority of workers. Of course, this in the early years was the AFL and since 1955 it has been the AFL–CIO.

Soviet Union membership in the ILO

The Soviet Union applied for membership in the ILO for the first time in 1953, that is the first time after World War II. They applied with certain reservations——

Mr. ROONEY. It had already been in existence for 33 years?

Mr. MEANY. Oh, yes. They were in it when it was part of the League of Nations. However, they applied in 1953, but applied with reservations—that certain sections of the constitution should not apply to the Soviet Union. For instance, ILO decisions are appealable to the World Court at The Hague, and the Soviets said they could not accept that. So the ILO said they could not accept the Soviets into membership.

A year later, however, the Soviets decided that they would accept membership in the ILO and pledge themselves to abide by the constitution.

When they came in they came in, of course, with delegates supposedly representing employers and delegates supposedly representing workers. Delegations were accepted on that basis even though everybody in attendance at ILO conference knew there was no such thing as private employers in the Soviet Union, and there was no such thing as free trade unions in the normal sense in the Soviet Union. Of course, this is still true.

In the Soviet Union they have what they call trade unions but actually these so-called trade unions are agencies of government. They are agencies designed to control workers, not to give expression to the views or the ideals or the aspirations of workers. As proof of that from time to time the official publications of the Soviet Trade Union Movement calls attention to that fact.

I recall in 1957 at the U.N. where I was a delegate, I was engaged in a discussion with the Soviet representative as a member of the Committee No. 3 on Social and Economic Subjects, and I brought to the attention of that committee a copy of the Russian, so-called Russian, trade union paper, the Journal of the All-Soviet Council of Trade Unions. I think that was the official title of that group. The magazine is known as Trud.

On the front page of this magazine at the time was a statement from the editors, and it was boxed in to emphasize it, that the Soviet Council of Trade Unions was attempting to move out of their sphere of influence by discussing wages, wages of workers, and what they call production norms.

The statement from this trade union paper wound up by saying that wages are not the province of the All-Soviet Trade Union group nor are production norms within the jurisdiction of the All-Soviet group, but these matters are party matters determined by the party. This, of course, put the thing really in proper perspective, that these people are not representative of workers.

As a further indication, the head of this so-called union group is not elected by workers. He is appointed by the government. The present head of the All-Soviet Council of Trade Unions is a man by the name of Shilepin who spent his entire lifetime in the Russian Secret Police and was head of the Russian Secret Police when he was appointed about 3 or 4 years ago as the head of the All-Soviet Council of Trade Unions.

These are the circumstances in which the Soviets hold membership in the ILO.

However, they go much beyond this. They have a special membership. They operate under a double standard, and this has been more or less accepted by the Office of the ILO over the years. They accept officially, without question, the decisions of the ILO but promptly, once a decision is made, they proceed to ignore it. In other words, they have voted for the freedom of association at the convention of the ILO and they deny freedom of association. This is true not only of the Soviet Union but of the bloc countries. The head of the Polish Delegation was elected to the chairmanship of the annual conference of the ILO in 1966 when his nation was under sanctions of the ILO officially for denying the right of association to its members, so there is a double standard which has been set up in regard to Soviet membership in the ILO. And it is based on a practical approach to the soviets, that they either get their way or they don't pay. They don't send any money.

Mr. ROONEY, We can do that, too, can't we?

Mr. MEANY. I am sure we can. Of course, this is a question for Congress in its judgment to decide. It is not only their privilege but their duty, I think, to decide this.

Basic defects in the ILO setup

I have here a very long document written by a Prof. Carlos Vela of Ecuador, in which he analyzes this whole ILO situation in regard to what he calls basic defects in the ILO setup. He refers to the so-called double standard. He indicates, and this is back in 1966, that the Russians do have a double standard.

Mr. ROONEY. Do you wish that made part of the record, Mr. Meany?

Mr. MEANY. Yes.

Mr. ROONEY. Without objection we shall insert this document at this point in the record.

* * * * *

Mr. MEANY. This is a very, very interesting document and it is as valid today as when it was written about 4 years ago.

What has happened since the Soviets came into the ILO is that the ILO has become a sounding board more and more each year for political discussions. Those of use who have attended ILO meetings in the last few years have been subjected to the indignity of listening to speaker after speaker on the resolutions committee denouncing the United States of America. This has become a forum for Russian political propaganda, and there is no effort made by the Office of the ILO to stop this.

"Lenin and social progress"

As a sample of the attitude of the Office of the ILO toward the Soviet Union here is an article written this April in the International Labour Review, which is the official publication of the ILO. The article is written under the title of Lenin and Social Progress. The article pleads for revolution in the developing countries and holds up the Soviet form of revolution as a model and the best road to social progress, and it portrays Lenin as the great benefactor of mankind, and nowhere in the article does it indicate that Lenin was the head of this proletarian dictatorship which was set up in Russia in 1920 and that he was the author of the Red terror and the oppression against the people of the Soviet Union. This is not mentioned in this article.

I would like someone on your staff to read this because this indicates the official attitude of the ILO Office in which they extol the virtues of a dictator, of a man who destroyed the Russian trade union movement. You know, there was a Russian Free Union Trade Movement under the Czar. It was underground, of course, and it had to fight for its life every day against the secret police, but it did exist and it did represent the wishes of the workers.

However, when Lenin and his crowd came in they very promptly shot the leaders and they disposed of the trade union movement. This fact, Khrushchev boasted about only a few years ago in a conversation which was relayed to me by President Kennedy. He told President Kennedy in Vienna "You pay too much attention to your labor leaders. We solved our labor problem many years ago."

Kennedy asked "How did you solve it?

He said "We shot the leaders." That took care of that.

Mr. ROONEY. Without objection we shall insert this volume No. 101, No. 4, April 1970 of the International Labor Review at this point in the record so that each and every member of the committee and House may have an opportunity to read it.

* * * * *

Sounding board for Soviet propaganda

Mr. MEANY. This annual conference is used as a sounding board for Soviet propaganda against the United States, as I say. The Resolutions Committee is now, and for some years has been, engaged in political discussions which are completely outside the competence of the ILO. In fact, the ILO rapidly is becoming a political organization, and I don't think that we need another political organization. We have a political organization worldwide, the United Nations, in which our country holds membership.

The Soviet group is demanding that the whole structure be changed. When this organization was set up there was automatic membership on the governing body to the

top industrial countries of the world on the theory that those were the countries which would have to make a contribution if we were to improve the standards of life in the so-called backward countries of the world.

The Soviets want to eliminate that. They want to eliminate the selection of ILO officials by the governing body where this automatic membership prevails, and they want to throw them into the general assembly of the ILO on the basis of one nation—one vote, which means that the United States of America would be on a par with Kenya, Togo, and any of these newly emerging nations. This, of course, is further evidence of the Soviet desire to gain control of the ILO completely. They certainly have tremendous influence.

The United States of America today is in a minority position in the ILO. The Soviets' propaganda has been quite effective with some of the newly emerging nations. To give you an indication of the double standards, under the ILO procedure, when any national member of the ILO feels that he should have representation on the staff by putting employees in, the rule has always been that they submit a list of candidates for any particular spot with their qualifications. Then they are looked over and the ILO office makes the decision.

The Russians never have accepted that. They have the special privilege of submitting one candidate for any position to which they aspire, and there is no right of the Office to question the capability of that particular candidate.

Soviet representative in key position

In this instance, Mr. Jenks, who just has been elected as the Director General of the ILO, announced that he was going to appoint a Russian representative. He made it quite clear that he was going to follow the usual procedure of getting only one candidate, and that candidate would be appointed.

At the same time he offered, in order to sort of balance off this appointment of a Soviet representative in this key position, to put an American at the same level as an Assistant Director General, but he made it quite clear—and I am sure George Hildebrand can tell you more about this than I can—he made it quite clear, however, that he would expect the Americans to submit a list of his perusal and his decision, and he also made it clear that if he did not like the list that he himself would pick an American without regard to whom our Government wanted.

Mr. ROONEY. He must think he personally inherited this Organization.

Mr. MEANY. I will tell you the basis of Mr. Jenks' strategy or approach. It is that if the ILO wants the Soviet Union to remain in membership we have got to accept them on the basis they represent themselves and the ILO has nothing to say about it. If the United States of America objects, then he raises the question—does the United States of America want the U.S.S.R. to maintain membership, to continue its membership in the ILO, and if we do want them to continue their membership in the ILO then we must accept them the way they want to be accepted, on the basis of this double standard.

They have been making quite a bit of progress in these committees. They vote as a bloc. When you get to the Resolutions Committee and they get a political resolution you have to listen to 11 speeches from every one of these countries—Rumania, Poland, Czechoslovakia, Bulgaria, and so on. You have to listen to 11 speeches denouncing the United States of America on every issue, filling up the record with all sorts of anti-American propaganda, portraying us as imperialists who are trying to take over the entire world.

However, this proposal, or this decision, to appoint a Soviet representative to the top structure of the ILO is about the last straw because whatever assignment this man gets departmentalwise in the ILO he will have hundreds of employees directly under his supervision.

ILO personnel in Geneva

I think the ILO has in Geneva somewhere between 1,700 to 1,800 people. This man would be assigned——

Mr. ROONEY. How many people, Mr. De Palma? We want this for the record.

Mr. DE PALMA. Let me look it up.

Mr. ROONEY. Please insert the exact number at this point in the record.

(Information requested follows:)

"As of June 30, 1970, the ILO professional staff subject to international recruitment totaled 607, of whom 60 were Americans. The nonprofessional staff totaled 1,377, of whom 21 were Americans. All other staff, including technical assistance personnel in the field, totaled 1,088, of whom 62 were Americans."

SOVIET REPRESENTATIVE IN KEY POSITION

Mr. MEANY. It would mean that a certain percentage, at least several hundreds of these employees, would be under the direct supervision and domination of this man, and I can tell you from long experience that he will use that position to make each and every employee a Communist agent whether he wants to be or not. They do not fool around. They don't acquire power that they put on the back burner. They use it. To us this would mean it would be a disaster for the ILO, and if this happens it presents to us the clear question of whether or not we want to pay the price that is exacted from us to maintain the ILO with the Soviet Union having these special privileges as a member of the organization.

That, of course, Mr. Chairman, puts the matter right squarely in the hands of the Congress and this committee—whether we are so anxious to keep the Soviet Union in the ILO that we are willing to pay this price of accepting the double standard in which they have a preferential membership and which Mr. Jenks indicates he is going to continue.

Mr. ROONEY. Mr. Jenks must be made to realize that he would be better off to lose the 10 percent, the Soviet Union contribution than the 25 percent contribution of the United States of America.

Mr. MEANY. Except that he just doesn't believe the United States will act.

Mr. ROONEY. Well, let's show him. The regular bill is still over in the other body and has not yet been acted on. I think if we go over there we can perhaps achieve some success in this regard.

Mr. MEANY. Anyway, Mr. Chairman, I could go on at length. I have been going to ILO meetings for many years. I attended my first ILO governing body conference as a substitute for William Green, who was the official member, back in November of 1936. I have been going to ILO conferences ever since. I don't know how many I have missed, but I would say in the last 30 years, beginning in 1940, that I have attended at least two out of every three conferences over the years, those held in various parts of the world. One was held in 1941 at Columbia University in New York City and one was held in 1944 at Temple University in Philadelphia.

I was at the conference in San Francisco in 1948 where Mr. Morse was promoted to the top job in the ILO. I have known practically every prominent figure in this organization for many, many years. We in the American Trade Union Movement believe in the ILO and its purposes. We see its purposes being twisted and turned to where, if there is not a stop, the ILO will be useless in so far as its original purpose is concerned, and it will exist only as an international propaganda organization dedicated to the Communist way of life, and certainly it will be an organization that can make no contribution to the welfare and the interest of our country.

As I say, it has now gotten to the point where at practically every session we have to sit and listen to tirades, the usual Communist propaganda tearing this country down, portraying us as the opponents of human freedom and imperialism, and so on and so forth. Unless this is stopped I would say the ILO will be useless insofar as the American Labor Movement is concerned and as far as our Government is concerned. This latest move in my book is the last straw when they are ready to put a Russian into this key spot, at the top of the structure in Geneva where he can certainly within a very short time do a great deal of damage to the interest of the United States of America.

Mr. Chairman, as I say, I could go on at length regarding this but I think I have stated our position. We feel this committee should certainly take a good look at the whole ILO question and certainly should hear from the employers, the American employer who has attended these meetings for many years, and from the Labor Department, and from the State Department which also attend the annual conferences and who are represented on the governing body of the ILO.

Mr. ROONEY. Thank you, Mr. Meany.

Mr. Sikes?

Mr. SIKES. Thank you, Mr. Chairman.

Need to halt Soviet propaganda efforts

I feel that this is a very useful meeting and one which is very important to the Labor Movement worldwide, and to the interest of the working man worldwide. I want to commend you for arranging this meeting so that this matter could be brought forcefully to the attention of the committee. I am also glad that Mr. Meany's valuable counsel can be available to the committee.

It is unfortunate but true that the United States fails in so many instances to use its power, its prestige, and its position to advance its own best interest as effectively as it might in world affairs. It appears this is one of those cases.

I think that we in the Congress should take positive steps, Mr. Chairman, to attempt to correct this picture. I certainly do not want to see the International Labor Organization, which has filled a very important function through the years degenerate into a propaganda program for the Russians.

As Mr. Meany has well pointed out, this could very well be in progress. I am prepared to join my colleagues on this committee in whatever steps are required to protect the integrity of the organization.

Mr. ROONEY. Mr. Slack?

Mr. SLACK. Thank you, Mr. Chairman. I, too, wish to commend Mr. Meany, for a very detailed and comprehensive statement with regard to this subject matter.

Mr. Chairman, as I understand it, the total contribution to the ILO by this country has been $70,280,000?

Mr. ROONEY. Including the pending 1971 request.

Mr. SLACK. How much was appropriated by this committee, with the approval of Congress, in the last fiscal year?

Mr. ROONEY. $6,653,184.

Mr. SLACK. And the request for 1971 is $7,458,875?

Mr. ROONEY. Yes.

Mr. MEANY. Plus two supplements, one under an article of the constitution regarding financial regulations, and the other as a supplemental budget to provide a subsidy for the Turin Vocational Center in Italy. Ac-

cording to this, and this is the ILO budget, the contributions that will be due from member states in 1971, if this budget is approved, the total contribution of the United States will be $7,816,337. That is the original assessment of $7,458,000 plus these other two items which bring it up to $7,816,000.

Mr. SLACK. This performance by the Soviets is another attempt by them to undermine our way of life and to shackle the free world. I am ready to take the necessary steps to bring this action to an immediate halt.

Mr. ROONEY. Mr. Bow?

Mr. BOW. Mr. Chairman, I, too, appreciate Mr. Meany's bringing this to our attention. This is a very serious problem.

Uncollected contributions

In our hearings of last year we had inserted in th record the uncollected contributions of all nations. I do not find that in the record this year.

Do we have a list of the nations which are delinquent now in their payments to the ILO?

Mr. DE PALMA. It was submitted for the other hearing and we can submit it again. (Information requested follows:)

INTERNATIONAL LABOR ORGANIZATION

SUMMARY: CONTRIBUTIONS STATEMENT AS OF DEC. 31-1969, FOR THE CALENDAR YEARS 1965-69 [1]

Calendar year	Total due	Amount received	Percent received	Balance due
1965	$18,684,347	$18,429,662	98.64	$254,685
1966	20,337,871	20,134,772	99.01	203,099
1967	22,472,938	22,145,605	98.54	327,333
1968	24,836,091	23,936,727	96.38	899,364
1969	26,612,739	22,800,066	85.67	3,813,673

[1] Total due for years prior to calendar year 1965; Albania, $14,667; Bolivia, $33,695; China, $243,463; Haiti, $40,403; Paraguay, $244,293, and South Africa, $126,193 or a total of $702,714.

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year— 1965	1966	1967	1968	1969	Total
Afghanistan					$1,382	$1,382
Albania [1]	$22,421	$24,405	$15,731			62,557
Bolivia	22,421	23,120	26,428	$27,320	26,613	125,902
Burundi			16,315	27,320	26,613	70,248
Cambodia					22,676	22,676
Chad				72	26,613	26,685
Chile					87,822	87,822
China				386,324	694,592	1,080,916
Colombia					21,290	21,290
Congo (Brazil)					2,962	2,962
Costa Rica	9,117	24,405	26,967	27,320	26,613	114,422
Cuba			60,300	72,024	77,177	209,501
Dahomey			26,574	27,320	26,613	80,507
Dominican Republic		23,301	26,967	27,320	26,613	104,201
Ecuador			12,005	27,320	26,613	65,938
El Salvador				27,320	26,613	53,933
Guinea			8,178	27,320	26,613	62,111
Haiti	22,421	24,405	26,967	27,320	26,613	127,726
Hungary				83,215	111,773	194,988
Laos					26,613	26,613
Lebanon					19,471	19,471
Lesotho		4,146	26,967	27,320	26,613	85,046
Libya					$26,613	$26,613
Malagasy Republic					115	115
Mali				$7	26,613	26,620
Mauritius					19,811	19,811
Nepal					26,613	26,613
Nicaragua				2,562	26,613	29,175
Paraguay	$22,421	$24,405	$26,967	27,320	26,613	127,726
Peru					4,062	4,062
Senegal					454	454
Sierra Leone					254	254
South Africa [2]	142,001	30,507				172,508
Southern Yemen					19,103	19,103
Spain					276,772	276,772
Sudan				27,320	26,613	53,933
Syria					26,613	26,613
United States					1,750,000	[3] 1,750,000
Upper Volta					380	380
Uruguay					37,254	37,254
Venezuela					133,063	133,063
Yemen	13,883	24,405	26,967	27,320	26,613	119,188
Total	254,685	203,099	327,333	899,364	3,812,673	5,497,154

[1] Ceased membership May 8, 1967.
[2] Ceased membership Nov. 3, 1966.
[3] Payments totaling $1,665,588 were consummated in January and July.

Mr. BOW. I believe that is all I have at this time, Mr. Chairman.

Mr. ROONEY. Mr. Cederberg?

Need to halt Soviet propaganda efforts

Mr. CEDERBERG. Mr. Chairman, I was congressional delegate or observer at the ILO in the early sixties. Certainly everything that Mr. Meany said this morning is correct, even back that far. We would go to these committee meetings and listen to the people from the Iron Curtain countries. It was a rather disturbing and distressing experience to see this take place. Evidently the situation has just deteriorated.

I, personally, as a member of this subcommittee am willing to take any action that we can take to correct it. I agree fully that if this matter gets out of hand we will be financing a propaganda machine which is designed to destroy what we are all for, and that is a free labor movement, free employers in cooperation with government. If we get ourselves into that position where we are financing a "Fifth Column" within the ILO then we do it, after this hearing, with our eyes wide open.

I think it has been very important that Mr. Meany come here and bring this to our attention. I hope in some way we can get this out to the public so that the people can understand it. I would be open to any suggestions that Mr. Meany might have as to any actions that he thinks we ought to take.

I am a firm believer in the ILO. I think it is an organization which can make a great contribution. However, if it is going to deteriorate we may need to take some drastic fiscal steps to bring them to their senses. I am willing to be helpful.

That is all I have, Mr. Chairman.

Mr. ROONEY. Mr. Andrews?

Mr. ANDREWS. I would like to join the other members of the committee in commending you, Mr. Meany, for bringing this not only to the attention of the committee but more important by putting it on the record bringing it to the attention of the people in our country and other countries who believe in a free labor movement. It takes a lot of courage, it takes a lot of conviction to come up and suggest that an agency which you believed in and participated in since its inception is now going off the deep end. I think the tragic thing is that if we stay in it, and it is being used as a propaganda tool, we lend credence to their propaganda. I think this is why they think it is particularly useful to them.

We have a lot of other international organizations which distress us. We contribute 30 to 35 percent of the cost and we have only 11 to 12 percent of American nationals in the staffing of these organizations—the World Health Organization, for example, and many others. However, they are not used as outright propaganda vehicles against the principles for which they are supposed to stand.

It is your feeling and the feeling of the labor movement in this country that you think it advisable that we serve notice that we are cutting off the American contribution to this organization?

Mr. MEANY. I think that is a decision which will have to be made a little farther down the road. The mere fact you are holding this meeting is, I think, very, very important. I am sure this will not be lost on the people who are in the office of the ILO.

Our country never has tried to pack this organization any more than we tried to pack the United Nations. We give 25 percent of the contribution and we have four and a half percent of the employees who are American nationals, so we cannot be accused of trying to pack this organization.

Frankly, I think you put your finger on it. This is an organization in which we believe. We believed in it. I personally have had a long association with it. I think it has done a lot of good, but I think its useful days are rapidly coming to an end because of this development.

We expect the United Nations to be used as a political propaganda sounding board for anyone who wants to use it. It is that sort of an organization. It is political in nature although it does have certain humanitarian activities which are important and which are not too well known. However, to go to the ILO year after year, in the Resolutions Committee and in the plenary sessions, and have speaker after speaker denouncing the United States of America, this not only is an insult to our Nation but even perhaps more important it practically nullifies the purposes of the ILO itself.

If we get to the point where we feel that there is no way to cure this within the ILO I am certain you will not have to ask me the question twice as to what we think our future relations should or should not be.

Mr. ANDREWS. From the comments around this table in response to the strong statement and the facts that you brought to us I think that not only ILO but everyone else who is interested in this matter can see that we are 100 percent behind you in whatever action you think we should take to clean up this situation.

Again I want to commend you for taking the time to come and bring this story before us.

That is all, Mr. Chairman.

(Discussion held off the record.)

STATEMENT OF MR. ED NEILAN, EMPLOYER DELEGATE TO THE ILO

Mr. ROONEY. The next witness has to catch a plane. He is Mr. Ed Neilan, who has been Management Delegate to the ILO over a number of years.

We are grateful to him for coming here on very short notice from Wilmington, Del., this morning.

Mr. Neilan, if you would start with a brief biography of yourself and then please express your views with regard to what we have been discussing here this morning, we would be obliged.

Mr. NEILAN. I don't want to put any extensive biography on the record particularly. I was President of the United States Chamber of Commerce in 1963–64. At the end of my active term, Dick Wagner invited me to be an adviser to the ILO and I inherited the job too quickly, I suspect.

Currently I am chairman of the board of the Bank of Delaware and also the second U.S. citizen ever to be president of the International Organization of Employers, which is headquartered in Geneva and which serves as the employer secretariat for all free employers organizations throughout the world in its relationships with the ILO.

I have been a member of the governing body of the ILO, formally elected first in 1966 and re-elected in 1969. I served on many of the committees, and in the last year particularly on the Committee on Structure.

My comments, I think, would probably come out of my experience largely in the ILO.

Deterioration of the ILO

I would certainly like to support Mr. Meany's statements relative to the degeneration, if you can call it that, in the ILO. I would like to propose, if you would permit me, some perspective if I may because I have tried to make friends with employers throughout the world. We need their support. I think I would concentrate my remarks not only on this Russian Assistant Director General which Mr. Jenks proposes to announce tomorrow if the Russians agree—and they submitted only one name, a gentleman named Astapenko, who we in the employers group feel has no sympathy whatever with tripartitism. He is a totalitarian from the word "go."

I would like to frame these remarks on a pragmatic basis. You already indicated the way I might approach this. I will fill in one or two items Mr. Meany has outlined for you. He has correctly stated the history of the ILO.

I will only recall that when the Russians seized Latvia, Lithuania, and Estonia the League of Nations fell apart, and normally all its organizations would. The workers and the employers felt the ILO was doing a good job, however, in setting better standards for workingmen throughout the world in attacking the problems of poverty. They insisted in their governments that this organization continue, in being, independently.

As a result of this the ILO was an independent organization from the failure of the League of Nations until it reaffiliated with the U.N. in 1948 and became a specialized organ of that agency.

I would point out, also, the Russians made the application, as Mr. Meany suggested, and then in 1954 came in and agreed to accept the constitution of the ILO which provides for the autonomy of their workers group and the employers group in the selection of their representatives to serve on the governing body.

And they immediately went on the attack to destroy this autonomy.

They were first successful with the assistance of the present Director General, who was then a Deputy Director General, and with a gentleman by the name of Ago who represents the Government of Italy, a professor at the University of Rome, to devise a stratagem known as the Appeals Board, that any nation that felt they had not gotten the right representation in the workers' or employers' group could appeal to this Appeals Board and they would appoint two members from that nation to the various committees or other structures. It did not concern the governing body because this was not a committee. The membership of the governing body was expressly stated in the constitution how they would be elected and who would elect them.

In any event, we protested that vigorously and even went to the extent—and Bill van Meter who is here with me today was technical advisor at that time—actually had a draft prepared to appeal to the International Court of Justice that the Appeals Board was nonconstitutional as far as the ILO was concerned. Because of various circumstances, this appeal was never promoted.

But this was the first wedge by which the Russians intervened in trying to place government people on the employers' and workers' bench, because they are government people, without any doubt. They do exactly as their government instructs them to do. We have had a constant fight ever since I have been in the ILO, not only in the propaganda, but because the 100, 120, 150 people the Russians send are bilingual or trilingual and they are in the halls all the time, trying to influence the representatives of developing nations in Asia, Africa, and Latin America and they are very clever about it.

This, Mr. De Palma, is the reason for the diminution of our influence. We have not done that. We have never had any funds to do it. The State Department has never made any effort to get us the funds to do it, in my opinion.

So that I felt very lonesome at times over there.

Rudy and I have tried to come to the attack to refute what the Russians say, and until George Hildebrand came, we had very limited success in getting our government representatives to reply to those particular attacks. Now this was not the fault of Government, in my opinion. But the individual who occupied the chief of the delegation position, who is a very intelligent man but who was ambitious to become the next Director General and was not really willing to antagonize anybody, if this meant he might not have a chance. I cannot fault him for his ambition, please understand me.

But I would say that our big problem is that the Russians used the purse. They walk into the Director General's office, or this Assistant Director General, or any other thing, and they say, "OK, unless we get this, we are not going to give our full 10 percent contribution."

Mr. MEANY. That is right

Mr. NEILAN. Because they are a monolithic government, they know they can make it stick, whereas our representatives are not at all sure we can make it stick if we even made such a threat, so we never made such a threat. The nearest we came was when we suggested we strongly would ask our Congress to put some strings on the money that would go to the ILO and get some attention to the principles of private enterprise and free trade unions and the other things for the ILO stance.

Mr. ROONEY. Of course we have never had such a request before this committee.

Mr. NEILAN. You are having it today.

Mr. ROONEY. We welcome it today. After what we have heard this morning, we certainly welcome it.

Mr. NEILAN. If I could be so bold as to suggest, one of the major problems is our new Director General. He was elected by one vote over a Frenchman backed by the Russians as well as the French Government.

Mr. HILDEBRAND. Two votes.

Mr. NEILAN. One majority, two votes, correct.

Mr. HILDEBRAND. Twenty-three to twenty-five.

Mr. NEILAN. But this did not dissuade him, even though he knows the Russians voted against him. He knows he got the majority of the labor support vote for him and he knows he got all three of the U.S. votes for him. But he is imbued as an internationalist with the thought that universality is far more important than tripartitism. He is willing to throw that out of the window as a realistic thing if he can get universality.

I think he does not want to destroy the ILO. He realizes without our 25 percent contribution it would be destroyed.

I am like Mr. Meany. I think initially what we ought to do, if it can be done, is to have the Congress authorize in the appropriation bill a string on the ILO appropriation so that the State Department, which, if I understand him correctly, is reluctant to withhold anything without specific authority from this particular committee—with this I generally agree.

Mr. ROONEY. The State Department has never indicated to us that they were in sympathy with any such restriction as that, insofar as not only ILO, but insofar as U.N. and all the U.N. agencies.

Mr. NEILAN. I would hope, sir, you might look at the UNDP, UNESCO, UNIDO, because they are using a lot of their funds to promote Communist doctrine via the ILO as the executing agency because the ILO gets $16 to $20 million a year from these agencies for special projects, a great number of which are held within the Soviet Union or satellite bloc and to which no one is invited except developing countries, to allow them to pursue this propaganda at home.

I think this ought to be looked at, and looked at very seriously in addition to these constant attacks and constant efforts to get rid of tripartitism. I served 6 years on the Committee on Program and Structure which was requested by the Russians and their satellites and put into effect. It has been a most frustrating experience. We have tried to accomplish reasonable results and have been frustrated at every turn, so much so that a Russian would block us and then a Russian in the governing body would say, "Well, this is a lousy committee, they get nothing accomplished."

It was his own man that was forcing us to that lack of accomplishment. This has been a very distasteful experience. But if I could be so bold as to suggest, I would hope perhaps that the Appropriations Committee might put a string on the appropriations, particularly for the ILO at the current moment because I think it is the only thing that will enhance our bargaining posture versus the Russians. They have sold the ILO staff and they have sold many developing countries that the United States will continue to give them all the money that is necessary and never raise any questions about how it is used or whether they have any control over it.

Unfortunately, we have not been in a position to go against this doctrine they have been espousing so that many of the developing nations now have accepted this more or less as a fact, that Uncle Sam is just foolish enough to let us have all the money, we can do pretty much as we please. This has been particularly evident this last year when they persuaded the Arabs and Africans to lead in a fight, and they got the South Americans in on it, to take away from the 10 states of chief industrial importance their rights with respect to amendments to the ILO Constitution. And this effort has been concerted. They have also proposed to the office that when this item comes up next June that the committee to consider it should be an open committee, that is, stacked by the Russians and their friends, all of whom will apply for membership on it.

There are many nations which will not apply because they do not have the personnel or the manpower or really the great interest in the committee. We have got to fight that one and fight it hard in the governing body in November.

There are other areas that are very difficult. Industrial committees, the make-up of in-

dustrial committees in November will be decided again, and again there will be, and I think Rudy and Mr. Meany will back me up and probably Mr. Hildebrand and Delaney, that there will be a strong effort on the part of the Russians to stack these committees with people who are responsive to their philosophy.

So that we have to, as I see it, have this string tied and how you tie it is something that I perhaps would be presumptuous to suggest. I would strongly urge that if you could suggest perhaps that if the delegates, workers and employers, if the two of them approached you and said, "Hold up on an appropriation," that your committee could then say to the State Department, "We think you ought to hold up until we have settled this problem."

Funds and personnel for ILO delegations

The other thing I think is if we are going to spend $7.5 or $8 million in the ILO every year, and another $16 or $20 million through UNDP, UNIDO, or UNESCO, I think we ought to have adequate staff in Geneva of intelligent, informed, hardworking people to get the job done and see the funds are not dissipated. I think this is penny-wise and pound-foolish.

Mr. ROONEY. Are you saying we have too few people in the State Department?

Mr. NEILAN. No, they have too few people attached to the ILO delegations. I had four assistants and it was seven committees I tried to cover. I had six authorized, but two who, unfortunately, due to illness or to labor negotiations did not get there. So we struggled along with five men trying to cover six committees plus the Committee on Resolutions.

Mr. MEANY. We are asked to nominate to these conferences. But we are told how many we can nominate. In othr words, you got your delegate, and the procedure for years was that if you had seven committees you would nominate your delegate and seven advisers, one for each committee. Now we have maybe six or seven committees and only four advisers or five advisers.

Mr. NEILAN. That is right.

Mr. MEANY. This leaves us short-handed.

Mr. NEILAN. It is most difficult to cover your responsibilities when you do not have people to sit in during the committee meetings and observe first-hand or be in a position to answer some of these allegations that come from the eastern bloc.

Mr. De Palma's predecessor was always too busy to come to see what was actually going on. He never came, during the time that I have been on there, to Geneva to check in; although he was in Geneva several times during ILO meetings, he never made an appearance, never contacted any of us.

What I am saying to you, sir, is that if we are using this kind of money and it is being misused, it seems to me we ought to have a little bit better chance to offset the amassed power of the Russians if we are going to stay over there. But basically, my posture is that the only way we are going to get this Director General to listen to the American attitude is to give him the fear that he is not going to get the dollars he asked for.

Mr. ROONEY. I would go much further than giving him a fear, I would just go ahead and cut him off, because we are not sure of the mentality of Mr. Jenks at this point. Maybe if we had him here we might—

Mr. NEILAN. He is a very clever international lawyer.

Mr. ROONEY. We might gain an insight. But Mr. Jenks needs to be rocked. I know of only one way to rock him, cut off his water.

Mr. NEILAN. I agree with you, sir.

Mr. SIKES. Mr. Chairman, are we not almost confronted with an accomplished fact? If this action is imminent we are going to have to move now even today.

Should there not be representation from the State Department—that is the responsible U.S. agency—that our Government is not pleased with this development and that we think that it should be deferred pending further study?

Mr. NEILAN. I agree.

Mr. ROONEY. I think this is up to the State Department, which is represented here by a substantial delegation headed by Mr. De Palma.

Mr. DE PALMA. Mr. Chairman, may I——

Mr. ROONEY. I assume there has been some communications back and forth with Geneva?

Mr. DE PALMA. There certainly have, Mr. Chairman.

Mr. ROONEY. In the last 24 to 48 hours?

Mr. DE PALMA. There certainly have. You will hear from Mr. Hildebrand the part he played in trying to apprise the Director General of our feeling. I can tell you that Ambassador Rimestad has been instructed twice within the last 10 days. Just last Wednesday, he went in again and told Mr. Jenks, very straight-forwardly what we thought about all this, only to have Mr. Jenks tell us that he had made his decision on the 24th, had announced it to the governments on the 25th and that all that remained was for the official announcement to come out August 1st, which is what he intends to do.

Mr. MEANY. You mean to say that even though he is aware of our strong feelings on this, that he is going to go right ahead anyway?

Mr. DE PALMA. That is my very clear impression; yes, sir.

Mr. HILDEBRAND. One of his representatives told me yesterday that the announcement would be made tomorrow.

Mr. ROONEY. I think we need something further than a rider or a restriction on the appropriation. I think we need no appropriation of funds at all.

Mr. NEILAN. It would be a very interesting experiment.

Mr. ROONEY. We should try it.

Mr. SIKES. As one member of this subcommittee, I would be prepared to vote today to deny that appropriation insofar as this subcommittee is able to do so.

Mr. ROONEY. Of course, the bill is now over in the other body.

Mr. SIKES. It has been approved by the House Committee on Appropriations and by the House of Representatives, itself. It becomes incumbent upon us, and I think we will be unanimous on it, to express ourselves forcibly and to urge the Senate Committee headed by Senator McClellan of Arkansas to follow a like procedure. That Committee can shut off funds and we can then concur in conference. I think we can be successful in this. I think, Mr. Chairman, it is in order to let it be known today that we intend to do that.

Mr. CEDERBERG. What is wrong with us being delinquent once?

Mr. SIKES. It produces results.

Mr. CEDERBERG. We look in this subcommittee at all the delinquencies of all the countries, including the Soviet Union, to the U.N. and all the agencies. We are never delinquent. We reach the point when they are so delinquent that we raise the money by selling bonds to bail them out. Now a little delinquency would not hurt. So, if we are delinquent, if they want to get well, we will pay our bill.

Mr. MEANY. You see, the United Nations development program got from us last year $86 million. This is what we pledged. The ILO shares in this, they share in this appropriation, along with the World Health Organizations.

Mr. ROONEY. That is handled in another appropriations bill. That is in the foreign aid bill.

Mr. MEANY. Yes.

Mr. NEILAN. Could I speak just to the point that has been raised here, because the delinquency is not going to accomplish the purpose unless it is accompanied by a clear statement of the reason for it and the intent that it is not going to be there because of the problem——

Mr. ROONEY. I think Mr. Jenks should have a copy of this record air mailed to him as soon as it is printed. It will not take too long to do that. Maybe it will help him.

Mr. HILDEBRAND. Mr. Chairman, would you like to have me at this point tell of my role in this, in dealing with Mr. Jenks? Is it relevant to your inquiry?

Mr. ROONEY. We certainly do, Mr. Under Secretary. You are the next witness on my list here.

Mr. HILDEBRAND. I will wait then.

Mr. NEILAN. I will gladly defer to Mr. Hildebrand.

Mr. ROONEY. Very good.

Thank you very much, Mr. Neilan, for a very interesting and informative statement.

STATEMENT OF DEPUTY UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS

We also have with us the Deputy Under Secretary of Labor for International Affairs, Mr. George H. Hildebrand, who is quite intimate with details we have been discussing this morning. We should like to hear from you, Mr. Secretary.

Mr. HILDEBRAND. Thank you, Mr. Chairman.

Deterioration of the ILO

I will try to be very brief, but maybe I can answer some questions. Let me begin by saying that I concur in the judgments that Mr. Meany and Mr. Neilan have already made about the deterioration of ILO. I think it covers not only the work of the office, which faces a real problem with the accession of Mr. Astapenko, but it also involves the work of the conference and its committees and the work of the governing body and its committees.

The problem is basically the determination of the U.S.S.R. to expand its influence by using political propaganda against us in every possible direction that it can do so.

Now we have already heard the problem. I will go on to say that when Mr. Morse announced his resignation as Director General in February of this year, on short notice, to take effect on May 31 of the same year, we had very little time to prepare any way to obtain candidates acceptable to us for this post. We jointly decided within the government group that the best solution at this time was to support Mr. Jenks, who is a long-time member of the ILO staff and was the second man.

As part of that, I was instructed to see Mr. Jenks in Caracas at an ILO regional meeting in April to tell him our views about the next Director General.

Among the points that I made, one had to do with our opposition as a government and the opposition of our worker and employer delegations to the appointment of a Russian to the top directorate of ILO.

I pointed this out very clearly to Mr. Jenks and I urged to him that we were not concerned simply with any one state that is a large contributor having representation in the directorate. That was not our problem. Our problem was that the U.S.S.R. is not like other states. It has a particular kind of society which does not share in the tripartite character that we have in the United States, or that ILO's constitution is based upon.

I told him it was that concern that was our real reason for opposing this appointment, that it would contribute to the very

deterioration of the office work that Mr. Meany referred to in his own statement. I also told him it would cause great difficulties for the U.S. Government if this appointment were made, precisely because our employer and worker groups in this country were sensitive on this point and rightfully so.

Mr. Jenks made no commitment to anything I had to say because he took the quite proper position that as an international civil servant he could not do so and he was making no commitments to anyone as a candidate for Director General. But he was thoroughly aware of our position.

In the ensuing period, he was elected in May to the Director General's post, and I saw him on three different occasions in that time until the end of the conference on June 26 of this year. On two of those occasions Mr. Jenks talked at length about the desire to have an American on the top directorate and I, of course, shared this interest. He mentioned possibilities of types of jobs that could be occupied by this candidate and at no time did he discuss in the first two of these conversations his idea of appointing a Russian.

In my third conversation he again discussed the question of an American for the directorate, he engaged me for a considerable period of time in talking about the type of man and the type of job, and then suddenly and quite casually said, "And by the way, I should tell you that as a result of administrative actions taken before I assumed this office, I am appointing a Russian to become Assistant Director-General."

I ventured again a few points on our side, but the point to be made here, I think, is that this was a decision, this was not a consultation. I would say that it is as objectionable that he did not do us the courtesy as a major country, and the largest contributor, of consulting with us before making this decision; instead of that, he announced a fait accompli. This is, I think, as objectionable as the fact of the appointment, itself.

Indeed, another angle to the affair is the speed, the precipitate way which he took this decision in June and presumably at the very point of taking office.

If he had no commitment to the Russians, I do not understand the need for such speed.

So much then for that.

Mr. Jenks was well aware of our position.

After he told us this we, of course, consulted within the government, after my return to Washington, and we also consulted as a tripartite group in Mr. Meany's office this week.

As part of our Government discussion we, as Mr. De Palma has already pointed out, asked Ambassador Rimestad in Geneva to see Mr. Jenks and tell him once more our opposition, in the hopes that perhaps the decision could be withdrawn. This was done.

We have all had visitations from various local representatives of the ILO, and have conveyed informally to them as strongly as we could that this is a serious matter and that it was not merely a question of the appointment alone, but, as Mr. Meany has put it, it is the appointment as a last straw in the whole context of things. We have not time here, but I have had to sit in that plenary session, I have had to listen to those abusive speeches without any attempt on the part of the president of the conference to keep the subject within the framework of the subject.

There are no rules of order that I can detect in the meeting. Not only was the United States repeatedly abused, called an imperialist, a colonial power, also a warmaking power, but in addition Israel was also given a very difficult time in that session.

None of our colleague countries in the Western World spoke up for us at all.

Now, again I say this is an example of the kind of thing that is poisoning the atmosphere of ILO, turning it away from an important, indeed even noble work, which is its constitutional purpose and, instead, making it into a propaganda machine for abusing one of the major powers, a democracy, in the group.

So much for that. I think that probably covers the situation as far as I can report, but I would be glad to answer any questions that are pertinent to my role as head of the delegation.

Mr. ROONEY. Have you had any written communications with Mr. Jenks on this subject within the past month, say?

Mr. HILDEBRAND. No; no communications directly with him at all.

Mr. ROONEY. Are there any further questions, gentlemen?

Mr. Bow. I wonder if you have heard anything from Ambassador Rimestad?

Mr. HILDEBRAND. Secretary De Palma can answer that. We have received messages.

Mr. Bow. Thank you, that is all.

STATEMENT OF MR. SAMUEL DE PALMA, ASSISTANT SECRETARY OF STATE

Mr. ROONEY. The next witness is the Assistant Secretary of State for International Organizations, Mr. Samuel De Palma.

Mr. De Palma, you now have the floor.

Mr. DE PALMA. Thank you, Mr. Chairman.

Let me say that I welcome this hearing and I am in substantial agreement with almost everything I have heard said so far.

Mr. ROONEY. Why did you not tell us these things when you were here on your regular appropriation which this committee has already approved? Why, if we knew that this situation which we have heard described this morning was existing, we certainly would never have appropriated 15 cents for Jenks or ILO.

U.S. participation in the ILO

Mr. DE PALMA. Mr. Chairman, this is a situation which has been developing in the ILO for some years now, as the discussion has made clear. This appointment is sort of a culmination of something that has been going on ever since the Soviet Union rejoined.

We have, I think, got to look at the situation in terms of the politics of an international organization. What I find particularly disturbing in this situation is that the membership of the organization, the tripartite membership, and again, Mr. Neilan, I will make an exception for the employers' groups, I accept your statement on that, but the membership has, by and large, acquiesced in this trend of events. It has not done so with our approval. We have, I think, consistently opposed these trends; certainly from the government's side I am aware that we have.

The problem is that many governments and many—and Mr. Meany is the expert here on the international labor movement and I would defer to him—but many governments and many of the labor organizations find themselves in a mood of seeking detente or rapprochement with the Soviet Union. They are most reluctant obviously, and this is what you find in the ILO, to press these matters in that body. So that the Soviet Union has been able to do there what in fact they do in every U.N. organization, but it is perhaps more flagrant here because their actions, their behavior, their very presence is really in contradiction of the basic principles of the organization.

So that one has to take into account the general politics of the ILO and, from the standpoint of its members, whether it is desirable or not at a particular moment in history to tangle with the Soviet Union on these matters.

Here you have a situation where there is a government participating in an organization while it is obviously not living up to the precepts and principles of the organization. Now, what this suggests to me, sir, is that we have to pull up our socks and get organized to concert with other like-minded people who participate in this organization in order to get the support we obviously need to try to reverse this trend.

It is not something, quite obviously—and experience proves it—that we can do by ourselves in the State Department.

Now when it comes to that, sir, I think we might as well be quite frank. We have been severely handicapped. Mr. Neilan would probably be surprised to hear me agree with what he said on one point, although I do not know what some of his unspecified allegations might have been. I might not agree with those. We are handicapped in the general conference. We do not have a strong enough delegation. We are handicapped in our day-in, day-out monitoring of this organization. We do not have enough people.

I have one full-time member in my Bureau who can follow the ILO. I am not sure about the Labor Department, I think you must have about two.

Mr. HILDEBRAND. Two and myself.

Mr. DE PALMA. I say one full time plus myself. This is what we have to work with.

Mr. Chairman, you know the situation on conference funds. When we sent a delegation of 28 members, it was not because we thought that 28 was all we needed in the ILO; it was because that is all the money we had to go around. It is obviously inadequate. I think it is not just a question of money or people, however, let me hastily add. I think we have to concert, to work on a tripartite basis, to tackle this problem at its roots. We have to turn around the membership in this organization.

I am quite willing to focus on the Office of the ILO and the people who direct the organization but they, in a sense, are also in the hands of the membership. There is where the work has to be done. I think from now on we had better look at this organization as an arena for politics.

The Soviets are making it such. It is not our intention; we have tried very hard to keep it focused on its real work. But if they intend to use it as a propaganda organization, we have to look to ourselves. We can only do it by working with other governments, other labor and employer groups. There is no other way to do this.

Cutting off of U.S. funds to ILO

Now, as for the contribution, sir, this is an old story. We continuously face the problem that some may desire to punish these organizations if things are not going well by withholding a contribution. I think we ought to consider this carefully.

Mr. ROONEY. We have never done so in the history of the United States of America, have we?

Mr. DE PALMA. Not that I am aware.

Mr. ROONEY. This would be the first time, would it not?

Mr. DE PALMA. It would be.

Mr. ROONEY. To now do so might cause a salutary effect on everybody, including the U.N.

Mr. DE PALMA. It might.

Mr. ROONEY. Which also is costing us entirely too much money.

Mr. DE PALMA. It might also serve to wreck the organization. I am asking whether we would do that lightly. I think we want to think very carefully about it.

Mr. ROONEY. I say this to you, I do not see it would cause much harm if this organization were put out of business or wrecked after that we heard here this morning.

Opposition to present trend in the ILO

Mr. DE PALMA. Mr. Chairman, all I am saying is that I would like to see us make an attempt to reverse this trend before we

abandon the field to these people. I think it would be a mistake to admit that they have, with a very minority representation——

Mr. ROONEY. What would you do, just sit by and let this Communist get this important job?

Mr. DE PALMA. No, sir; but I do not know what we can do about this Russian now.

Mr. MEANY. There is one flagrant flaw in your whole approach, Mr. De Palma. You say we should go in and do battle. With a neutral office, yes, but do battle with the chairman having the gavel and all the rights, with Mr. Jenks playing on the other side?

Mr. DE PALMA. Mr. Meany, I am not as expert in parliamentary politics as you are.

Mr. MEANY. It is quite obvious that the office in Geneva is, and has been for some time, in the Russians' corner.

Mr. DE PALMA. All I am saying is, it is not possible for an office to behave that way without the acquiescence of the membership. What I am saying is, we have to work with other participants to see to it that this is stopped.

Mr. NEILAN. What other participants?

Mr. MEANY. Yes, France?

Mr. NEILAN. Great Britain, Japan?

Mr. DE PALMA. We have to work with all of them, wherever we can find some support.

Mr. NEILAN. You will not find it there.

Mr. MEANY. You will not find any support.

Mr. DE PALMA. Then you are describing a much larger problem. I wonder if you are focusing on the right target.

Mr. NEILAN. I think our focus, with all due regard to you, is the only thing any organization understands is that it must have funds to continue. The only way you ever focus attention on the way they are handling themselves is at least temporarily to deny them the funds.

Mr. DE PALMA. Let me make it very clear that I am quite prepared, and I am sure—I am not going to speak for Mr. Hildebrand—I am prepared to sit down with you gentlemen and consider just that.

I am only raising the point that perhaps we ought to think of the other things we should be doing. I cannot believe that we would simply admit defeat and say that we cannot turn this organization around, that the only thing we can do is to withhold our funds. It may be that that is what we will have to do.

Mr. NEILAN. That is the initial step.

Mr. DE PALMA. But we ought to consider the other things we have to do in order to get support to change the situation.

Mr. CEDERBERG. Are we not at this point? We all recognize the importance of the ILO, no one wants to destroy the ILO, but we find out now that the ILO is no longer, under the kind of leadership existing there, able to accomplish the objectives that we want for it and that were originally intended.

Cutting off funds to the ILO

Now if you cannot do that, if we deny the funds and it destroys the ILO, what have you lost?

Mr. HILDEBRAND. Congressman, I would have to agree with Secretary De Palma to this extent: That we have not really tried for many years, because this situation has been slow in crystalizing and we have, in effect, been taken for granted.

I think without denying the organization funds, but merely having a provision that we may withhold the funds if the Department of State, in its judgment, thinks this is a desirable step, that you would have a total turn around in that office mentality over there, that we would have some bargaining power which we have not had.

Mr. MEANY. George, the mere fact that we are upset has been conveyed to Mr. Jenks by the Ambassador. He surely knows of this meeting. He has not recognized this as any indication of good bargaining power on our part.

I am really shocked when you tell me that Jenks is going to go right ahead, despite our feeling, despite the unanimous feeling of employer, worker, and Government people concerned with this, that he is going to go right ahead. If he does, we are going to be pretty well handicapped in trying to operate within this organization. After all, the delegations that come from the smaller countries of the world recognize the importance of the office.

The office is the one that can help them, that can dole out money to them in this thing here, where you have the United Nations Development Program, where we find that on the contributions side, in 1969, we are committed to about $70 million. The Russians are committed to $3 million. But the bloc countries, Russia, Bulgaria, and them, get $28 million in benefits. So this is not an equality of approach as far as our Government is concerned.

Frankly, just as an American, entirely apart from the trade union end of it, this to me is an insult that we should be treated in this cavalier fashion by these international civil servants—and this includes our friend in New York—who base their whole plans on the idea, "Well, the Americans will never act, they will never withdraw, they will never get out of the organization."

Now, somebody says, do we want to destroy this organization? No, I do not want to destroy the ILO. But if ILO is going the way I see it going, and it continues to go there, then I have no further interest in the ILO and I do not think our Government should have any further interest, because we have a political organization in New York, where we can meet the Soviets on the political front. Why should we have an organization that on the face of it is dedicated to building standards for workers all over the world, an economic and social organization, why should we have that converted into another political organization and we pay the price for it?

No, I cannot see that at all.

Mr. ROONEY. I feel I can confidently say that you are expressing the thoughts of every member of this subcommittee, and I am going to take the liberty, feeling that way, to ask Mr. De Palma to telephone to Ambassador Rimestad and tell him to hotfoot it over to Mr. Jenks and tell him before nightfall that there will be no money for ILO as far as this subcommittee is concerned, and I think we can do it.

Do you doubt that we can do this?

Mr. DE PALMA. I have no doubt, Mr. Chairman. I would be very glad to put in the telephone call.

Mr. CEDERBERG. I think the action is going to have to be a congressional action, because you in your shop over there have to get involved with other international political developments that the State Department gets involved in. So if we are going to wait for a decision from the State Department that you are going to cut off the funds, it will never happen, because, as I say, there are other political international considerations that get involved. The place to do it is right here.

Mr. MEANY. I have been around here a long time and I do not want to criticize the State Department, but my experience has been that every place I go in the State Department whether it is the Far East desk or this country desk or that country desk, the attitude of the professional bureaucrat there is that particular country is his client, that I am not his client, I am an American, I am out, but this other guy is his client. And you will never get the State Department desk people to agree to break relations with any of their clients, no matter how much their clients abuse this country.

Mr. ANDREWS. You put your finger on it, Mr. Meany. The big thing is that the marshmallow attitude of the State Department has concerned this committee for some time.

Mr. MEANY. Irrespective of the State Department or any other department, this Congress has the decision in its lap.

Mr. CEDERBERG. I am willing to recognize the State Department has many complex problems that cross all kinds of lines and that is why you cannot——

(Discussion off the record.)

Mr. CEDERBERG. The place to do it is right here.

Mr. HILDEBRAND. Just one point, Mr. Chairman, of fact.

Mr. Jenks told me when I first broached this, which was on the 25th of June, that he had already made the decision, the only thing that was being delayed was the announcement. If that is correct, then he is already committed. We can do nothing there.

Mr. SIKES. We can do something here and we should.

Mr. ANDREWS. He might change his mind before he makes the announcement.

Mr. ROONEY. He might change his mind. I will lay odds that he eventually will.

Mr. MEANY. When he says the decision was made, who was it made by? It was not made by the governing body? It must mean it was made by him. It could not have been made by Dave Morse because he would not have gone out of his office without announcing a decision he had made. It had to be made by Mr. Jenks.

Mr. HILDEBRAND. I agree.

Mr. MEANY. If Mr. Jenks made it, Mr. Jenks can change it.

Mr. DE PALMA. We will put in the telephone call.

Mr. ROONEY. Have there been any written communications on this subject within the past month?

Mr. DE PALMA. Yes, sir; I have a cable that came in the other day.

Mr. ROONEY. May we look at it?

Mr. DE PALMA. It is a confidential cable, I would be glad to show it to you.

Mr. ROONEY. It is not confidential from us, eh what?

Mr. DE PALMA. You know, just keep it——

Mr. ROONEY. Suppose you read this in language which will not disclose what we shouldn't. That is a very interesting paragraph, that first one. Why, this is all fait accompli.

Mr. DE PALMA. In essence, Mr. Jenks repeated what he said earlier to Mr. Hildebrand.

Mr. ROONEY. But it is so much more forceful when it is written out.

Mr. MEANY. If this is the way he treats his number one affiliate let's say, then I do not see any hope for your plan of doing anything in the future, because you have the umpire on the other side.

It is based on the idea that when the Russians say they will cut their contribution, he believes them. If we say we are thinking about it, he does not believe us.

Mr. DE PALMA. Mr. Chairman, may I just add a point?

Opposition to present trend in the ILO

I think the record will show, sir, that in the last few years the government, the State Department working in close consultation with the Labor Department, has taken positions in opposition to this trend. We have found ourselves, however, at the conference confronted with decisions of the membership, including, as Mr. Meany knows, the worker groups, acquiescing in these decisions.

Mr. ROONEY. Mr. De Palma, if you had only given us even the slightest intimation of what was going on, you could have blamed us. We would gladly have handled it for you. Then we would be the scapegoats, if any.

Mr. DE PALMA. Mr. Chairman, I still feel

that the thing to do is to stay with these things and work on these problems. I do not think the answer is just to run away. The time may come, Mr. Meany, and you are absolutely right, if it cannot be done through the regular procedures, then we have to consider whether our participation is worth it.

Mr. MEANY. Well, if the appropriation was held up while you were working on it, that would not cramp your style, would it?

Mr. DE PALMA. I would have to defer to the Congress on that.

Mr. SIKES. We do not seem to be getting anywhere without cutting off the appropriation. We had better cut it off and see if that produces results. I think it will.

Soviet representative in key position

Mr. ROONEY. Sure, because when Ambassador Rimestad informed Mr. Jenks of this hearing here today, Mr. Jenks advised him that the appointment of the Russian was already made on June 23, and that the interested governments were notified on June 24. Now why did you not notify us back on June 24?

Mr. MEANY. Was there a meeting of the George?

Mr. HILDEBRAND. Yes, there was.

Mr. MEANY. Did Jenks announce this to the governing body?

Mr. HILDEBRAND. To my knowledge, no. No, he did not.

Mr. MEANY. So there was a meeting of the government body. If the decision was made on June 23, why would he not announce it? I cannot understand that.

Mr. HILDEBRAND. Good question.

Mr. ROONEY. Well, this message sure gives an insight into the mentality of Mr. Jenks. He wants to know whether we recognize the fact that the Soviet Union is the second largest industrial power in the world?

Mr. MEANY. So what?

Mr. ROONEY. And if we admit that that is so, then we would be in the same position to be asked to accept the humilitation of not having a national appointed to a senior ILO position, isn't that terrible?

Mr. MEANY. So he is avoiding humiliating the Soviet Union. Is that not nice?

I have been humilitated over there for quite a few years now as an American.

Mr. HILDEBRAND. So have I.

Mr. ROONEY. I gather that if this becomes a public issue, Mr. Meany, and he (Mr. Jenks) is called upon for a statement, he intends to reserve any comment he has to make for the governing body of ILO. Now isn't that something?

Mr. MEANY. He did not announce this to the governing body, this appointment?

Mr. ROONEY. As I said previously this bird Jenks thinks he has inherited the ILO, lock, stock, and barrel. There is about as much democracy under him in ILO as there is in the Soviet Union.

In conclusion, we thank you, Mr. Meany and Mr. Neilan, Under Secretary Hildebrand and Assistant Secretary of State De Palma, for your testimony here today. This was a very interesting and highly informative session and one which requires prompt action on the part of the Congress.

Mr. MEANY. Thank you, Mr. Chairman.

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

Mr. ROONEY of New York. I am pleased to yield further.

Mr. FRELINGHUYSEN. The fact that the appropriations are being reduced will mean that there will be a default on the part of the United States to an assessment which already has been levied against it.

Mr. ROONEY of New York. There is not any question about that. That is exactly what we want to do, is it not? It would seem to me if the Soviet Union can run this organization paying 10 or 12 percent of the cost of it, that the United States, paying 25 percent, should have at least something to say. And that is not presently being followed by Mr. Jenks. This is the testimony, not only of Mr. George Meany, the president of the AFL–CIO, but also of Mr. Ed Neilan, employer delegate to the ILO, a former president of the U.S. Chamber of Commerce, of Hon. George H. Hildebrand, Deputy Secretary of Labor, and others who attended the hearing.

The situation is outrageous, I must say. I have been asked why my committee did not learn of this situation before now. I take it that we should know everything that is going on, but the State Department has never told us of the deplorable situation; and I do not believe the State Department has informed the gentleman's committee of this deplorable situation.

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

Mr. ROONEY of New York. I yield further.

Mr. FRELINGHUYSEN. I should like to say that the Committee on Foreign Affairs as long ago as 1963 did have hearings with respect to the ILO. If a conscious decision is made that the United States should withdraw from the ILO, I should think it would be done in an appropriate manner. It does not seem to me we should default on an international obligation.

Mr. ROONEY of New York. If the gentleman would read the testimony of distinguished citizens like Mr. George Meany and the others whose names I have mentioned, contained in this little volume, he would feel as convinced as was the other body, when it voted 49 to 22, more than two to one, to deny them any further funds at all in this year. I regret that the ILA was able to get half the money through the continuing resolution. I assure the gentleman, if I had anything to do about it, just being one Member of the House, I would not have given them a quarter.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield further—and I appreciate the gentleman's yielding.

Mr. ROONEY of New York. I yield further, but there is going to have to be a shutoff soon.

Mr. FRELINGHUYSEN. It does seem to me if there is hostility to an international organization it should take an appropriate form and that we should not be putting this country in default on an obligation of an assessment already levied against it. This seems to me a very undesirable and unwise precedent being established here.

Mr. ROONEY of New York. If I cannot convince the gentleman with what I have said, I must accept defeat in my sincere attempts to convince him that we cannot permit an outrage such as I have described to continue. I do not believe 10 American taxpayers would stand for it. The action proposed in this conference report is merely the acceptance of the action taken by the Senate.

Mr. POFF. Mr. Speaker, I am pleased that the House-Senate conference committee has resolved the differences in H.R. 17575.

Among other things, this bill contains the appropriation for the Law Enforcement Assistance Administration, the Federal Government's major effort in the fight against crime. Congress has wisely seen fit to appropriate the full $480 million requested by President Nixon for this promising program. In initially making his request, the President noted that crime control was the one area of the budget where he had ordered an increase rather than a decrease. The President's action clearly demonstrated this administration's firm commitment to act forcefully against crime, to make the "war on crime" not just a slogan but a reality.

The Law Enforcement Assistance Administration is now slightly more than 2 years old. It is designed to help States, counties, and cities with what is essentially a local problem: crime control. LEAA can point to a number of accomplishments in its short period of existence. But perhaps the most important is the creation of a coordinated, cooperative approach to the problems of crime and criminal justice on a nationwide scale. For the first time in our history, all levels of Government and all parts of the criminal justice system—police, courts, and corrections—are working together.

The $480 million appropriated for LEAA in the current fiscal year represents a major step forward for the agency. LEAA began in fiscal 1969 with a budget of only $60 million—not a great deal of money when the objective is overhauling a system of justice neglected for decades. Those funds went far, however, thanks to hard work and careful planning by LEAA and the States. The States created law enforcement planning agencies and drew up detailed plans for a comprehensive statewide—and nationwide—attack on crime.

In fiscal 1970, LEAA's budget grew to $268 million, permitting a much broader range of improvement programs and a more equitable allocation of funds among the various components of the system. The share for corrections in fiscal 1970, for example, rose to more than $68 million, almost 20 times the $3.6 million programed for corrections in fiscal 1969.

The House has authorized an even larger budget for LEAA in the current fiscal year, $650 million. If the authorization bill is passed by the other body, I am confident that the Attorney General will request a supplemental appropriation if he feels the money can be wisely spent.

This administration is committed to a sound fiscal policy, to extracting maximum value out of every dollar in the Federal budget. Nowhere is this more true than in the LEAA program. As Attorney General Mitchell has sensibly stated:

> It's important not to overfund this agency in its infancy. That has happened to other federal programs in the past. Overfunding would cause waste and make it more difficult to get money from the Congress later, when it could be effectively put to work.

Supplemental funding for the LEAA program is, and should be, directly related to the States' ability to utilize the

extra money wisely and in a manner that would have an impact on the Nation's crime problem. If the States, through sound planning and careful spending, demonstrate this capability, then I feel sure that LEAA officials and the Attorney General will request a supplemental appropriation.

With the substantial increase in LEAA appropriations for fiscal 1971, and the possibility of extra funds, I think we can realistically expect even greater success for our national crime control effort. LEAA funds will continue to help local law enforcement agencies to improve their crime-fighting techniques and equipment. Our overworked, understaffed, and underfunded corrections system will get the assistance it needs so desperately. The courts will, I hope, receive a much greater share of LEAA funds in the current year. As Chief Justice Burger has said, the needs of the courts are great and until we begin to meet them—to help them provide swift and fair justice—we will never really control crime.

The one area of the LEAA budget that is something of a disappointment is research. Congress established as part of LEAA, the National Institute of Law Enforcement and Criminal Justice to encourage research and development into new methods for the prevention and reduction of crime. The Institute is supporting many programs that are providing fresh insights to help us deal with the crime problem, and is developing needed equipment and techniques. Additional funds could enable the Institute to carry out its mandate more effectively.

The House and Senate Appropriations Committees did not approve the $11.5 million increase requested by the administration for the National Institute, but instead left the funding level at the current level of $7.5 million. However, the $11.5 million increase was not cut from the amounts available to LEAA but were transferred to an action grant account. If, during the course of the fiscal year, it becomes apparent that all or a portion of the increase can be effectively utilized for Institute programs, a simple procedure is available, whereby a letter can be sent to the Appropriations Committees requesting permission to reprogram the funds over to Institute use. Both House and Senate committees felt that the Institute should devote primary emphasis to the development of practical hardware for use by operational law enforcement personnel to combat crime I am confident that the administration will respond meaningfully to this charge and insure that the Institute's research programs will be directly attuned to meet real law enforcement needs.

Mr. FASCELL. Mr. Speaker, I should like to make a brief comment on the conference report on the appropriations for State, Justice, and independent agencies.

This appropriation bill contains funds for the U.S. contribution to the International Labor Organization. The funds being appropriated, however, are only sufficient to cover one-half of our assessed dues to that organization.

I can certainly appreciate the feelings of those members of the Appropriations Committee who are disturbed and concerned by the appointment of a Soviet citizen as one of the assistant directors of the ILO.

Seven years ago, in a study conducted by a subcommittee which I then headed, the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, we addressed ourselves to this issue.

In a report which we submitted to the House of Representatives at the conclusion of our study in 1963, we warned that some Communist countries, which do not have anything even approaching a free labor movement, were trying to use the ILO for their own purposes. And we urged that direct action be taken to cope with that problem.

I still believe that that is the proper way to approach this matter—not by renegging on the payment of our dues, which constitute a legal treaty obligation freely accepted by the United States, but by direct action within the organization.

I do not think that we are doing ourselves, or the peaceful international community which the United States is trying to build, any service by using a backhand approach to a problem which has to be faced squarely at some point in time.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on H.R. 17575.

Mr. Speaker, I support this measure which appropriates $187.5 million for ship construction in fiscal year 1971. This is an important and necessary step in the right direction.

Last year we authorized $145 million for this program; yet, we actually spent only $15 million. This was hardly enough to sustain, much less upgrade, our sagging merchant marine.

Congress must insure that the United States regains its position of maritime preeminence. There can be no doubt that this position has declined. Our merchant fleet has deteriorated to a degree shocking for a nation so dependent on the seas as we are for national security and economic prosperity. Two-thirds of our fleet is over 20 years old. The average age of the entire U.S. fleet—including Government-owned ships in the reserve fleet—is 22 years.

With this bill, we are signaling a movement toward revitalizing our shipbuilding industry. Nineteen new ships will be constructed in U.S. yards. The effects on the U.S. economy when ships are constructed abroad is well illustrated by a report published by the American Council of Shipbuilders. This report shows what happens every time a $20 million ship is built abroad, instead of in an American shipyard. According to the council, American industry loses at least $60 million worth of business; 14.4 million tax dollars are lost; American workers lost $9.7 million in wages.

Mr. Speaker, I am pleased with this bill; however, I regret that the House-passed amount of $199.5 million was not retained. In the next few years, we will witness the deactivation of many of our older, obsolete ships. These ships must be replaced with the most modern and efficient vessels in the world.

Mr. SLACK. Mr. Speaker, the firm action of the House in adopting the conference report on the State-Justice-Commerce appropriation bill will deny funds during the remainder of this fiscal year for contribution to the International Labor Organization is indeed an action very much in keeping with the sentiments of the American people today.

Those of us who know the history of ILO are saddened by the thought that it has fallen on evil days. It was founded, largely through the efforts of Samuel Gompers, president of the American Federation of Labor, as a means of gathering together men from organized labor and business management to work toward goals which would upgrade the quality of life for working people in all countries.

Of course, free citizens who belong to labor unions and businessmen who represent enterprise management can only exist in free societies. The ILO was an international sounding board for independent thinking from both labor and management. This was the reason for its tripartite representation system.

We note the record since 1953 with regret. With the admission of the Soviet Union and its satellites, we have seen the gradual change in the character of the ILO to the point where its meetings serve chiefly as platforms for abuse of the United States and the principles on which Western governments have been built.

We have reached a stage at which the world's largest employer of industrial labor dominates the international headlines with abusive statements whenever an ILO meeting assembles. There are no labor unions in the Soviet Union. Their "unions" are Kremlin-dominated structures to control the lives and living conditions of workingmen. There is no business community in the Soviet Union. Their industry is a byproduct of their one-party political patronage system, and their productivity and efficiency rate reflects that fact.

We cannot control Soviet propaganda efforts, but we are certainly not required to contribute the American taxpayers' money to foster such efforts. Americans were foremost in the founding of ILO. It was designed to represent the independent thinking of free men. If it is to be the international spokesman for slave labor, then our participation should be minimal.

I believe our people will applaud our refusal to permit use of American funds to finance ILO activities this year. Further, I believe it is highly proper to note the distinct public service rendered by Mr. George Meany, president of the AFL-CIO, and Mr. Ed Neilan, former president of the U.S. Chamber of Commerce, whose forceful testimony before the Appropriations Subcommittee brought this situation to the forefront of attention.

I can only express a hope that there will be a change in ILO policy and a return to its original standards of oper-

ation so that American participation can again be full, free, and confident.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

GENERAL LEAVE TO EXTEND

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 3, line 15, after "vehicles" insert ": *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three) and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 4, line 12, after "States" insert "and for payments in Ceylonese rupees".

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 26, after line 19, insert:

"NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

"SALARIES AND EXPENSES

"For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, $300,000."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 31, line 21, strike out all after "which" over to and including "*further*," in line 1 on page 32 and insert "$1,700,000 shall be for the initial phase of layup of the N.S. Savannah: *Provided*,".

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with amendments, as follows: Omit the matter stricken by the Senate amendment, omit the matter inserted by the Senate amendment, and on page 31, line 21, of the House engrossed bill, strike out", of which" and insert ": *Provided*,".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 52, line 18, after "States" insert "and for payments in Ceylonese rupees".

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

AMENDING INTERNATIONAL TRAVEL ACT OF 1961

Mr. STAGGERS. Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, with a Senate amendment thereto and concur therein with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

"That section 3(a) of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2123(a)) is amended—

"(1) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon; and

"(2) by inserting at the end thereof the following:

"'(5) upon the application of any State or political subdivision or combination thereof, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision, or combination thereof, by residents of foreign countries. No financial assistance shall be made available under this clause unless the Secretary determines that joint participation funds will be available from State or other non-Federal sources, and in no event shall the amount of any grant under this clause for any project exceed 75 per centum of the cost of such project;

"'(6) may enter into contracts with private profit- or non-profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection; and

"'(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the United States by residents of foreign countries.'

"SEC. 2. (a) Section 4 of such Act (22 U.S.C. 2124) is amended to read as follows:

"'SEC. 4. There is established in the Department of Commerce a United States Travel Service which shall be headed by an Assistant Secretary of Commerce for Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. All the duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Commerce for Tourism. In addition, the Secretary shall designate at least one individual to serve as Deputy Assistant Secretary of Commerce for Tourism who shall be under the supervision of the Assistant Secretary of Commerce for Tourism.'

"(b) Clause (12) of section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule), is amended by striking out '(5)' and inserting in lieu thereof '(6)'.

"SEC. 3. Such Act is amended—

"(1) by striking out 'SEC. 7' and inserting in lieu therof 'SEC. 9'; and

"(2) by striking out section 6 and inserting in lieu thereof the following new sections:

"'SEC. 6. (a) There is established a National Tourism Resources Review Commission (hereinafter referred to in this section as the "Commission"). The Commission shall be composed of fifteen members appointed by the President from among persons in private life who are informed about and concerned with, the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall appoint one of the members as Chairman. The Commission shall meet at the call of the Chairman.

"'(b) The Commission shall make a full and complete study and investigation—

"'(1) to determine the domestic travel needs of the people of the United States and of visitors from other lands through 1980;

"'(2) to determine the travel resources of the United States available to satisfy such needs through 1980;

"'(3) to determine policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"'(4) to determine a proposed program of Federal assistance to the States in promoting domestic travel; and

"'(5) to recommend an existing department, agency, or instrumentality within the Government to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

"'(c) The Commission shall report the results of such investigation and study to the President not later than two years after the first meeting of the Commission. The President shall submit such report, together with his recommendations, to the Congress. The Commission shall cease to exist thirty days after it has submitted its report to the President.

"'(d) In order to carry out the provisions of this section, the Commission is authorized—

"'(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

"'(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties; and

"'(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

In addition, the Secretary shall make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Commerce as the Commission may require to carry out its functions.

"'(e) Members of the Commission, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed $100 each day, including traveltime and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"'SEC. 7. (a) For the purposes of carrying out sections 1 through 5 of this Act, there are authorized to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. Funds appropriated under this section shall be available without regard to section 501 and 3702 of title 44, United States Code. Funds appropriated under this section for the printing of travel promotion materials are available for the fiscal year for which appropriated and the succeeding fiscal year.

"'(b) For the purposes of carrying out section 6 of this Act, there is authorized to be appropriated not to exceed $2,500,000.

"'SEC. 8. As used in this Act, the term 'United States' and the term 'State' are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.'"

The clerk read the motion as follows:

Mr. STAGGERS moves that the House recede from its disagreement to the amendment of the Senate to H.R. 14685 and agree to the same with the following amendment: In lieu of the matter proposed to be inserted by the Sente amendment, insert the following:

"That section 3 of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2121–2126) is amended by changing the period at the end of clause 4 of subsection (a) to a semicolon, and by inserting after such clause the following:

"'(5) upon the application of any State or political subdivision or combination thereof, or private or public nonprofit organization or association, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision or combination thereof by residents of foreign countries. No financial assistance will be made available under this clause unless the Secretary determines that matching funds will be available from State or other non-Federal sources and in no event will the amount of any grant under this clause for any project exceed 50 per centum of the cost of such project. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this clause:

"'(6) may enter into contracts with private profit- or non-profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection; and

"'(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the United States by residents of foreign countries. The Secretary is authorized to establish such policies, standards, criteria, and procedures as he may deem necessary or appropriate for the administration of this clause.'

"SEC. 2. Section 3 of such Act (22 U.S.C. 2123) is amended by adding at the end thereof the following new subsections:

"'(c) Each recipient of assistance under clause (5) of subsection (a) of this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under clause (5) of subsection (a) of this section.'

"SEC. 3. (a) Section 4 of such Act (22 U.S.C. 2124) is amended to read as follows:

"'SEC. 4. There is established in the Department of Commerce a United States Travel Service which shall be headed by an Assistant Secretary of Commerce for Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. All the duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Commerce for Tourism. In addition, the Secretary shall designate at least one individual to serve as Deputy Assistant Secretary of Commerce for Tourism who shall be under the supervision of the Assistant Secretary of Commerce for Tourism.

"(b) Paragraph (12) of section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule), is amended by striking out '(5)' and inserting in lieu thereof '(6)'.

"SEC. 4. Section 6 of such Act is amended to read as follows:

"'SEC. 6. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of title 44 of the United States Code. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years.'

"SEC. 5. Section 7 of such Act is renumbered 'SEC. 8.' and a new section 7 is inserted to read as follows:

"'SEC. 7. As used in this Act, the term "United States" and the term "State" are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.'

"SEC. 6. (a) There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the "Commission") composed of fifteen members as follows:

"(1) One representative of the Department of Commerce designated by the Secretary of Commerce.

"(2) One representative of the Department of the Interior designated by the Secretary of the Interior.

"(3) One representative of the Department of State designated by the Secretary of State.

"(4) One representative of the Department of Transportation designated by the Secretary of Transportation.

"(5) Eleven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

"(b) The Commission shall make a full and complete study and investigation for the purpose of—

"(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

"(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

"(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

"(5) determining whether a separate agency of the Government should be established, or whether an existing department, agency, or instrumentality within the Government should be designated, to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with respect thereto, to the President and to the Congress not later than two years after the first meeting of the Commission. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

"(c) The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and

assistance to the Commission upon request made by its Chairman.

"(d) In order to carry out the provisions of this section, the Commission is authorized—

"(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

"(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this section and to prescribe their authority and duties; and

"(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(e) (1) Members of the Commission from private life, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed $100 each day, including traveltime, and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(f) There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this section."

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. (Mr. HOLIFIELD). Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think before we go any further we ought to have some explanation of what is here being proposed.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, I shall be very happy to explain it to the gentleman from Iowa.

Mr. GROSS. Will the gentleman from West Virginia advise us whether there was any announcement to the effect that this bill would be called up?

Mr. STAGGERS. I had an understanding with the minority leader and also the majority leader.

Mr. GROSS. I am talking about it being programed for action.

Mr. STAGGERS. No. This is a question of concurring in an amendment which carries with it preferential consideration.

Mr. GROSS. I understand that, but there was no announcement of any kind that this would be called up today.

Mr. STAGGERS. No. But I might say this, that all matters of this kind are subject to be brought up at any time.

Mr. GROSS. But the gentleman from West Virginia is well aware that where the distinguished majority leader has the opportunity to do so he usually announces that these matters may or will be considered. That is not the case with reference to this matter?

Mr. STAGGERS. I have no idea.

Mr. GROSS. Will the gentleman, under my reservation of objection, tell us what is here proposed and the nature of the amendment he is prepared to ask the House to concur in?

Mr. STAGGERS. I certainly will. This is a matter which was brought before this House some time ago. It was voted down because there was an additional amount of money put in by the other body above that which had passed the House. We had passed this bill on a record vote by a rather substantial margin.

When it went to the other body, they added $2¼ million to the bill which we sent over. The conference dropped $1 million. When it came back, the House thought this was too much money for the Commission. Since that time we have proposed an amendment to drop more, which makes it $750,000 for the study.

Mr. GROSS. And the vote in the House on July 16 was against the $1,250,000; is that not correct?

Mr. STAGGERS. That is correct. We have now dropped one-half million dollars of that to make it $750,000.

Mr. GROSS. The House started out with only $250,000, is that not correct?

Mr. STAGGERS. That is right.

Mr. GROSS. So, in the conference a sham battle was waged on this as between the House and the Senate? In other words, this has grown from $250,000 with the acquiescence of the managers on the part of the House to $750,000, a one-half-million-dollar increase; is that not correct?

Mr. STAGGERS. This is correct.

Mr. GROSS. And, the purpose is what?

Mr. STAGGERS. To study the whole problem and to report to the Congress and to the President of the United States on the different aspects of tourism, on the question of bringing people into the United States, and on consolidating our programs in any and every way we can.

Mr. GROSS. In other words, it is still a 10-year study?

Mr. STAGGERS. No; this terminates at the end of 2 years.

Mr. GROSS. An alleged study of the domestic travel needs of the citizens of this country and foreign visitors?

Mr. STAGGERS. No; only to bring people into this country and to get them to travel in this country when they are here.

Mr. GROSS. What we already know about foreign tourists is that they do not have much money to spend. The question then is, How much will we spend to bring them to this country. Is not that about the size of it?

Mr. STAGGERS. No; I would beg to differ with the gentleman from Iowa because the people of the world are traveling in other countries, and we want to get our share of visitors. We want to bring them here, and I think we should.

Mr. GROSS. What kind of an all-day sucker are you going to offer them to get them over here?

Mr. STAGGERS. This is no kind of a sucker. We have no kind of sucker to offer them to come to this country. As one of the gentlemen in your party, Mr. C. Langhorne Washburn stated when he was before our subcommittee, the funds spent on these travel programs are in reality an investment.

He went on to say in the RECORD that which had come back to us manyfold. In 1961 when we started on this program, international tourist arrivals amounted to about 6.3 million. By 1968 it had jumped 74.6 percent to over 11 million.

Mr. GROSS. If that was successful, why do you want to spend $750,000 on another commission to study something?

Mr. STAGGERS. We want to study the consolidation of all of the different agencies that are working on this, so that we can have a concerted effort and make it stronger, and better.

Mr. GROSS. Is there any other reason the gentleman has not stated in alleged justification for spending another $750,000?

Mr. STAGGERS. There is no other reason I know of on earth, because I think this would be money well spent for America.

Mr. GROSS. Is any commission studying the plight of the U.S. taxpayers these days?

Mr. STAGGERS. I think this will aid the taxpayers, I will say to the gentleman from Iowa.

Mr. GROSS. I say is there any commission that is now studying the plight of the American taxpayers trying to find some way to ease their burdens rather than spend their money on phoney business such as determining how foreigners can be subsidized to come to this country?

Yes; I wish some day soon someone would suggest in one of these bills a commission to study what is happening to the taxpayers of the United States.

Mr. STAGGERS. The gentleman has brought up a good point, and if the gentleman will introduce a resolution to that effect, I will vote for it.

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

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

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding under his reservation of objection.

On July 16 this question was raised and, as the Members will recall, it was voted down on the basis of 207 to 174. At that time it did not have the objection of having been "slipped in" on the program, before the House for action without prior notice, which the gentleman from Iowa points out so well. We could at least have had the conference report in our hands, which is not now available at the various desks, had we known this was going to be called back up with a motion to recede and accept a House amendment in lieu of the original conference with the other body.

But in addition to that objection, which is through a well-known parliamentary device, to use the gentlest words I can, for getting previously defeated legislation through the House; there was still the objection at that time of why the position vacancies and the personnel allocations had not been explained in the bill, in the conference report, or justified in either of the bodies of the conference.

I would just like the gentleman han-

dling the bill to tell us if there has been any further establishment of equity or justification for all of this personnel, and the number of position vacancies multiplied out by the rate of pay that they are going to receive?

For example, if the gentleman will refer to page 24569 of the CONGRESSIONAL RECORD for July 16, 1970, I pointed out it ought to be the $250,000 when it passed the House, or it should figure out to $2.5 million, whichever is the number of people to be employed times their salaries, office expense, per diem, etcetera. I would like to know before we slip this through the House again, whether or not this has been equated, and whether or not in the opinion of the gentleman handling the bill that it is now justifiable.

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

Mr. GROSS. I yield to the gentleman.

Mr. STAGGERS. I would like to answer the gentleman in this way—that there is no attempt to slip any bill through this House. This is the original conference report, with one change on the subject of the funds authorized for the study.

When it was brought here before, the objection was on the amount of money.

The administration requested me to bring the bill back, and I am bringing the bill back with an amendment.

It is the same conference report that we had before and the same conference report which was opposed. It is as good now as when we originally had it up. We are proposing an amendment.

Mr. GROSS. This is not the original conference report.

Mr. STAGGERS. Just the dollar figure has been changed. It has been reduced $\$1/2$ million. There is that one change. I am sorry, I will say to the gentleman from Iowa.

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

Mr. GROSS. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, let me say to the gentleman from Missouri and the gentlemar. from Iowa and to the House as a whole, that this conference report was defeated in July, I would say exclusively because of the dollar compromise that came back.

Yet, the bill passed the House and passed the other body.

I, for one, thought the compromise was too generous, and may I say, not because of my vote but because of the will of the House—it was defeated.

I am very frank in saying that the Secretary of Commerce through the members of his department and others have contacted me about the need to get this legislation up. They think it is improved substantively. They think it is a good investment of U.S. dollars to get a good return.

After discussing it with the Department of Commerce, I contacted the gentleman from Illinois and the gentleman from West Virginia, and over a period of a month. or so, I guess, we have been trying to find a compromise that would be acceptable.

I say in all sincerity there was no intent whatsoever to sneak anything through. It was just agreed to in the last couple of days that this amount would be acceptable to the other body and would be acceptable at least to some of us here.

On the basis of that, the gentleman from West Virginia, at the request of the gentleman from Illinois and myself, agreed to take the action today. I do not think he should be condemned but he should be praised for trying to cooperate, and I do praise him for that effort.

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

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

Mr. HALL. I want to say that my question still has not been answered, nor was the question answered that day in the House when by its resounding action it did speak its will.

Whatever devices have been agreed upon between the leadership, so far as any understanding is concerned, they could, on a previously defeated conference report, have at least said that either the conference report was going to be called back up so we could dig into our legislative files and have it with us on the floor today—or they could have said that they were going to call up a different action from the other body and disagree with that action and substitute an amendment of the House instead. Then we could have been prepared. There are some of us who still like to do our homework.

I am still opposed to this proposition and I hope the House will vote it down.

Mr. GROSS. Cut it thick or cut it thin—this is a $500,000 increase over the figure originally voted by the House and only $500,000 below what the House voted against by a substantial majority vote on July 16.

This is increased from $250,000 to $750,000—and, I say to you—it is wholly unnecessary, and a waste of the taxpayers' money.

Mr. Speaker, I withdraw my reservation of objection.

Mr. STAGGERS. Mr. Speaker, H.R. 14685 would amend the International Travel Act of 1961 and would create a National Tourism Resources Review Commission. The amendments to the International Travel Act are designed first, to grant additional authority to the Secretary of Commerce for this important program and second, to increase the appropriation authorization for the program. The U.S. Travel Service, established by the International Travel Act of 1961, is charged with developing, planning, and carrying out a comprehensive program to stimulate and encourage travel to the United States by residents of foreign countries. Visits to the United States by international travelers not only produce friendly understanding and goodwill among people of foreign countries and of the United States but also help to reduce the travel deficit in our international balance of payments.

The creation of a National Tourism Resources Review Commission will be significant in reviewing our existing programs to promote travel to and within the United States. The Commission will be charged with the responsibility of making recommendations for changes in the existing programs and for coordinating our Government's travel promotion efforts.

Mr. Speaker, this bill was approved by a record vote of the House of Representatives on May 14, 1970. The other body made certain amendments to the bill and a conference was held to consider the differences. The conference report—Report No. 91-1299—was approved by the other body but was rejected by the House on July 16, 1970. It apparently was the view of the House that the appropriation authorization for the National Tourism Resources Review Commission which was agreed to in the conference was too high.

The amendment which I offer today would incorporate the determinations already made in the course of the consideration of this bill except that it would reduce the appropriation authorization for the National Tourism Resources Review Commission to $750,000 for the 2-year period of the study.

Mr. Speaker, the promotion of tourism to our country is of importance for many reasons. In the past decade tourism has developed into one of the most dynamic forces in the world economy. International tourism receipts not only account for the largest single item in world trade but they are growing at a rate faster than the value of total world exports. As the current director of the U.S. Travel Service, C. Langhorn Washburn, testified in our hearings, the funds spent on these travel programs are really an investment. An investment in promoting goodwill and improving our balance of payments. I urge favorable action on my motion.

The SPEAKER pro tempore. Is there objection to the request that further reading of the motion be dispensed with?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Illinois whatever time he might require.

Mr. SPRINGER. Mr. Speaker, I do not want the House to pass over this bill with no more review than has been given to it here. I do not know whether my colleagues remember the debate we had on this bill when it was before the House. Unfortunately, at that time I could not be present and it was handled by the chairman of the subcommittee. I wish I had been present so that I could have explained what the history of the bill was.

Mr. MOSS. Mr. Speaker, will the gentleman yield so that I might correct an error?

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

Mr. MOSS. It was not the chairman of the subcommittee who handled it. I happened to be chairman of the committee, and I also was absent on that occasion.

Mr. SPRINGER. I thank the gentleman. I mean the ranking Republican member of the subcommittee from which this bill came who handled it on my side of the aisle.

Let me review the bill a little, if I may. This bill was enacted in 1958. The author

of that bill was Peter Mack, who is no longer in this body, but who was chairman of the subcommittee of which the distinguished gentleman from California (Mr. Moss) is now the chairman. He spent about a year and a half with the State Department traveling over a good part of the globe to find out whether or not this legislation had value. What he found in substance was that every other country that did any traveling in the world had an agency like this agency to develop trade in its own country, except just one country, and that was us. And who does the most traveling of any country in the world? The United States of America.

Two years ago right now, in September, I went over to Stockholm when they closed the office in Stockholm and combined it with the office in London. Gentlemen, the last year that the Stockholm office was in existence, 60,000 people from Scandinavia visited the United States. That was the greatest exodus of visitors to this country ever in history.

What did they do? They closed up the one that was most successful. I am not going to find fault with the State Department. That is all water over the dam. What I am saying is the truth. I went out in the country and saw SAS in conjunction with the consulate and the Embassy in Stockholm. I went out of the country to villages where there were not over a thousand people—think of this—and those people paid a dollar, which is a lot of money in Stockholm, to see SAS's travel movies. I am speaking of villages in the country with not over a thousand people in the village, and there they were having as high as 400 or 500 people, half of the people in those villages where those pictures were being shown, paying a dollar to see them and to learn about the United States.

Is it any surprise that in that 1-year period 60,000 people visited this country? I will admit that Norway, Sweden, and Denmark have in their countries a lot of people who are related to those who live in Minnesota, Wisconsin, and the Northwest. There is a rather close relationship. At the same time I can remember being over there when I believe the Governor of a State—I think it was the State of Washington—who was over there visiting some of his relatives. There is a close affinity between the people in some of those countries and the people in the United States.

But to go back to 1958, this is in essence what the Subcommittee on Commerce and Finance found to be true. I will admit, without casting any fault, that there has been some doubt among certain members of the Subcommittee on Appropriations. I have talked with them, and they are absolutely sincere—and I do not equivocate at all on their sincerity—Members who have not felt that the program has produced what it ought to. But, gentlemen, if you will go back and see the appropriations that have been given to this project, you will observe that they have been almost infinitesimal. I am talking about the needs and what we would like to set up. We had, at the most, I believe, seven offices. The farthest away was Sydney, Australia. We had, I believe, three or four in Europe. But we had seven all over the world.

I do not believe we can promote tourism unless we put a little money into the program. Take the French as an example. I talked to them about this. The money which the state, which France puts into this program is almost 200 times what we put into the program. It was over 200 times what the United States put into it.

What I said to the Members when I was before this body the last time, when we renewed this program before, is either we ought to give it some money or put it out of existence. I take it we are ready to go ahead with the program. The last authorization we gave was adequate. The appropriation was not anywhere near that amount of money.

Where are we today? There is not any argument as far as I know over the amount of money that is authorized for the agency. There may be some, but generally I do not think that is the argument in this bill. The main argument, as I understand the distinguished gentleman from Iowa and the distinguished gentleman from Missouri, is over this commission which is created.

One thing that has been terrifically lacking, as I have watched this through the years, is that there simply has not been what I would call a standing for this. We might call it status. It simply has had no standing in the Department of Commerce. What little money has been given to it has been used by somebody, and it has been used wisely, but there has been nobody to take it over. Now it is proposed to create an Assistant Secretary of State to see if we can put some oomph into the thing. That is the purpose of this provision.

The Senate said we ought to have $2.5 million, for a study commission and we said we ought to have $250,000. This is an honest difference. They simply believe we ought to have $2.5 million. We thought we could do it for $250,000. The figure of $750,000 is purely a compromise between two divergent thoughts about how much this commission needs.

I believe the commission can do a good job. There has never been any kind of survey made of this at the level contemplated by this amount of money, and I think they can do a job and come up with some recommendations that will be helpful—helpful not only to the State Department, but helpful also to the Department of Commerce in implementing this program.

The program has had so much more effect in the last 2 or 3 years than it did 8 or 10 years ago when I was somewhat discouraged with the program. After talking with the people in Commerce, I sort of understood why.

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

Mr. SPRINGER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the gentleman cited the French. They have been making suckers out of American tourists for a long, long time. I do not anticipate, and neither does the gentleman, that the French are going to come this way and spend the kind of money that Americans do in France—and be taken the way some Americans are. This began in World War I. The French found out then what a fine crop they had coming that way.

As far as Sweden is concerned, I believe the gentleman mentioned that Sweden has many attractions for foreigners. I cannot help wondering whether any of the movies being shown there for the benefit of the tourists are pornographic or salacious. The Swedes seem to have attractions in their country that we do not yet have here. We may have them soon, however. They also have "tourists" for whom they provide sanctuary against prosecution in the United States. So I do not think we can quite compare Sweden with the United States or anticipate that the Swedes will be coming here to spend money as our tourists are spending in those countries. I think the gentleman is comparing apples with grapes or something of that kind.

Mr. SPRINGER. In reply to the distinguished gentleman, may I say what we are doing has nothing to do with movies or pornography. This has to do with just tourists. What I did say was this. We did get the greatest influx of visitors to this country by virtue of what we were doing in the office in Stockholm in conjunction with the SAS Airline to bring visitors to this country.

May I say in reply to my distinguished colleague from Iowa also that the number of visitors from France in the past few years has been on a steady increase. I admit it is nothing like the number of visitors from the United States to France. We can well understand that we have more of an affluent society, so we will have more traffic.

I pointed that out as one example where we were successful and cut back the program instead of encouraging it.

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

Mr. SPRINGER. I yield to my distinguished colleague from Illinois.

Mr. ANNUNZIO. I thank my distinguished colleague from Illinois for yielding. I want to commend him for his fine statement and to say I have supported this legislation.

I am wondering if there are any statistics available on the tourism problem in one other aspect. There are hundreds and thousands of people who have made application to visit the United States for vacations, and our State Department has been holding up on these applications. Here we are on the one hand voting to appropriate sums of money in order to promote tourism while on the other hand the State Department is taking that action. We can check the records of these consulate offices. I have records in my office, and if I had known this was coming up I would have brought them with me. From my own district the records show about 200 families are waiting merely to come to the United States on vacation, and the State Department refuses to grant visas.

Mr. SPRINGER. If the gentleman will furnish me with those names, I believe I am on good terms with all who are connected with this in the passport division, and I will take up each one individually.

Mr. ANNUNZIO. I thank the gentleman from Illinois.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the amendment offered by the gentleman from West Virginia (Mr. STAGGERS). I rise to support the amendment rather reluctantly, because actually I feel we should be agreeing to the conference figure of $1,250,000, which amount will prove to be an investment rather than an expenditure.

The main thrust of H.R. 14685 clearly is to make tourism a major industry in the entire United States. The most attractive feature of this objective is that tourism can be built up as a major industry with the least expenditure for the greatest return.

We learned this very dramatically several years ago in Hawaii. In 1958, less than 12 years ago, only 171,588 tourists visited Hawaii. This represented an increase of only 2 percent over the previous year. The total dollar expenditure in the islands amounted to an estimated $82 million. In that same year of 1958 the then territorial legislature appropriated the sum of $500,000 for use by the Hawaii Tourist Bureau in promoting tourism to Hawaii.

As a consequence, in the short period of 1 year the number of tourists to Hawaii jumped to 243,216, an increase of 42 percent.

These 243,000 tourists brought in $109 million to Hawaii's coffers. This meant an increase of $26.5 million by an expenditure of only half a million dollars, a wise and profitable investment, to be sure.

By 1968, the State legislature had increased its appropriations for the promotion of tourism to $1,478,500. As a consequence the number of visitors to the Aloha State had climbed to a phenomenal figure of 1,364,288 persons who spent $400 million. The visitor increase in 1969 over 1968 was 13 percent.

If this type of tourist development could be conducted on a national scale, as this bill proposes to do, whereby visitors to this country from foreign lands could be increased in proportion to the increase enjoyed over the past decade by the State of Hawaii, we would not need to worry about our deficit in our balance of payments.

Mr. GROSS. Will the gentleman yield?

Mr. MATSUNAGA. In a minute.

A notable fact—and the gentleman from Iowa will be interested in this—is that about 200,000 of Hawaii's 1968 visitors came from Oceania and Asia. From Japan alone in the period of 2 years after we had sent an agent to Tokyo and set up a branch of the Hawaii Visitors Bureau in Tokyo we increased visitors from Japan from 35,000 annually to nearly 100,000, and we expect by further promotions in Japan to increase that figure to 200,000 within the next few years.

If we could carry this over at the national level, this $750,000 will be a mere pittance, but nevertheless an investment which will save the taxpayers millions, if not billions, of dollars.

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

Mr. STAGGERS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. GROSS. Will the gentleman yield?

Mr. MATSUNAGA. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Hawaii is a clearinghouse for all of the junketing Members of Congress as well as Government officials who are headed across the Pacific, is it not? They all stop there. Do they dispense counterpart funds in Hawaii?

Mr. MATSUNAGA. No. I will have the gentleman know, although the gentleman may not have voted for the bill, that Hawaii was admitted as a State of the Union in 1959. We have no counterpart funds, no.

Mr. ROONEY of New York. Mr. Speaker, will my distinguished friend yield?

Mr. MATSUNAGA. I am delighted to yield to the gentleman.

Mr. ROONEY of New York. I have been under the impression that the increase in tourism in Honolulu, throughout the Hawaiian Islands, was due to the great work of the splendid Governor of the State of Hawaii, Jack Burns. Now, am I incorrect on that?

Mr. MATSUNAGA. I agree with the gentleman from New York. Jack Burns, a former colleague——

Mr. ROONEY of New York. You are saying that I am correct, then?

Mr. MATSUNAGA. The gentleman from New York is correct. The Governor of Hawaii, the Honorable John A. Burns, has done a great job, and it was during his administration that we carried on the greater part of the promotional work through the Hawaii Tourist Bureau, to which I referred earlier. It was largely on account of his far-sighted leadership that we have increased tourism as tremendously as we have in the past few years.

Mr. Speaker, I urge the adoption of the amendment and the adoption of the conference report, because we will be making today one of the wisest investments. Take it from the experience of the State of Hawaii.

Thank you very much.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

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

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

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

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

The question was taken; and there were—yeas 255, nays 93, not voting 82, as follows:

[Roll No. 329]

YEAS—255

Abbitt	Frelinghuysen	Patten
Adams	Friedel	Pelly
Addabbo	Fulton, Pa.	Pepper
Albert	Fuqua	Perkins
Alexander	Galifianakis	Philbin
Anderson, Calif.	Gallagher	Pickle
	Garmatz	Pike
Anderson, Ill.	Gialmo	Poage
Anderson, Tenn.	Gibbons	Podell
	Gilbert	Poff
Andrews, N. Dak.	Gonzalez	Preyer, N.C.
	Gray	Price, Ill.
Annunzio	Green, Oreg.	Price, Tex.
Arends	Green, Pa.	Pryor, Ark.
Ashley	Griffiths	Pucinski
Belcher	Hagan	Purcell
Bell, Calif.	Halpern	Quie
Bennett	Hamilton	Quillen
Bingham	Hanley	Rees
Blanton	Hansen, Idaho	Reid, N.Y.
Boggs	Hansen, Wash.	Reifel
Boland	Harrington	Reuss
Bolling	Harvey	Rhodes
Bow	Hastings	Rivers
Brademas	Hathaway	Rodino
Brasco	Hawkins	Roe
Bray	Helstoski	Rogers, Colo.
Brinkley	Henderson	Rogers, Fla.
Broomfield	Hicks	Rooney, N.Y.
Brown, Calif.	Hogan	Rooney, Pa.
Brown, Ohio	Holifield	Rosenthal
Broyhill, Va.	Horton	Roth
Burke, Mass.	Hosmer	Roybal
Burton, Calif.	Howard	Ruppe
Byrnes, Wis.	Hungate	Ryan
Caffery	Ichord	St Germain
Carey	Jarman	Scheuer
Carter	Johnson, Calif.	Schneebeli
Casey	Jones, Ala.	Schwengel
Cederberg	Karth	Scott
Celler	Kastenmeier	Shipley
Chamberlain	Kazen	Shriver
Chappell	Kee	Sikes
Chisholm	Keith	Sisk
Clark	Kluczynski	Slack
Clausen, Don H.	Koch	Smith, Iowa
	Kuykendall	Smith, N.Y.
Cohelan	Kyros	Springer
Conable	Leggett	Stafford
Conte	Long, Md.	Staggers
Conyers	McCloskey	Stanton
Corman	McClure	Stephens
Culver	McCulloch	Stokes
Cunningham	McEwen	Stubblefield
Daniel, Va.	McFall	Stuckey
Daniels, N.J.	MacGregor	Sullivan
Davis, Ga.	Madden	Symington
Delaney	Mahon	Taft
Dingell	Mailliard	Talcott
Donohue	Mann	Taylor
Dorn	Marsh	Teague, Calif.
Downing	Matsunaga	Thompson, Ga.
Dulski	Meeds	Tiernan
Duncan	Michel	Udall
Dwyer	Mikva	Ullman
Eckhardt	Miller, Calif.	Van Deerlin
Edmondson	Mills	Vanik
Edwards, Ala.	Minish	Vigorito
Edwards, Calif.	Mink	Waggonner
Eilberg	Minshall	Waldie
Erlenborn	Mizell	Watts
Esch	Mollohan	Whalen
Eshleman	Monagan	White
Evans, Colo.	Moorhead	Whitehurst
Evins, Tenn.	Morgan	Widnall
Fallon	Morton	Wiggins
Farbstein	Mosher	Williams
Fascell	Moss	Wilson, Bob
Findley	Murphy, Ill.	Wilson, Charles H.
Fish	Nelsen	
Flynt	Nix	Wolff
Foley	Obey	Wright
Ford, Gerald R.	O'Hara	Wyatt
Ford, William D.	Olsen	Wyman
	O'Neill, Mass.	Yatron
Fountain	Passman	Zablocki
Fraser	Patman	Zwach

NAYS—93

Abernethy	Camp	Dennis
Ashbrook	Clancy	Devine
Baring	Clawson, Del	Dickinson
Beall, Md.	Cleveland	Flood
Bevill	Collier	Flowers
Biester	Collins	Frey
Brotzman	Colmer	Gaydos
Brown, Mich.	Coughlin	Goodling
Broyhill, N.C.	Cramer	Griffin
Buchanan	Crane	Gross
Burke, Fla.	Davis, Wis.	Grover
Burleson, Tex.	Dellenback	Gude

Hall	Mass.	Scherle
Hammer-	Martin	Schmitz
schmidt	Mathias	Sebelius
Harsha	May	Skubitz
Hechler, W. Va.	Mayne	Smith, Calif.
Hull	Miller, Ohio	Steed
Hunt	Mize	Steiger, Ariz.
Hutchinson	Montgomery	Steiger, Wis.
Jacobs	Myers	Thomson, Wis.
Johnson, Pa.	Natcher	Vander Jagt
King	Pettis	Wampler
Kleppe	Railsback	Watson
Kyl	Randall	Whalley
Landgrebe	Rarick	Whitten
Langen	Reid, Ill.	Winn
Latta	Riegle	Wydler
Lennon	Roberts	Wylie
Lloyd	Robison	Yates
McDade	Rousselot	Zion
Macdonald,	Schadeberg	

NOT VOTING—82

Adair	Dowdy	Melcher
Andrews, Ala.	Edwards, La.	Meskill
Aspinall	Feighan	Morse
Ayres	Fisher	Murphy, N.Y.
Barrett	Foreman	Nedzi
Berry	Fulton, Tenn.	Nichols
Betts	Gettys	O'Konski
Biaggi	Goldwater	O'Neal, Ga.
Blackburn	Gubser	Ottinger
Blatnik	Haley	Pirnie
Brock	Hanna	Pollock
Brooks	Hays	Powell
Burlison, Mo.	Hébert	Rostenkowski
Burton, Utah	Heckler, Mass.	Roudebush
Bush	Jonas	Ruth
Button	Jones, N.C.	Sandman
Byrne, Pa.	Jones, Tenn.	Satterfield
Cabell	Landrum	Saylor
Clay	Long, La.	Snyder
Corbett	Lowenstein	Stratton
Cowger	Lujan	Teague, Tex.
Daddario	Lukens	Thompson, N.J.
Dawson	McCarthy	Tunney
de la Garza	McClory	Weicker
Denney	McDonald,	Wold
Dent	Mich.	Young
Derwinski	McKneally	
Diggs	McMillan	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Andrews of Alabama against.

Mr. Edwards of Louisiana for, with Mr. Nichols against.

Mr. Brooks for, with Mr. O'Neal of Georgia against.

Mr. Hays for, with Mr. Dowdy against.

Mr. Thompson of New Jersey for, with Mr. Fisher against.

Mr. Dent for, with Mr. McMillan against.

Mr. Corbett for, with Mr. Haley against.

Mr. Morse for, with Mr. Betts against.

Mr. Button for, with Mr. Cowger against.

Mr. Barrett for, with Mr. Foreman against.

Mr. Byrne of Pennsylvania for, with Mr. Goldwater against.

Mr. McDonald of Michigan for, with Mr. Lujan against.

Mr. Sandman for, with Mr. Snyder against.

Mr. Murphy of New York for, with Mr. Landrum against.

Mr. Nedzi for, with Mr. Jones of Tennessee against.

Mr. Gubser for, with Mr. Ruth against.

Until further notice:

Mr. Fulton of Tennessee with Mr. Adair.

Mr. Hanna with Mr. Ayres.

Mr. Daddario with Mrs. Heckler of Massachusetts.

Mr. Cabell with Mr. Derwinski.

Mr. Long of Louisiana with Mr. Brock.

Mr. Young with Mr. Bush.

Mr. Aspinall with Mr. Weicker.

Mr. Biaggi with Mr. McKneally.

Mr. Rostenkowski with Mr. Meskill.

Mr. Gettys with Mr. O'Konski.

Mr. Feighan with Mr. Powell.

Mr. Lowenstein with Mr. Diggs.

Mr. Jones of North Carolina with Mr. Saylor.

Mr. Melcher with Mr. McClory.

Mr. Teague of Texas with Mr. Pirnie.

Mr. Tunney with Mr. Clay.

Mr. Blatnik with Mr. Blackburn.

Mr. de la Garza with Mr. Jonas.

Mr. Ottinger with Mr. Burton of Utah.

Mr. Stratton with Mr. Berry.

Mr. Satterfield with Mr. Roudebush.

Mr. McCarthy with Mr. Wold.

Mr. Lukens with Mr. Denney.

Mr. Dawson with Mr. Pollock.

Messrs. ANDERSON of Tennessee and ROONEY of New York changed their votes from "nay" to "yea."

Messrs. BROTZMAN and WINN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

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

There was no objection.

CONFERENCE REPORT ON H.R. 15424, MERCHANT MARINE PROGRAM

Mr. GARMATZ. Mr. Speaker, I call up the conference report on the bill (H.R. 15424) to amend the Merchant Marine Act of 1936, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 5, 1970.)

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

Mr. Speaker, as the chairman of the managers on the part of the House on the conference with the Senate on H.R. 15424, I am pleased to report that we were able to resolve our differences with the Senate in conference on this long-range merchant shipbuilding program.

There were a number of technical, clarifying, or conforming changes made by the Senate to which the House either receded or receded with amendment. Conversely, the Senate receded in order to conform to other action agreed upon by the committee of conference.

There were seven major differences between the House- and Senate-passed bills:

1. SHIPBUILDING COMMISSION

The Senate receded from its amendment of the bill which would have eliminated the creation of a Commission on American Shipbuilding. The net result is that there will be such a Commission. The members will be appointed by the President. The purpose of the Commission is to help insure that the shipbuilding industry meets the reduced construction subsidy goals of the long-range shipbuilding program.

2. BUY AMERICAN

A compromise was reached on the "Buy American" provision concerning ship construction. The standard will be "Buy American," but the Secretary of Commerce will be authorized to waive certain buy American requirements if he believes that the delivery of the ship will be delayed if the shipbuilder is required to use all articles, materials, and supplies from domestic sources. This waiver authority would not apply to the construction of major components of the hull and superstructure and any material used in the construction thereof. These must be of domestic origin.

3. GRANDFATHER CLAUSE

The House accepted the Senate amendment of the grandfather clause to eliminate liner vessels from coverage under the operating-differential subsidy program. We agreed to accept this amendment because the Secretary of Commerce will continue to have waiver authority, under existing law, to permit a U.S. ship operator to use a foreign-flag liner vessel under special circumstances and because the Senate had a later opportunity to get the views of interested parties on this important provision.

4. CARGO PREFERENCE

The House accepted a Senate amendment which would empower the Secretary of Commerce to issue regulations for the administration of our cargo preference laws. Although there was no corresponding provision in the House bill, the House concluded that it was desirable to localize responsibility in the Maritime Administration to issue standards to administer cargo preference laws in order to best assure that the objective of these laws will be realized.

5. DEFINITION OF "FOREIGN COMMERCE"

The House accepted a Senate amendment which would broaden the term "foreign commerce" to permit bulk carriers to engage in foreign-to-foreign movements to the extent permitted by regulations issued by the Secretary of Commerce. It was considered that greater latitude was required for the movement of our dry and liquid bulk cargo carriers than would be permitted under the present definition of "foreign commerce," which is designed for point-to-point services in order to permit our bulk carriers to compete in the world trade.

6. "DELTA QUEEN"

The Senate receded from its amendment of the maritime bill to exempt the passenger riverboat *Delta Queen* from the requirement to comply with certain fire prevention construction standards. The House conferees knew of the considerable public sentiment favoring continued operation of this historic riverboat. However, we were more persuaded by the objective and expert advice of the Coast Guard, which is charged with responsibility for maritime safety, which advised that the *Delta Queen* should not be operated further in overnight service

in the interest of maritime safety because it is constructed largely of wood, and does not meet applicable safety standards for the protection of passengers—many of whom on this boat typically were aged or infirm. The Senate and House conferees agreed, however, to cooperate to support new legislation to replace the *Delta Queen* by building the boat in a shipyard of the United States with the aid of construction subsidy.

7. ST. LAWRENCE SEAWAY

The House accepted the Senate amendment to forgive certain interest obligations on the St. Lawrence Seaway Development Corporation. The action of the Senate followed an executive communication from the Secretary of Transportation to both the Senate and House recommending the cancellation of this interest obligation. This recommendation was based largely on the expectation that the alternative to canceling these interest obligations would be an increase in tolls on the seaway. This was judged to be an unacceptable alternative if the use of the St. Lawrence Seaway and the operation of ships on the Great Lakes is to continue to be a part of our national transportation system.

All outstanding differences with the Senate having been resolved, on behalf of the managers on the part of the House, I recommend most strongly that this conference report be accepted by the House.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. GARMATZ. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I rise to express my extreme disappointment in the action of the conferees in refusing to exempt the *Delta Queen* from the provisions of the safety at sea law which was put into the bill by the Senate. I think this disappointment is true of over half of the Members of the Congress, both in the House and in the Senate.

The last river boat carrying overnight passengers must now go out of business on November 2. I have been told that the chairman has an agreement with the officers of the Greene Steamship Line in Cincinnati that he would see that legislation was passed to provide a subsidy for the construction of a new river passenger vessel which would comply with the law. Frankly I am amazed at such a promise. My understanding of our subsidy programs is that subsidies are paid to shipyards and to ship operators in order to have an adequate merchant marine fleet and for national defense. The owners of the *Delta Queen* have never asked Congress for financial aid. They simply ask not to be put in the same class as ships at sea.

Can the chairman of the Committee on Merchant Marine and Fisheries convince the Congress to vote for a subsidy for a privately owned and operated river boat? If so, I wish him success, and I will work with him on any bill to save this form of recreational transportation on our inland rivers. I am told that a member of the staff of the committee threatened the operators of the *Delta Queen* that if any attempt was made to oppose the conference report, there would be no bill of any kind to assist the *Delta Queen*.

I shall make no attempt to oppose the conference report, Mr. Speaker, on the basis of the promise of the chairman that he can do something to assure the operation of this type of vessel on the rivers. However, the arguments given by the Coast Guard and the Secretary of Transportation on the safety of this river boat were not only unfair but were very weak.

The passing of one of our old traditions, the last remaining boat carrying satisfied passengers on the lazy, pleasant, restful voyage is over, and I think it is a sad day for all of the thousands of passengers who have experienced the pleasure of a trip on the *Delta Queen* and who implored Congress to save the vessel from withdrawal from cruise service because of a law intended to protect passengers on ships hundreds of miles, instead of hundreds of feet, from shore.

Mr. GARMATZ. Mr. Speaker, I might say to the gentlewoman from Missouri, and the ranking member on our committee, that in the report it says:

All conferees indicated, therefore, they would do what they could, through early and expedited hearings, to facilitate the replacement of the overnight service currently provided by the *Delta Queen*. In whatever aid might be provided in new legislation to assist in the building of a replacement riverboat, the conferees preferred that the boat be built in a shipyard of the United States with the aid of construction subsidy.

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

Mr. GARMATZ. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman refresh my memory? Was there any money in the original authorization bill as approved by the House for ship construction?

Mr. GARMATZ. In the authorization?

Mr. GROSS. Yes.

Mr. GARMATZ. In the original authorization, but not in this bill.

Mr. GROSS. Not in this bill that is the subject covered by the conference report today—there is no money?

Mr. GARMATZ. No, sir.

Mr. GROSS. There was no money authorized originally through this bill?

Mr. GARMATZ. That is correct.

Mr. GROSS. That is the subject of the conference report?

Mr. GARMATZ. That is correct.

Mr. GROSS. None at all?

Mr. GARMATZ. No, sir.

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

Mr. GARMATZ. I yield to the distinguished gentleman from Maryland (Mr. FALLON), chairman of the Committee on Public Works.

Mr. FALLON. Mr. Speaker, I rise in protest to the conference report on H.R. 15424, an act to amend the Merchant Marine Act of 1936, insofar as it related to terminating the accrual and payment of interest on the obligations of the St. Lawrence Seaway Development Corporation.

This proposal would excuse the St. Lawrence Seaway Development Corporation from paying interest on the seaway debt, including unpaid interest which has accrued to date, approximately $22 million, and interest that would otherwise accrue on revenue bonds issued to the Secretary of the Treasury under section 5 of the 1954 act which authorized the St. Lawrence project and established the Corporation. In addition, the formula for the division of revenues between the Seaway Corporation and the St. Lawrence Seaway Authority of Canada is amended.

I opposed the creation of the St. Lawrence Development Corporation and the authorization of the seaway construction in 1954 when this legislation was proposed to the House of Representatives. In House Report No. 1215, the report of the Committee on Public Works on S. 2150, the 83d Congress, I set out my statement of opposition in the minority views. At that time I pointed out that no adequate proof that the waterway would have any likelihood of being self-liquidating had ever been presented. I stated then that this conclusion was greatly strengthened by the vigorous opposition to the proposal made in committee to finance the project on a genuine revenue bond basis.

Although a recital of history is generally dull and, oftentimes, of little significance, I believe our statement in 1954 has meaning today and I wish to quote from that minority report of 1954:

Throughout all the years that this project has been before Congress the proponents have maintained that it would be economically sound, and for the last 7 or 8 years, when it has been predicated on a self-liquidating basis, that it would in fact be self-liquidating. In 1941, the proponents relied upon an elaborate and exhaustive traffic study published by the Department of Commerce. That survey studies the traffic possibilities of 17 commodities and found in prospect for the waterway 4¾ million tons of traffic. Relying upon commodities included in traffic studies of other persons, another 2¼ million tons of traffic was added to the Department's estimate, giving a total of 7 million tons which the Department said might within a reasonable period be as much as 10 million tons. At that time the capacity of the waterway for new traffic over and above the 9 to 10 million tons of existing traffic on the 14-foot canals was said to be 16 million tons and an overall capacity was given as 25 million tons.

When it became apparent that no such volume of traffic would demonstrate any reasonable likelihood that the project could be made self-liquidating, all reliance on this traffic survey was abandoned, and since that time proponents have relied upon the estimates of experts without the benefit of detailed studies. By this method they have raised their traffic estimate to a volume of from 57 to 84 million tons, which they said would yield prospective revenues of from 36 to 49 million dollars.

It is to be noted that this traffic estimate was still relied upon in report No. 441, on S. 2150, of the Committee on Foregn Relations of the Senate.

Representative of the type of testimony relied upon in support of the items of traffic included in that estimate is that with respect to the item of petroleum, which was included at from 6 to 20 million tons. Included in the testimony of the then Secretary of Commerce in support of his traffic

estimate was the following testimony with respect to the item of petroleum:

"Another item of traffic which the Department expects will move via the seaway is petroleum, although in the case of this traffic it is impossible to predict with any assurance the timing, the direction, or the volume of movement

* * * * *

"In the absence of detailed knowledge of oil reserves and production costs in Alberta, Venezuela, and the Middle East, no accurate predictions of petroleum traffic over the seaway can be made."

We think it may be fairly stated that no testimony was presented to the committees of Congress that could be relied upon as demonstrating that the project is financially sound and could be made self-liquidating.

It has been the conclusion of proponents, however, that the anticipated revenues from the project would be at least two and a half times as great as the annual charges necessary to pay the maintenance and operation costs of the waterway plus interest on the investment and amortization of the capital expenditures. Relying upon these figures, proponents have maintained that the project could not cost the taxpayers of the United States a single penny.

However, attention should be called to the fact that when it was proposed that the project be put on a genuine revenue bond basis so that the Government would not be required to put up the necessary money or its credit employed to guarantee the bonds, the proponents objected strenuously to such a proposal.

There is plenty of private capital available in the United States for investment in sound projects. However, proponents were unwilling to subject this project to the searching scrutiny and test of soundness applied by prospective investors.

We think this action on the part of proponents furnished ample substantiation for our conclusion that the project has not been demonstrated to be economically sound or susceptible to self-liquidation.

On September 14 of this year, Secretary of Transportation John Volpe wrote to the Speaker of the House transmitting a proposed bill to accomplish what this amendment does. The Secretary stated in his letter that the assumptions upon which the seaway debt payment plan was established have not proven out over the long term and that revenues have not been adequate to meet the interest on the corporation's debt and the overall debt—including unpaid interest—has been growing each year until it has now reached nearly $156 million. Thereupon, Secretary Volpe states that the point has been reached where a substantial revision is necessary to the debt repayment plans for the seaway.

One thing of particular interest to me in Secretary Volpe's letter was his comment that traffic forecasts indicate that cargo volume eventually will increase from the 41 million tons handled in 1967 to an annual level of 75 million tons. There is as much accuracy to that estimate as there was in 1954 to the statements that traffic forecasts indicated that the waterway would be economically sound and self-liquidating.

I also find it interesting that the Secretary referred to the 41 million tons handled in 1967—particularly since it is my understanding that 39 million tons were handled in 1966—this hardly looks like progress.

Mr. Speaker, I ask that Secretary of Transportation Volpe's letter be printed in the RECORD at this point.

I would point out again that the proponents of the St. Lawrence Seaway had for many years prior to the authorization of the Corporation in 1954 assured the Congress and the Nation that the waterway would be economically sound and self-liquidating. The Congress was assured that the 1954 act provided the basis for negotiating an agreement with Canada as to the rates of tolls to be levied on traffic using the seaway so as to obtain a return of an amount sufficient to defray the costs of operation, maintenance, and interest charges, as well as to provide for amortization of the investment over a period of not more than 50 years.

I am unaware of any reason to excuse the Seaway Corporation from its commitments. If the anticipated revenues from tolls is insufficient, it would appear to me that the solution is obvious—increase the tolls so that the commitments made can be fulfilled. Apparently, however, the St. Lawrence Seaway Development Corporation finds it expedient not to stand by its commitments but rather to put its hands into the pockets of all our taxpayers regardless of where they live and regardless of the alternative modes of transportation presently available for moving commercial traffic.

The letter follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., September 14, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposed bill:

"To amend the Act creating the Saint Lawrence Seaway Development Corporation to terminate the accrual and payment of interest on the obligations of the Corporation, and for other purposes", together with a sectional summary.

On May 13, 1954, Congress enacted the statute creating the Saint Lawrence Seaway Development Corporation (33 U.S.C. 981). The statute authorized the Corporation to construct the portion of the Saint Lawrence Seaway located in United States territory and to operate and maintain the United States facilities. To enable the Seaway Corporation to finance its activities the statute authorized the Corporation to issue revenue bonds payable from the corporate revenue to the Secretary of the Treasury. The statute, as amended in 1957, further provided that interest payments on the bonds could be deferred with the approval of the Secretary of the Treasury, but that any interest payments so deferred would bear interest after June 30, 1960. Bonds issued by the Corporation were to have maturities agreed upon by the Corporation and the Secretary of the Treasury, not in excess of fifty years.

The statute further provided that the tolls charged by the Corporation be calculated to cover, as nearly as practicable, all costs of operating and maintaining the facilities under the control of the Corporation, including depreciation and interest on the obligations of the Corporation. In addition, it established the principle that Seaway tolls provide the Corporation sufficient revenues to amortize the principal of its debts and obligations over a period not to exceed fifty years.

The first ten years of operation of the Seaway were projected to be a development period during which revenues would not be sufficient to meet all of the annual financial requirements. The plan for the first five years was to meet all expenses of operation and maintenance, but not all of the interest expenses. However, it was projected that interest so deferred would be paid back by the end of 1967. By that time, annual revenues were forecast to be sufficient to provide for the payment of all operating expenses and all current interest on the debt, and payments on the principal of the debt were to begin.

Unfortunately, some of the assumptions upon which the Seaway debt payment plan was established have not proven out over the long term. Each year since the opening of the Seaway, the Corporation has, in fact, paid from revenues all of its normal operating and maintenance costs. In addition, it has returned over $36 million to the Treasury. However, revenues have not been adequate to meet the interest on the debt, and the overall debt (including unpaid interest) has been growing each year until it has now reached nearly $156 million.

The Department believes the point has been reached where a substantial revision is necessary to the debt repayment plan for the Seaway. We oppose any increase in the present tolls on the Seaway, as we believe an increase in tolls would tend to discourage use of the waterway and, in turn, be detrimental to the growth of the mid-western economy. Traffic forecasts indicate that cargo volume eventually will increase from the 41 million tons handled in 1967 to an annual level of 75 million tons. Despite that growth, however, major toll increases would be necessary to enable the Seaway Corporation to meet its debt repayment schedule.

The Department therefore recommends the enactment of legislation terminating the requirement for the Corporation to pay interest on the Seaway debt. This includes unpaid interest which has accrued to date (approximately $22 million) and interest that would otherwise accrue on revenue bonds issued to the Secretary of the Treasury under section 5 of the Act of May 13, 1954. The enclosed bill is designed to accomplish this aim.

Under the proposed bill, the existing requirement for repayment to the Treasury of the principal on the revenue bonds issued by the Corporation would continue in effect. Our projections indicate that providing the Corporation relief from interest payments should permit the repayment of the bonded debt within the statutory period while holding the line on tolls.

In summary, the enclosed bill is designed to place the Seaway on a sound long-term financial footing and permit the Development Corporation to effectively develop and promote the movement of cargo through the Seaway. At the same time, it would retain the requirement that the Corporation return to the Treasury the amounts it borrowed to construct the facilities operated by the Corporation.

The Office of Management and Budget has advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

JOHN VOLPE.

(Mr. FALLON asked and was given permission to revise and extend his remarks and include a letter.)

Mr. GARMATZ. Mr. Speaker, I yield to the gentleman from California (Mr. MAILLIARD), the ranking Member of the committee who has worked unceasingly and who has been most cooperative in working with all of us on this conference report.

Mr. MAILLIARD. I thank my chairman, the distinguished gentleman from Maryland.

Mr. Speaker, I might say that to me at least, this is a rather important day because to many of us it represents presumably the final action by this House

on more than 10 years of work in trying to put together a very complicated mix and trying to bring up-to-date our national maritime policy which really has not been done since 1936.

While, as is almost always the case, I suppose each of us would like to alter certain portions of the final conference report, as we are presenting it to you today—on balance, however, I think the chairman and members of our committee, the Maritime Administrator, Andrew E. Gibson, and other people in the Department of Commerce and all segments of the industry are to be complimented on finally, after all these years of squabbling and bickering back and forth, been able to come up with something that has general support and agreement.

I think it is also worth noting that several segments of the industry—and I am talking here both of management and labor in all segments of the maritime industry have given up certain privileges that they now enjoy under the 1936 act in order to modernize our concepts to turn around the rapidly deteriorating state of the American merchant marine.

Mr. Speaker, I rise to support and comment briefly on the recommendation of the conference committee on H.R. 15424.

The other body, having the greater time to consider the extensive hearings record of your Committee on Merchant Marine and Fisheries, adopted a number of perfecting amendments to which your conferees readily agreed. There remained, however, a number of substantive amendments in disagreement, which the committee of conference debated at length.

In three instances, the committee's recommendation takes the form of an amendment. Section 2 of the bill amends the authorizing provision of the 1936 act. Your Committee on Merchant Marine and Fisheries adopted language authorizing the Secretary of Commerce prior to June 30, 1980, to approve applications and enter into contracts for the construction of 300 ships. This action emphasized the President's expressed determination that we shall build a fleet of 300 highly efficient cargo vessels.

The other body revised this section to overcome concern that the House language might conflict with the requirements of the Antideficiency Act of 1906. In the process, however, the Senate adopted a 10-year open-ended authorization for construction-differential subsidy. The conference recommendation takes the form of a policy declaration, retaining the concept of a 300-ship—10-year program, but eliminating contract authority language of the House-passed bill and the 10-year authorization of the Senate-passed bill. On balance, I believe this is a sensible compromise which accomplishes the principal objective of this section—placing the Congress clearly on record in support of a long-range shipbuilding program.

Section 10 of H.R. 15424, as approved by the House, amended the requirement of the Merchant Marine Act that all material employed in the construction of a ship built with the aid of a construction subsidy must be of U.S. origin. This amendment would have permitted a shipyard to purchase equipment and machinery other than major components of the hull and superstructure and materials used in the construction thereof from foreign sources. The shipbuilder would, of course, receive no subsidy on foreign components.

During the consideration of H.R. 15424 in this Chamber, I stated my conviction that this amendment would not result in substantial purchase of foreign equipment for subsidized vessels. I was concerned that our subsidized shipbuilding program might, as literally a captive of American manufacturers, be placed at the end of the line whenever the demand for a given component requires the establishment of priorities. A delay in the delivery of ships costs money; lost profits for shipbuilder and lost freight earning for the operator.

The other body felt most strongly that the "Buy American" concept of the 1936 act should not be altered in principal. The Conference Committee did, however, recognize the serious problem which would confront a shipbuilder if construction were delayed because of the requirement to buy American. Accordingly, the Conference Committee recommends retention of the existing Buy-American law with an amendment authorizing the Secretary of Commerce to partially waive this requirement when he finds that the contract delivery date cannot be met. The waiver may extend only to the specific cause of the delay. Thus, failure of one supplier to meet its delivery schedule will not result in a general release from the buy-American statute.

No waiver may be obtained to purchase major fabricated components of the hull and superstructure or structural steel plate abroad.

The recommended action of the Conference Committee preserves Buy-American and at the same time meets the issue which prompted me to support a relaxation of this requirement.

The final Conference Committee amendment simply clarifies the definition of towing vessel in the new tax deferral section of the bill. Under both the House and Senate versions of this definition, a towing vessel and barge operated on the Great Lakes will be eligible. The action of the other body, however, might have enabled very small harbor-type towing craft on the Great Lakes to qualify. Your Committee on Merchant Marine and Fisheries intended that this tax deferral privilege would apply only to relatively large and powerful towing vessels and associated barges. For this reason, your committee adopted the qualifying phrase "ocean-going." This was not intended to exclude towing vessels on the Great Lakes but only to indicate the type of vessels contemplated.

The recommended amendment of the Conference Committee retains the House-approved concept of ocean-going towing vessels, and clearly expresses the intention of both Houses that comparable vessels operated on the Great Lakes are included with the scope of the tax deferral system.

Mr. Speaker, the balance of the recommendations of the Conference Committee involve very simply a question of this House receding from its disagreement or the other body receding from its amendment. In each case, the report and floor debate of the respective Houses more than adequately explain the language recommended by the Conference Committee. With one exception, I do not believe it is necessary to dwell on these remaining recommendations.

I do believe, however, that a few words regarding the *Delta Queen* are in order. The Conference Committee was well aware of the great public concern which has been expressed over the impending demise of this unique ship. The Conference Committee could not, however, in good conscience ignore the overwhelming evidence that this ship is indeed unsafe. It is for this reason that it is recommended that the other body recede from its position on the *Delta Queen*. As the statement of the managers on the part of the House clearly indicates, we strongly favor measures which will insure the continuation of overnight passenger service on the Mississippi River. This is an experience which should not be denied to the American people.

One of the House managers, the distinguished gentleman from Pennsylvania (Mr. CLARK), has taken the first step toward insuring that a suitable replacement for the *Delta Queen* will continue that unique service. I hope that arrangements can be made so that the *Delta Queen* will continue to operate in limited service during the construction of her replacement, and that she can be preserved so that the public may visit her and enjoy the wonders of this beautiful example of a bygone era.

Mr. Speaker, I urge all of my colleagues to adopt the conference report on H.R. 15424 so that we can move ahead with this vital maritime program.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. Mr. Speaker, I would like to associate myself with the remarks made by my colleague, Mr. MAILLIARD, the gentleman from California, who has along with the others of us has worked so hard in this field.

As a former member of the Committee on Merchant Marine and Fisheries, I remember when the fight started and I congratulate the committee on bringing this bill to the floor. It is of the greatest importance to this Nation, if we are to be an exporting nation—and we have to be an exporting nation, we have to be able to carry the goods that we manufacture here to the world.

I am very happy and I thank the gentleman and I would like to associate myself with the remarks of the gentleman from California, my colleague (Mr. MAILLIARD).

Mr. MAILLIARD. I thank my friend, the gentleman from California.

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

Mr. MAILLIARD. I yield to the gentleman.

Mr. PELLY. Mr. Speaker, as a Member of the House-Senate Conference

Committee, I signed this report and believe it represents a satisfactory reconciliation of the differences in the respective bills of the two bodies of Congress to carry out President Nixon's proposal for a new maritime policy.

For many years the members of the House Committee on Merchant Marine and Fisheries have sought this legislation and while it might not now in every respect suit each of us, in the overall it is a major step forward in restoring our American flag service to the seven seas.

It will provide our shipyards with a competitive opportunity to build modern ships. Likewise it should reduce the needed percentage of Federal subsidy both to construct and operate our American merchant ships. In addition, it should upgrade our obsolete fishing fleet which is badly needed.

Mr. Speaker, special credit should go to the Maritime Administrator, Andrew Gibson whose persistence and ingenuity made this legislation possible.

Also, I wish to commend the chairman of the committee, Mr. GARMATZ, the ranking Republican, Mr. MAILLIARD, and all my colleagues with whom I serve on the Merchant Marine Committee for their patience and determination which overcame many serious differences within the maritime industry and resulted in the reporting of the first major Merchant Marine bill since 1936.

Speaking for myself, I say in all honesty that I believe with the passage of H.R. 15424 the security and the economy of the United States will greatly benefit from our labors. There has been an urgent need to revitalize this Nation's merchant shipping which this bill does. Also, it should provide jobs that are badly needed, especially in areas such as Puget Sound where the unemployment rate is more than 10 percent and headed upward.

I urge adoption of the conference report.

Mr. MAILLIARD. Mr. Speaker, I yield whatever time he may require to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I would like to join with my colleagues supporting passage of the conference report on the merchant marine program, H.R. 15424.

I would particularly like to congratulate my California colleague (Mr. MAILLIARD) for his outstanding efforts on behalf of this program. It is the culmination of a decade of work, study, and effort to revitalize our merchant marine, and, in my judgment, he is one of those primarily responsible for this legislation that is now before the House for final action.

This program, to establish a long-range merchant shipbuilding program in the United States, which is designed to provide for the construction of 300 ships over the next 10 years, will provide a considerable number of jobs in and around the San Francisco Bay area.

Passage of this bill, along with other maritime legislation passed this session, will, in my judgment, go a long way toward implementing the President's long-range objective of "restoring this country to a proud position in the shipping lanes of the world."

I further believe that the timing of this legislation provides this country with a unique and outstanding opportunity. At a time when defense cutbacks are being ordered, the time is appropriate to divert these funds into such a program as we have been discussing today. It will permit us to mount an economic offensive through a dynamic and viable merchant marine.

Why cannot many of the jobs that will be abolished as a result of the planned reductions in force, be diverted toward shipbuilding and related employment associated with restructuring our maritime service?

With Japan's merchant fleet rapidly expanding and with the vast, virtually untouched economic markets opening up in the entire Pacific Basin community, I believe the time has arrived to start building a truly meaningful "partnership of the Pacific" that will help prevent future Vietnams from happening.

Mr. Speaker, the possibilities and potentials are great, and I strongly urge prompt and favorable House action on this report.

Mr. GARMATZ. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader.

Mr. GERALD R. FORD. I thank the gentleman from Maryland, the distinguished Chairman of the committee.

Mr. Speaker, in my opinion, this is landmark legislation, one of the most constructive proposals that this Congress will approve in either 1969 or 1970. It is the culmination of a tremendous effort by a great number of people. It was initiated by the President of the United States, but it must be recognized that it could not have come to this point without the leadership of the gentleman from Maryland (Mr. GARMATZ) and the leadership of the gentleman from California (Mr. MAILLIARD) and all members of that committee, the Committee on Merchant Marine and Fisheries.

Praise should also be accorded those in the other body who took the initiative on this legislation, following the action taken on this side of the Capitol. We all recognize that the American merchant marine for the last decade has fallen from a position of leadership to one that was teetering on the brink of second class. This legislation will reinvigorate the merchant marine of the United States and will give us an opportunity once again to be a forceful factor on the oceans of the world.

I think the action taken by the other body in adding an amendment that involved the Saint Lawrence Seaway was constructive, and I am grateful to the House conferees for their understanding of the need for acceptance of the Senate amendment. It not only will benefit immeasurably the Middlewestern areas that are involved in the Great Lakes, but will be beneficial to the Nation as a whole. I think those in the other body who took the initiative should be commended, and I am grateful to those on this side of the Capitol who found it possible to support the amendment that was offered and approved in the other body.

I conclude by saying, Mr. Speaker, this is landmark legislation, and those two men particularly, the gentleman from Maryland and the gentleman from California, are to be congratulated. The House Committee on Merchant Marine and Fisheries, as well as the conferees as a whole, deserve commendation from the American people and from this body.

Mr. GARMATZ. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio, (Mr. TAFT).

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

Mr. TAFT. Mr. Speaker, I thank the gentleman from Maryland for yielding.

Mr. Speaker, coming as I do from the home port of the *Delta Queen*, I feel constrained to talk today for just a few minutes about the *Queen*. She has been part of the great tradition of America and our riverboat history, which has had a marked impression on the history of the country.

Not only has she had a real place in history, but also she has a real place today. Just today on the conference report we were talking about travel in the United States, and this ship has been one of the primary attractions.

I have to take issue, I believe, with the attitude expressed by my colleague, the gentlewoman from Missouri, somewhat earlier in saying she did not feel this was an appropriate area in which to consider a subsidy approach similar to the construction subsidy approach we have used in building U.S. commerce in other aspects of our building program.

I think the bill we have before us today is excellent, and I go along with others in congratulating the committee on both sides of the aisle for the fine work they have done in connection with it. But rather than landmark legislation, I would say to the minority leader, I think this is seamark legislation.

Mr. Speaker, there is a problem here we have to recognize. We extended the life of the *Queen*, and I think it is appropriate to do so. There has been argument back and forth about the degree of safety involved. The ship does have a very full water sprinkler system in accordance with the standard, as I said, that is used in almost all the other maritime nations of the world.

That is not saying I am attempting to defeat the conference report today. Quite the contrary. The owners of the *Queen*, after having considered the action of the Congress today, have authorized me to say they are going to try to operate the *Queen* in compliance with the U.S. Coast Guard regulations in an interim period of a year or 2—hopefully no longer—on this premise, the hope of legislation authorizing assistance with a construction subsidy, marking the differential between the cost of construction in this country, where such a vessel

must be constructed, as compared with the cost of construction abroad is contained, as the chairman has said, in the conference report.

I think the fact that all conferees have gone along with the report is a reassuring fact. I think it is important that the whole tradition of the sternwheel riverboats and the tradition they represent, as well as the very real economic and pleasure potentials for those who use it, should be preserved in this country.

Mr. Speaker, I ask for support of the conference report.

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

Mr. TAFT. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, certainly I wish to associate myself with the remarks of the distinguished gentleman from Ohio.

I remember the *Delta Queen* over many years having been a source of pleasure for many of the people from Kentucky and Ohio and Missouri, who rode this beautiful paddleboat steamer.

It is of great historic value and significance and I would hate very much to see this ship go into oblivion. I would like very much to see justice tempered with mercy, so that the ship may be permitted to go its way at least for a few years.

Mr. TAFT. Mr. Speaker, I thank the gentleman for his contribution. There have been a number of Members of Congress who have supported this legislation, especially my colleague from Cincinnati, the gentleman from Ohio (Mr. CLANCY) as well as the gentleman from Ohio (Mr. MCCULLOCH). They have been, indeed, leaders in this fight. The gentleman from Ohio (Mr. MCCULLOCH) circulated and obtained signatures of 189 Members of the House of Representatives advocating the Senate exemption be carried out in the House. So I think had we gotten to a vote, the chances of success on it might have been very considerable. I think the gentleman deserves a great deal of credit for his work in that connection.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I want to commend the gentleman and associate myself with his views in this matter and compliment him on the leadership he has shown with reference to the matter of the *Delta Queen* in which we are interested. If we are in a position to have saved the *Delta Queen* in one form or another, I think his efforts have been crowned with some success. I am sorry the compromise that has been reached does not save it in its original form, but I hope the sternwheeler will be with us for many years to come.

Mr. TAFT. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, I ask for support of the conference report.

Mr. Speaker, I also ask all Members, when the Committee on Merchant Marine and Fisheries reports the bill, as I am sure they will, which was sponsored by the gentleman from Pennsylvania (Mr. CLARK) to support the bill to save this great tradition and extend the life of this vessel.

Today, with the problems of war, crime in the streets, disorders on campus, and the crisis in the Middle East, it is a pleasure to stand on the banks of the Ohio and watch the riverboat *Delta Queen* slowly pass by. It may seem out of place in the space age, and perhaps some detractors of our society may not find this majestic *Queen* to be relevant, but I feel that this symbol of America's past is symbolic of much that is good about this country.

In today's sophisticated world we often think it corny to reminisce with Tom Sawyer, sitting in class daydreaming about a trip down the great Mississippi or Ohio on a giant paddle wheeler. But these dreams come to life in a rare experience when you are aboard the *Delta Queen*.

In reaction to ocean tragedies, the Congress passed the much needed safety-at-sea law; but as a side consequence, this same law could stop the *Queen* from traveling along the Nation's inland rivers.

But what crime has this majestic lady committed? First, she has an upstairs, made of Oregon cedar, which is considered the finest lumber known to the art of shipbuilding. Her ornate staircases and cabin interior panelings are of seasoned white oak and have been minutely carved by some of the finest craftsmen of a bygone era. To rebuild a memory of the past would be impossible—to create an imitation will cost millions. A most elaborate sprinkler system and other strict safety devices and practices are in operation on her.

The Congress now has an opportunity to save this important piece of Americana. All of us point to the Nation's past with great pride and, in this era of attacks on our institutions, it is healthy to have reminders of previous moments of greatness and ways of life. But as with other problems in our society, talk is cheap and will accomplish nothing: The *Queen* cannot survive if all she receives is condolences—what she needs is action. We have worked out a compromise aimed at keeping the *Delta Queen* on the rivers for those who want this unique experience. The compromise may not be the best solution; but at least it is our best hope that the *Queen* shall live to sail another day.

I include the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.

Hon. EDWARD A. GARMATZ,
Hon. WILLIAM S. MAILLIARD,
U.S. House of Representatives,
Washington, D.C.

DEAR MESSRS. GARMATZ AND MAILLIARD: As you know, on November 2, less than a month and a half from today, by Act of Congress, the *Delta Queen* will be retired from service.

The public sentiment in favor of saving the *Delta Queen* is very strong. This public support is reflected in the 189 members of Congress who have joined me in signing this letter. I understand that the owners of this great riverboat have received many petitions with thousands of signatures from people all over the United States urging Congress to intervene favorably on behalf of the *Delta Queen*.

Your colleagues who have signed this letter, many constituents from around the nation, as well as citizens from the great river states across the nation do not want to see the cessation of this great tradition by legislation that is primarily intended to rid the high seas of unsafe oceangoing ships.

Since your colleagues in the House have not had an opportunity to express their views with regard to whether the *Delta Queen* should be legislated into retirement, the 189 co-signatures appearing on this letter are respectfully submitted to assist you in your consideration of this issue and we are hopeful that you will support our position when H.R. 15424 goes to conference.

Respectfully submitted,

William M. McCulloch, Leonore K. Sullivan, Robert Taft, Jr., William H. Harsha, Clarence E. Miller, Watkins M. Abbitt, Thomas G. Abernethy, E. Ross Adair, Bill Alexander.

Glenn M. Anderson, John B. Anderson, William R. Anderson, Frank Annunzio, Leslie C. Arends, John M. Ashbrook, Thomas L. Ashley, William H. Ayres, William A. Barrett, Page Belcher.

Alphonzo Bell, Jackson E. Betts, Mario Biaggi, Edward G. Biester, Jr., Jonathan B. Bingham, Benjamin B. Blackburn, Ray Blanton, Hale Boggs, Frank T. Bow, John Brademas.

William G. Bray, W. E. (Bill) Brock, William S. Broomfield, Clarence J. Brown, Garry Brown, George E. Brown, Jr., J. Herbert Burke, Patrick T. Caffery, Tim Lee Carter.

Emanuel Celler, Donald D. Clancy, Frank M. Clark, William (Bill) Clay, Harold R. Collier, James M. Collins, William M. Colmer, Barber B. Conable, Jr., Robert J. Corbett.

Jorge L. Cordova, James C. Corman, William O. Cowger, Philip M. Crane, John C. Culver, Glenn Cunningham, Emilio Q. Daddario, Glen R. Davis, John W. Davis, David W. Dennis, Samuel L. Devine, William L. Dickinson.

Harold D. Donohue, Wm. Jennings Bryan Dorn, John J. Duncan, Florence P. Dwyer, Don Edwards, Edwin W. Edwards, Marvin L. Esch, Edwin D. Eshleman, Michael A. Feighan, Paul Findley.

Daniel J. Flood, Walter Flowers, Donald M. Fraser, Peter H. B. Frelinghuysen, Samuel N. Friedel, James G. Fulton, Richard Fulton, Barry M. Goldwater, Jr., Kenneth J. Gray, Charles H. Griffin.

Charles S. Gubser, James A. Haley, Lee H. Hamilton, John Paul Hammerschmidt, James F. Hastings, Wayne L. Hays, F. Edward Hebert, Ken Hechler, Henry Helstoski, Floyd V. Hicks.

Chet Holifield, Frank Horton, Craig Hosmer, W. R. Hull, Jr., Edward Hutchinson, Richard H. Ichord, Andrew Jacobs, Harold T. Johnson, Ed Jones, Robert E. Jones, Hastings Keith.

Dan Kuykendall, Earl F. Landgrebe, Odin Langen, Delbert L. Latta, Robert L. Leggett, Donald E. Lukens, Richard D. McCarthy, Robert McClory, Paul N. McCloskey, Jr., Joseph M. McDade, Jack H. McDonald.

John J. McFall, Dave Martin, Robert B. Mathias, Wiley Mayne, Lloyd Meeds, Thomas J. Meskill, Robert H. Michel, Abner J. Mikva, William E. Minshall, Wilmer Mizell, Robert H. Mollohan.

G. V. (Sonny) Montgomery, Thomas E. Morgan, F. Bradford Morse, John E. Moss, Lucien N. Nedzi, Robert N. C. Nix, David R. Obey, Alvin E. O'Konski, Thomas P. O'Neill, Jr., Richard L. Ottinger, Otto E. Passman.

Wright Patman, Edward J. Patten, Thomas M. Pelly, Carl D. Perkins, J. J. Pickle, Alexander Pirnie, W. R. Poage, Bertram Podell, Richardson Preyer, David Pryor, Graham Purcell.

Albert H. Quie, Tom Railsback, William

J. Randall, Thomas M. Rees, Charlotte T. Reid, John J. Rhodes, Donald W. Riegle, Jr., L. Mendel Rivers, Peter W. Rodino, Jr., Robert A. Roe, Benjamin S. Rosenthal.

Dan Rostenkowski, Richard L. Roudebush, Henry C. Schadeberg, William J. Scherle, Herman T. Schneebeli, Fred Schwengel, Garner E. Shriver, H. Allen Smith, M. G. (Gene) Snyder, J. William Stanton, William A. Steiger.

Frank A. Stubblefield, James W. Symington, Frank Thompson, Jr., Vernon W. Thomson, Robert O. Tiernan, Lionel Van Deerlin, Charles A. Vanik, Joe D. Waggonner, Jr., John C. Watts, Lowell P. Weicker, Charles W. Whalen.

J. Irving Whalley, G. William Whitehurst, Charles E. Wiggins, Lawrence G. Williams, Jim Wright, Wendell Wyatt, Chalmers P. Wylie, Louis C. Wyman, Gus Yatron, Clement J. Zablocki, Roger H. Zion, John H. Zwach, R. Lawrence Coughlin.

Seymour Halpern, supports the amendment but called too late to have his name typed on the letter.

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, D.C., September 29, 1970.

DEAR COLLEAGUE: I have received letter of September 28, 1970, addressed jointly to myself and Congressman Mailliard, and cosigned by you and other colleagues at the behest of Congressman McCulloch. You ask that we support your position to save the *Delta Queen* when H.R. 15424 goes to conference.

Enclosed for your information is a form letter containing the pertinent facts which I have been using to answer the volume of mail on this subject. Also enclosed is copy of a letter dated September 2 from the Coast Guard, confirming that agency's opposition—for reasons of maritime safety—to providing further exemption for the *Delta Queen*.

I appreciate the spirit in which the petition is submitted, but must repeat that since the Coast Guard, *for safety reasons*, is so strongly opposed to the continued operation of the *Delta Queen*, I would not wish to take action counter to this position.

Sincerely,

EDWARD A. GARMATZ,
Chairman.

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., September 2, 1970.

Hon. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The following information concerning the river passenger steamer *Delta Queen*, including our latest thinking on proposed legislation affecting her operation, is furnished in accordance with your telephone call to Captain Kesler on 22 June 1970.

The current Coast Guard position on proposed legislation to extend for two years the existing operation of the *Delta Queen* is reflected in the enclosed copy of Department of Transportation letter dated 15 May 1970 to your Committee commenting on H.R. 14002; i.e., we are opposed to enactment of such legislation.

H.R. 14002 was introduced by Mr. Corbett in September of 1969 and, if enacted, would provide a second two-year extension (Public Law 90–435, enacted 27 July 1968 provided the first,) during which the *Delta Queen* would be permitted to operate in her present mode without compliance with the incombustible construction requirements set forth in the Act of 6 November 1966 (Public Law 89–777).

Our position today has not changed from that expressed two years ago, both during Coast Guard testimony before your Committee on proposed legislation resulting in the aforementioned Public Law 90–435, and in Department of Transportation letters dated 23 and 27 May 1968 commenting on two proposed bills under consideration at that time. In this regard, I have attached a copy of Rear Admiral Murphy's comprehensive statement of 13 June 1968 before your Committee, as well as a copy of Department of Transportation letter dated 23 May 1968 commenting on Mr. Williams' H.R. 15580. The Department's letter of 27 May 1968 in reference to Mrs. Sullivan's companion bill H.R. 15714 contained the same comments and, therefore, has not been included.

As you know, in addition to H.R. 14002, intended to grant the *Delta Queen* an additional two-year postponement until November 1972, several other bills have been recently introduced which, if enacted, would completely exempt the vessel from compliance with Public Law 89–777. Our position with respect to these bills remains the same as that expressed on the proposed two-year postponement legislation. In the interest of maritime safety, we are opposed to such legislation.

In addition to copies of Rear Admiral Murphy's statement on the subject and other related correspondence, I have also enclosed for your use a brief fact sheet on the *Delta Queen* containing, among other things, her tonnage, length, date of build, etc.

It is a pleasure to furnish you this information. If the Coast Guard can be of further assistance in this matter, please do not hesitate to let me know.

Sincerely,

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard Assistant Commandant.

STEAMER DELTA QUEEN,
GREENE LINE STEAMERS, INC.,
Los Angeles, Calif., October 4, 1970.

Hon. EDWARD A. GARMATZ,
Chairman, Merchant Marine and Fisheries Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Although we were deeply disappointed that the Delta Queen Amendment was rejected in conference, we were most pleased by the unanimous decision of the Committee to recommend to the Congress that a construction differential subsidy be authorized for a vessel to replace the Delta Queen.

As operators of the Delta Queen, we are only too well aware of the operational and safety limitations of our 44-year-old paddlewheeler. It has always been our intention to retire her into active, but less demanding service as soon as we could build a new vessel.

Unfortunately, a new vessel has been an impossibility up to this time. Interest rates have been extraordinarily high. Capital has been scarce. Shipbuilding costs have skyrocketed. Domestic bids on our plans, which are on file at the Maritime Administration, run approximately $10,000,000. The same plans were bid at $4,000,000 by a shipyard in Rotterdam. Since we cannot build a U.S. riverboat in Europe and since our stockholders cannot finance a U.S. built vessel, we have been stymied in our efforts to go ahead with a new boat.

With the rejection of the Senate Delta Queen amendment, we are now forced to go out of business November 2. We must terminate our crew and then dispose of the Delta Queen. There are several bids from prospective purchasers but so far no bid is more than a fraction of our book value, which is in excess of $1,000,000. We could convert the Delta Queen to excursion service but this means major reconstruction of the vessel.

Our estimates run between $750,000 and $1,000,000 to do the necessary winter repairs and refit her for the excursion trade. Whatever we do will have to be decided quickly because the vessel will require at least four months work regardless of what use she is put to next season.

Because a construction subsidy would make it possible to build a new boat, our stockholders are willing to defer their decision on the disposition of the Delta Queen until the 91st Congress adjourns. If the 91st Congress passes legislation to authorize a construction differential subsidy for a vessel to replace the Delta Queen, our company will immediately proceed with shipyard work to ready the Delta Queen for overnight passenger service with less than 50 overnight passenger accommodations. We will make many of the safety improvements previously proposed but the integrity of the design and structure of the Delta Queen will be retained.

Our stockholders are aware that they cannot operate the Delta Queen profitably with less than 50 overnight passengers. However, by running at a loss, they can at least maintain the continuity of our business and continue to employ experienced officers and crew until the new vessel is ready.

A federal subsidy to build a new river passenger boat makes good sense in other respects, too. If the Delta Queen stops operating, it will be the end of passenger service. Despite our exceptional success in booking passage, it might be many years before a new operator could revive the industry. Expanding our business with a new vessel will also bring tourism and commerce to the hundreds of cities along the riverways which had been largely bypassed in recent years.

I am sure that the hundreds of thousands of people who have asked for the Delta Queen to be saved will be satisfied if we can continue operating her with less than 50 overnight passengers and keep her to be a proud symbol and flagship of a new fleet. By the same token, by carrying less than 50 overnight passengers, we can conform to the Safety-at-Sea law.

We hope that you will be successful in getting legislation for a subsidy in this session of Congress so that we can begin work later this year to modify the Delta Queen for service next spring.

Sincerely,

WILLIAM MUSTER.

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

DEAR COLLEAGUE: I wrote you on October 1, 1970, indicating that I planned to offer a motion to recommit the Maritime Bill, H.R. 15424, to Conference, with instructions that the House Conferees follow the Senate action exempting the steamer *Delta Queen* from certain provisions of the Safety at Sea Act. Since writing that letter, however, I have been made aware of events which have prompted me to change my position. As a result I do not expect to offer a motion to recommit the Conference Report.

When I wrote the earlier letter, I was not aware of the fact that the Conference Report would contain a recommendation for enactment of legislation to provide financial aid for the construction of a new Delta Queen in an American shipyard. This aid would be in the form of a construction differential subsidy similar to that provided elsewhere in law for other types of vessels. Representative Clark on that same day introduced a bill to provide such a subsidy.

I have now had the occasion to discuss the matter further with the owners of the Queen, and they inform me that they favor such a bill, and that they expect to operate the vessel in an interim period, pending replacement, subject to the existing safety standards, even though a financial loss might result.

It is my hope that all of the many friends of the Delta Queen will support the Conference Report and the further legislation expected to come to the Floor later.

Sincerely,

ROBERT TAFT, JR.

Mr. GARMATZ. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DOWNING) a member of the committee.

Mr. DOWNING. Mr. Speaker, I quite agree with the chairman of the full committee and the other speakers that this is a truly significant day in the history of the U.S. merchant marine. For more than 10 years we have waited patiently and impatiently for remedial legislation while our U.S.-flag fleet sank slowly down through the drain into obscurity. This legislation comes not a minute too soon. If it is implemented, we will have approximately 300 brand new, fast, modern ships on the high seas in the 1980's. They will be fewer ships than we have now, but the ships will be larger, faster, and more economical to operate.

This program, if it is implemented, will give jobs to Americans and put ships in American shipyards to be built, and it will produce, I believe, a greater commerce and enhance our balance of payment.

I do hope, since it looks like we are going into this shipbuilding program now, that somehow labor and management can get their heads together so as not to create obstacles or pitfalls along the way to producing the world's best merchant marine. For this program to accomplish its purpose, we must have the greatest cooperation from everybody who has the best interests of our merchant marine at heart.

We need a strong American merchant marine for our Nation's economy and defense. I urge your favorable vote on this conference report.

Mr. GARMATZ. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), a member of the committee.

Mr. DINGELL. Mr. Speaker, I wish to commend my good friend the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ), and the gentleman from California (Mr. MAILLIARD) and the conferees on the part of the House. They took a good bill from the House, a good bill from the Senate, and have brought back an excellent conference report, one which I am sure every Member, regardless of the part of the country from which he comes, can support with enthusiasm.

The proposal brought before us is one which will rebuild the American merchant marine taking into consideration important sectional questions, especially including our concerns and problems in the Great Lakes. I thank the conferees for their careful and solicitous consideration of the problems we in the Great Lakes have, and for the fashion in which they have helped us to continue our pattern of economic growth.

Mr. GARMATZ. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I want to take this time to direct the attention of this committee and the House to the construction by the Japanese of ore-carrying vessels designed to carry iron ore in slurry carriers. A slurry ship will load ore mixed with water which is removed while the ship is at sea. When the ship reaches its destination, the ore will be mixed with water and leave the vessel as a slurry.

This type of vessel will create a form of marine pollution which could contaminate the oceans and convert our inland waterways into "red seas." It is my hope that in the program anticipated by this bill, American vessels will be designed in such a way as to prevent any form of pollution from entering the waterways.

It is time for the nations of the world to enter into compacts which will prevent the construction and development of vessels or tankers which will add to the pollution of our oceans and waterways—a pollution which has already reached critical levels.

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

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

Mr. GROSS. Do I correctly assume that the shipping industry and the maritime unions support this bill?

Mr. GARMATZ. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of the conference report on H.R. 15424, the bill designed to provide a long-range merchant shipbuilding program of 30 ships per year for the next 10 years.

In essence, the program under the bill is to build a substantial number of standard design merchant vessels over the next decade and to produce these ships in such quantity as to reduce unit costs. In this way, the rate of construction differential subsidy may be reduced from a present ceiling of 55 percent subsidy of foreign costs for a comparable ship, to 35 percent of such costs.

I am particularly pleased that the conferees adopted a provision which would authorize the Secretary of Commerce to promulgate regulations by which all Government agencies must administer their activities under cargo preference laws.

According to Public Law 83–664, a minimum of 50 percent of U.S. Government-generated cargo must be shipped by American-flag vessels. However, on occasion, some Government agencies have frustrated the will of the Congress by setting up administrative procedures that make it impossible for U.S. ships to carry even the minimum of 50 percent of their cargoes. For instance, the Department of Agriculture—operating under title I of Public Law 83–480—shipped only 43 percent of their cargo by U.S.-flag ships in 1968.

Hopefully, the new regulations will encourage greater usage of U.S.-flag ships.

Again, Mr. Speaker, I commend the committee for its outstanding work in this field, and I am pleased to support H.R. 15424.

Mr. PICKLE. Mr. Speaker, although I am certainly not opposed to strengthening our merchant marine fleet, I want to reemphasize a point that I have made on several other occasions when we have considered bills authorizing money for building and operating merchant ships. My concern has been with what commodities these ships financed with taxpayers' money are going to carry as cargo. I never have received a satisfactory answer. This conference report states that it is the intention of Congress to build 300 ships in the next 10 years. No one has said what these ships are going to transport. I see nothing in this bill to keep these ships from being used to carry foreign products into this country which will compete with our own domestic industry.

My concern centers around a situation that arose in my district in Texas. A little over a year ago there were plans underway to use the differential subsidy to haul in aragonite from the Bahama Islands into the coastal areas at almost half the cost at which the domestic limestone industry would compete.

I say that this would be unfair competition. We would be allowing taxpayer money to be used to put our domestic industry out of business. I have been asking for assurance for several months now that these 300 ships will not be hauling foreign products in competition with our own industries. No one has given me that assurance. I am still seeking assurance. Other people, as well, would desire an answer.

Mr. Speaker, I call on the Maritime Commission to clarify their position and to give us assurances that these proposed ships will not be used to transport commodities into this country to the distinct disadvantage of our own merchants.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the new maritime program, as envisioned in H.R. 15424, marks the beginning of a new era in America's maritime history. I have served on the Merchant Marine and Fisheries Committee of the House for many years, and there have been periods of complete frustration. We have struggled, urged, and even cajoled several administrations for a program that would truly revitalize our merchant fleet.

We all remember some of the inadequate proposals of the past. We can recall quite clearly the building abroad feature of former Secretary Alan Boyd, which certainly spelled the doom of that program. The great majority of the Members of the Congress recognized that we cannot forsake our shipbuilding industry in order to build up a fleet of active merchant vessels.

Consequently, it is truly gratifying to me to be able to support this program which was submitted to the Congress by President Nixon, but which could not have been successfully enacted without the guidance and able leadership of my distinguished chairman, EDWARD A. GARMATZ. I am, therefore, very proud to cast my vote and my support for this bill which will henceforth be known as the Merchant Marine Act of 1970.

Mr. GARMATZ. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

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

The question was taken; and there were—yeas 343, nays, 4, not voting 82, as follows:

[Roll No. 330]

YEAS—343

Abbitt	Daniels, N.J.	Howard
Abernethy	Davis, Ga.	Hull
Adams	Davis, Wis.	Hungate
Addabbo	Delaney	Hunt
Albert	Dellenback	Hutchinson
Alexander	Dennis	Ichord
Anderson, Calif.	Devine	Jacobs
	Dickinson	Jarman
Anderson, Ill.	Dingell	Johnson, Calif.
Anderson, Tenn.	Donohue	Johnson, Pa.
	Dorn	Jones, Ala.
Andrews, Ala.	Downing	Karth
Andrews, N. Dak.	Dulski	Kazen
	Duncan	Kee
Annunzio	Dwyer	Keith
Arends	Eckhardt	King
Ashbrook	Edmondson	Kleppe
Ashley	Edwards, Calif.	Kluczynski
Baring	Eilberg	Koch
Beall, Md.	Erlenborn	Kuykendall
Belcher	Esch	Kyl
Bell, Calif.	Eshleman	Kyros
Bennett	Evans, Colo.	Landgrebe
Bevill	Evins, Tenn.	Langen
Biester	Fallon	Latta
Bingham	Farbstein	Lennon
Blanton	Fascell	Lloyd
Blatnik	Findley	Long, Md.
Boggs	Fish	McCloskey
Boland	Flood	McClure
Bolling	Flowers	McCulloch
Bow	Flynt	McDade
Brademas	Foley	McEwen
Brasco	Ford, Gerald R.	McFall
Bray	Ford, William D.	Macdonald, Mass.
Brinkley	Fountain	MacGregor
Broomfield	Fraser	Madden
Brotzman	Frey	Mahon
Brown, Calif.	Friedel	Mailliard
Brown, Mich.	Fulton, Pa.	Mann
Brown, Ohio	Fuqua	Marsh
Broyhill, N.C.	Galifianakis	Martin
Broyhill, Va.	Gallagher	Mathias
Buchanan	Garmatz	Matsunaga
Burke, Fla.	Gaydos	May
Burke, Mass.	Gettys	Mayne
Burleson, Tex.	Giaimo	Meeds
Burton, Calif.	Gibbons	Michel
Burton, Utah	Gilbert	Mikva
Byrnes, Wis.	Goldwater	Miller, Calif.
Caffery	Gonzalez	Miller, Ohio
Camp	Goodling	Mills
Carey	Gray	Minish
Carter	Green, Oreg.	Mink
Casey	Green, Pa.	Minshall
Cederberg	Griffin	Mize
Celler	Griffiths	Mizell
Chamberlain	Grover	Mollohan
Chappell	Gude	Monagan
Chisholm	Hagan	Montgomery
Clancy	Halpern	Moorhead
Clark	Hamilton	Morton
Clausen, Don H.	Hammer-schmidt	Mosher
		Moss
Clawson, Del	Hanley	Murphy, Ill.
Clay	Hansen, Idaho	Myers
Cleveland	Hansen, Wash.	Natcher
Cohelan	Harrington	Nelsen
Collier	Harsha	Nichols
Collins	Harvey	Nix
Colmer	Hastings	Obey
Conable	Hathaway	Olsen
Conte	Hechler, W. Va.	O'Neill, Mass.
Conyers	Helstoski	Passman
Corman	Henderson	Patten
Coughlin	Hicks	Pelly
Cramer	Hogan	Pepper
Crane	Holifield	Perkins
Culver	Horton	Pettis
Cunningham	Hosmer	Philbin
Daniel, Va.		

Pickle	St Germain	Thompson, Ga.
Pike	Sandman	Thomson, Wis.
Poage	Saylor	Tiernan
Podell	Schadeberg	Udall
Poff	Scherle	Ullman
Preyer, N.C.	Scheuer	Van Deerlin
Price, Ill.	Schneebeli	Vander Jagt
Price, Tex.	Schwengel	Vanik
Pryor, Ark.	Scott	Vigorito
Pucinski	Sebelius	Waggonner
Purcell	Shipley	Waldie
Quie	Shriver	Wampler
Quillen	Sikes	Watson
Railsback	Sisk	Watts
Randall	Skubitz	Whalen
Rarick	Slack	Whalley
Rees	Smith, Calif.	White
Reid, Ill.	Smith, Iowa	Whitehurst
Reid, N.Y.	Smith, N.Y.	Whitten
Reifel	Springer	Widnall
Reuss	Stafford	Wiggins
Rhodes	Staggers	Williams
Riegle	Stanton	Wilson, Bob
Rivers	Steed	Wilson, Charles H.
Roberts	Steiger, Ariz.	
Robison	Steiger, Wis.	Winn
Rodino	Stephens	Wolff
Roe	Stokes	Wyatt
Rogers, Fla.	Stubblefield	Wydler
Rooney, N.Y.	Stuckey	Wylie
Rooney, Pa.	Sullivan	Wyman
Rosenthal	Symington	Yates
Rousselot	Taft	Yatron
Roybal	Talcott	Zablocki
Ruppe	Taylor	Zion
Ryan	Teague, Calif.	Zwach

NAYS—4

Gross	Kastenmeier	Schmitz
Hall		

NOT VOTING—82

Adair	Fisher	Morgan
Aspinall	Foreman	Morse
Ayres	Frelinghuysen	Murphy, N.Y.
Barrett	Fulton, Tenn.	Nedzi
Berry	Gubser	O'Hara
Betts	Haley	O'Konski
Biaggi	Hanna	O'Neal, Ga.
Blackburn	Hawkins	Ottinger
Brock	Hays	Patman
Brooks	Hebert	Pirnie
Burlison, Mo.	Heckler, Mass.	Pollock
Bush	Jonas	Powell
Button	Jones, N.C.	Rogers, Colo.
Byrne, Pa.	Jones, Tenn.	Rostenkowski
Cabell	Landrum	Roth
Corbett	Leggett	Roudebush
Cowger	Long, La.	Ruth
Daddario	Lowenstein	Satterfield
Dawson	Lujan	Snyder
de la Garza	Lukens	Stratton
Denney	McCarthy	Teague, Tex.
Dent	McClory	Thompson, N.J.
Derwinski	McDonald, Mich.	Tunney
Diggs		Weicker
Dowdy	McKneally	Wold
Edwards, Ala.	McMillan	Wright
Edwards, La.	Melcher	Young
Feighan	Meskill	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Frelinghuysen.
Mr. Thompson of New Jersey with Mr. Morse.
Mr. Burlison of Missouri with Mr. Weicker.
Mr. Hays with Mr. Gubser.
Mr. Dent with Mr. McKneally.
Mr. Edwards of Louisiana with Mr. Edwards of Alabama.
Mr. Byrne of Pennsylvania with Mr. Pirnie.
Mr. Barrett with Mr. Corbett.
Mr. Biaggi with Mr. Button.
Mr. Nedzi with Mr. Cowger.
Mr. Jones of Tennessee with Mr. Brock.
Mr. Fulton of Tennessee with Mr. Berry.
Mr. Hanna with Mr. Snyder.
Mr. Daddario with Mr. Meskill.
Mr. Cabell with Mr. Roudebush.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Young with Mr. Betts.
Mr. Aspinall with Mr. Ayres.
Mr. Rostenkowski with Mrs. Heckler of Massachusetts.
Mr. O'Neal of Georgia with Mr. Jonas.
Mr. Feighan with Mr. Powell.
Mr. Lowenstein with Mr. Diggs.
Mr. Melcher with Mr. Roth.
Mr. Jones of North Carolina with Mr. Wold.
Mr. Teague of Texas with Mr. Bush.
Mr. Tunney with Mr. Pollock.
Mr. de la Garza with Mr. Lujan.
Mr. McCarthy with Mr. Denney.
Mr. Wright with Mr. McClory.
Mr. Landrum with Mr. McDonald of Michigan.
Mr. Patman with Mr. Blackburn.
Mr. Leggett with Mr. Derwinski.
Mr. Fisher with Mr. Foreman.
Mr. McMillan with Mr. Ruth.
Mr. Dowdy with Mr. O'Konski.
Mr. Hawkins with Mr. Rogers of Colorado.
Mr. Morgan with Mr. Murphy of New York.
Mr. Satterfield with Mr. Haley.
Mr. Ottinger with Mr. Dawson.
Mr. Stratton with Mr. O'Hara.

Mr. PIKE 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.

CORRECTION IN ENROLLMENT OF H.R. 15424

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 768) to make a correction in the enrollment of H.R. 15424, so that the Act may be cited as the Merchant Marine Act of 1970.

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

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 768

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, the Clerk of the House of Representatives shall add at the end thereof the following new section:

"SEC. 44. This Act may be cited as the 'Merchant Marine Act of 1970'."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

ORGANIZED CRIME CONTROL ACT OF 1970

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 1235, H. Rept. 91-1566) which was referred to the House Calendar and ordered to be printed:

H. RES. 1235

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 30) relating to the control of organized crime in the United States, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said committee substitute shall be read by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1235 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 1235?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 1235.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1235 provides an open rule with 3 hours of general debate for consideration of S. 30, the Organized Crime Control Act of 1970. The resolution provides that all points of order shall be waived against clause 3, rule XIII, because of failure to comply with the Ramseyer rule and that all points of order are waived against the committee substitute because a question of germaneness may be raised. It shall be in order for the committee substitute to be considered as an original bill for the purpose of amendment and the bill shall be read for amendment by titles instead of by sections.

The purpose of S. 30 is to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing new remedies to deal with unlawful activities of those engaged in organized crime.

Title I of the bill establishes special grand juries to sit in major population centers or in other areas at the designation of the Attorney General.

Title II of the bill is a general immunity statute that will afford "use" immunity rather than "transaction" immunity, in line with the provisions of H.R. 11157 which was reported by the Judiciary Committee on June 15 of this year and is pending on the House calendar.

Title III is intended to codify present civil contempt practice with respect to recalcitrant witnesses in Federal grand jury and court proceedings. This title also subjects witnesses to Federal sanctions who flee State criminal investigative commissions to avoid giving testimony.

Title IV is intended to facilitate Federal perjury prosecutions and establishes a new false declaration provision applicable in Federal grand jury and court proceedings.

Title V authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families.

Title VI authorizes the Government to preserve testimony by the use of depositions in criminal proceedings.

Title VII intends to limit disclosure of information illegally obtained by the Government to defendants who seek to challenge the admissibility of evidence because it is either the primary or indirect production of such an illegal act.

Title VIII defines an "illegal gambling business" and makes it unlawful to engage in a conspiracy to obstruct the enforcement of State law to facilitate an "illegal gambling business"; makes it unlawful to engage in the operation of the "illegal gambling business" itself; establishes, effective in 2 years, a Presidential commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes enforcement possible by court order electronic surveillance and makes clear that State law is not preempted by them.

Title IX creates a new chapter in the criminal code entitled "Racketeer Influenced and Corrupt Organizations," which contains a threefold standard, first, making unlawful the receipt or use of income from "racketeering activity" or its proceeds by a principal in commission of the activity to acquire an interest in or establish an enterprise engaged in interstate commerce; second, prohibiting the acquisition of any enterprise engaged in interstate commerce through a "pattern" of "racketeering activity," and third, proscribing the operation of any enterprise engaged in interstate commerce through a "pattern" or "racketeering activity."

Title X authorizes extended sentences of up to 25 years for dangerous adult special offenders defined to include: First, a three-time felony offender who has been previously incarcerated; second, an offender whose felony offense was committed as a part of a pattern of criminal conduct, and third, an offender whose felony offense was committed in furtherance of a conspiracy of three or more other persons to engage in a pattern of criminal conduct. This title also authorizes the Attorney General to establish in the Department of Justice a central repository for records of convictions.

Title XI establishes Federal controls over the interstate and foreign commerce of explosives and is designed to assist the States to more effectively regulate the sale, transfer and other disposition of explosives within their borders.

Title XII establishes, effective in 2 years, a National Commission on Individual Rights which is to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing authorized under the act, wiretapping and electronic surveillance, bail reform, and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

Title XIII of the bill contains a severability clause.

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

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from California (Mr. SISK), has explained this resolution which covers the manner in which S. 30, the Organized Crime Control Act of 1970, will be handled. I concur in his remarks.

Mr. Speaker, I simply add the purpose of this bill is to amend a number of existing criminal statutes, with particular attention to the problems raised by organized crime, in order to enable local, State, and Federal law enforcement officers and our court systems to deal more effectively with the problem of organized crime in a number of aspects.

There are 12 different titles in this bill.

In the interest of saving time and in view of the fact that there are 3 hours to discuss this and with the hope that we may adjourn sine die before November 3, Mr. Speaker, I will not go into details on the explanation of the bill.

Mr. Speaker, three members of the Committee on the Judiciary filed additional views and three members filed dissenting views. The bill was reported unanimously by the subcommittee and as I understand it by a vote of 32 to 3 by the full committee.

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

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, on Wednesday of last week, the Judiciary Committee filed its report on S. 30, the Organized Crime Control Act of 1970. Three of my colleagues, Representatives CONYERS, MIKVA, and RYAN, filed dissenting views. I did not wish then to delay further the processing of S. 30. Consequently, I did not attempt in the report itself to re-

spond to their arguments against S. 30. I rise now, however, to come to the defense of the proposed statute.

Mr. Speaker, my colleagues begin by suggesting that S. 30 is but "another dreary episode" in a "ponderous assault" on freedom and that it embodies a "spirit of repression." Nothing is further from the fact. S. 30 is instead the careful product of 2 years of hearings, consultations, and debate. It is a thoroughly bipartisan bill that embodies the best of the recommendations of such distinguished groups as the American Bar Association, the American Law Institute, and the President's Commission on Law Enforcement and Administration of Justice. Indeed, in the other body, S. 30 commanded virtually unanimity: 95 Senators have publicly announced their support for the measure.

Mr. Speaker, my colleagues have attacked virtually every title in S. 30, but they have concentrated on titles I, VII, IX, and X. I should like, therefore, to examine each of their arguments in turn.

TITLE I: SPECIAL GRAND JURY

Title I of S. 30 authorizes the issuance of grand jury reports in certain narrowly defined circumstances subject to strict safeguards. My colleagues term this "sanctified calumny." What they do not say is that grand jury report powers, although a revival in our present federal system, have been retained from the common law or statutorily enacted in several of our States. Twenty-one States have legislation similar to the New York statute which, in *Jones* v. *People*, 101 App. Div. 55, 92 N.Y. Supp. 275, appeal dismissed, 181 N.Y. 389, 74 N.E. 226 (1905), was construed to authorize reports, while six States explicitly authorizes such reports by statute, and others have sanctioned them on a common law basis. See, for example, *In re Report of Grand Jury*, 11 So 2d 316 (Fla. 1945).

My colleagues begin their specific attack by acknowledging that ample safeguards are written into the statute, but then suggest that they are an illusion, since the grand jury is not limited to considering evidence admissible in a common law criminal trial. Unless such a rule is adopted, they suggest, court review is "completely nebulous."

This statement, of course, flies in the face of voluminous State and Federal experience with judicial review of determinations made by administrative agencies. Federal administrative agencies, for example, can base their decisions in large part upon evidence, including hearsay, not admissible at trial. See, for example, 5 U.S.C. section 556(d) Administrative Procedure Act; 45 C.F.R. section 702.8(a) "rules of evidence" "not control," Civil Rights Commission; *Morelli* v. *United States*, 177 Court of Claims 844 (1966); *NLRB* v. *Imperato Stevedoring Corporation*, 250 F. 2d 297 (3d Cir. 1957); *NLRB* v. *Amalgamated Meat Cutters and Butcher Workmen of North America, Local 127*, 202 F. 2d 671 (1953). The use of hearsay evidence by such agencies has in no way prevented courts from reviewing agency determinations under the "substantial evidence" rule, and there is no reason to suppose that the courts will be unable to act here.

My colleagues also quote at length from the decision of the New York court of appeals in the case of *Wood* v. *Hughes*, 9 N.Y. 2d 144, 154, 173 N.E. 2d 21, 26 (1961). The material quoted is a strong condemation of grand jury reports identifying individuals. Their use of it, however, is misleading, since it fails to mention that the people of New York, through their State legislature, responded to the Wood decision by promptly enacting comprehensive legislation—on which title I itself was modeled—authorizing reports critical of identifiable individuals, under limitations designed to overcome the civil liberties objections voiced by the court. See Laws of 1964, Cr. 250, Code of Criminal Procedure Sec. 253-a.

What lies at the heart of my colleagues' objection to reports is, I am sure, a fear of abuse. Yet none of the witnesses who appear in the Senate or House hearings, even though they were asked, were able to document actual instances of abuse. I feel these reports will play an important role in keeping the people informed. And as New Jersey Chief Justice Arthur T. Vanderbilt stated in 1955, in a decision upholding the grand jury report power over civil liberties objections, grounded on a fear of a possible abuse of the rights of individuals, *In Re Presentment by Camden County Grand Jury*, 10 N.J. 23, 89 A. ed. 416, 434 (1951):

> A practice imported here from England three centuries ago as a part of the common law and steadily exercised ever since under three successive state constitutions is too firmly entrenched in our jurisprudence to yield to fancied evils.

TITLE VII: SUPPRESSION OF EVIDENCE

Next my colleagues turn to title VII of S. 30, which would, first, reverse the Supreme Court's decision in *Alderman* v. *United States*, 394 U.S. 165 (1969) requiring, under its supervisory power, the disclosure of Government files in criminal trials, and which would, second, set a 5-year "statute of limitations" on inserting issues dealing with the "fruit of the poisonous tree" in similar cases.

The need for remedial legislation here is well illustrated by the progress of the Federal Government's case against Felix "Milwaukee Phil" Alderisio following the Supreme Court's reversal of his conviction for committing extortion in Colorado in 1959. He was a codefendant of Alderman himself, and the Supreme Court remanded Alderisio's case for full disclosure of the confidential files and a new hearing on his claim that the evidence against him was the indirect "fruit" of unlawful electronic surveillance.

The district court, after extensive disclosure and 2½ days of defense interrogation of numerous FBI agents and supervisors connected with the surveillance, found that "there is absolutely no relevancy in any of the material from any of the logs of the electronic surveillance to any evidence offered at the trial of this case," and reaffirmed Alderisio's 4½-year prison sentence for the extortion—*United States* v. *Alderman*, Crim. No. 17377, U.S. District Court, D. Colo., July 7, 1969, rev'd, 7 Crim L. Reptr 2122 (10th Cir 3-31-70) (in camera hearing on relation between "logs" and "airtels" ordered).

Alderisio, still pursuing the dilatory tactics he had used since the extortion case began, appealed the district court's latest decision and secured the new hearing, noted above. However, on January 30, 1970, the case finally was closed. Alderisio agreed not to seek further review of the extortion conviction, and to plead guilty to a charge of possessing—as a convicted felon—three firearms confiscated from his home, and no defense to one of 21 counts of bank fraud—both committed while he was free during the extortion proceedings, which had begun when he was indicted in 1964. In return, he obtained the Government's agreement to drop the other 20 fraud counts and to let the new 2-year sentence on the gun charge and 5-year fraud sentence run concurrently with the extortion term. Since the new sentences are concurrent, they will add only 80 to 120 days to Alderisio's time in prison.

Alderisio, who has been identified as an enforcer and leader of loan sharking and gambling operations for La Cosa Nostra in the Chicago area, thus used the dilatory tactics title VII would curb to postpone beginning his punishment for extortion until 10 years after the crime and 5 years after indictment, remaining free in the meantime to commit bank fraud and a gun violation punished by only 80 to 120 days imprisonment—and this despite the fact that his motion to suppress was groundless. He now practically concedes he was guilty of all three crimes. The FBI, the Justice Department, and the Federal courts, on the other hand, spent a fortune and 10 years obtaining his imprisonment. Society got a raw deal, and Alderisio, as the Chicago Sun-Times reported—January 13, 1970, page 6—said, as he walked grinning from the court:

> I just made the best deal of my life.

Worst of all, one result of the existing law, reflected in *Alderman*, is that some criminals are now given a "license to steal"—and to murder, rape, rob, and destroy—for their entire lives. An organized crime figure, or an ordinary thief, may be oveheard incidentally during unlawful surveillance of a spy ring or a foreign embassy. The Government may be absolutely unable to disclose the fact of the surveillance or the location of the electronic device. However, the criminal presently has an absolute right to examine the transcript and, when the transcript is not disclosed, to obtain dismissal of any State or Federal charge against him for any crime committed at any time. Therefore, he can go on to commit any crimes he chooses, as often as he pleases, with complete immunity from punishment and control. Title VII eliminates that intolerable dilemma, and revokes the criminal's license to terrorize law-abiding citizens.

There are analogous precedents supporting title VII's 5-year provision in areas other than suppression of evidence, as well. There are, for example, the statutes of limitations which prevent the bringing of criminal prosecutions and civil lawsuits more than a given period

after one becomes entitled to do so. In comparing the 5-year provision of title VII with those statutes of limitations, it is important to notice that title VII's 5-year provision does not foreclose a "defense," as my colleagues suggest, which goes to the question of guilt or innocence. The motion to suppress is instead a means to the affirmative enforcement of a right, and in this respect is quite similar to the bringing of a civil suit or criminal prosecution. Indeed, the Federal Government and some of the States provide, as a remedy for a person who is subjected to unlawful electronic surveillance, not only the remedy of suppression of evidence in any criminal case against him, but also the additional remedies that the offending officer may be criminally prosecuted and that the person surveyed may bring a civil action for damages against the officer. The statutes of limitations limiting the commencement of such civil actions have been held to be consistent with due process despite the fact that they deprive a person surveyed of a property right—his cause of action—after a given period of time. Note, of course, that under due process no legislature has the right to destroy an existing cause of action. *Angle* v. *Chicago St. Paul Ry.*, 151 U.S. 1 (1894). But no one questions the right of the legislature to say that it must be exercised, if at all, within the period of limitation in order that justice may be done on fresh not stale claims. This is true despite the fact that his claim for damages, or the criminal case against any officer, may be clearly valid and amply supported by evidence, especially since it is the time when the civil suit is brought or the criminal prosecution against the officer is commenced which determines whether or not the action is barred by the statutes of limitations: Those periods of limitations are not so defined as to bar implausible claims, only those which have become stale.

The question is not merely whether the evidence is the fruit of the unlawful seizure but whether, unlawful fruit or not, suppression or admission of such evidence would have a substantial impact upon the degree to which the suppression rule deters unlawful police conduct. Measured by this standard, enactment of the 5-year provision of title VII would have no impact upon the efficacy of the suppression rule. It would be foolhardy for a police officer to make an illegal search or surveillance in 1970 in the hope that, on that day, he would discover evidence useful to prove a crime which will not even be committed until 1976, and police will have no incentive to waste their time and resources in that fashion.

Indeed, the principle applied by the 5-year provision of title VII already has been specifically recognized by the Supreme Court. The Supreme Court has not, of course, approved a specific period such as 5 years between an unlawful police act and a later event to be proved declaring that claims that the unlawful act led to evidence of the later event shall not be considered. Specific rules of that type are the province of the Congress, rather than the courts. The Supreme Court has, however, recognized that the relationship between an unlawful investigative act and evidence derived indirectly from the act can become so "attenuated" that the derivative evidence should not be suppressed, and that even evidence which was obtained by the exploitation of an unlawful investigative act should be admitted in evidence if it was obtained in part from a second, independent source *Wong Sun* v. *United States*, 371, U.S. 417, 487 (1963); *Nardone v. United States*, 403 U.S. 338, 341 (1939)—so attenuated as to dissipate the taint"; *Costello v. United States*, 365 U.S. 265, 280 (1961). In *Nardone* v. *United States*, 308 U.S. 338, 341–42 (1939), Mr. Justice Frankfurter put it this way:

> Sophisticated arguments may prove a signed to overcome the civil liberties obtained through illicit wiretapping and the Government's proof. As a matter of good sense, however, such connection may have become so attenuated as to dissipate the taint. * * *
>
> Dispatch in the trial of criminal cases is essential in bringing crime to book. * * * To interrupt the course of the trial for [a suppression hearing] impedes the momentum of the main proceeding . . . Like mischief would result were tenuous claims sufficient to justify the trial court's indulgence of inquiry into the legitimacy of evidence in the Government's possession. So to read . . . [the suppression rule] would be to subordinate the need for vigorous administration of justice to undue solicitude for potential . . . disobedience of the law by the law's officers. Therefore, claims that taint attaches to any portion of the Government's case must satisfy the trial court with their solidity. . . .

TITLE IX: INVASION OF LEGITIMATE BUSINESS

My colleagues next raise questions about title IX. Strangely, however, they seem to object that the title IX places too high a burden on the prosecution before it can bring into play criminal forfeiture and the possibility of a $25,000 fine and up to 20 years imprisonment where "racketeering activity"—at least two independent offenses forming a pattern of conduct—leads to the takeover or is used to run a business. I, for one, feel that these evidentiary showings are not only right but proper. The proposed statute is not aimed at the isolated offender and it does not use mild remedies. It would go too far if it required much less.

Moreover, my friends are only throwing sand in the eyes of those who might not read the proposed statute carefully when they suggest that it poses difficult "choice of law" questions when "racketeering activity" under the statute is defined in part by reference to local law. This is a common technique in Federal criminal statutes that play a role in aiding local law enforcement to aid itself. See, for example, 18 U.S.C. 1952—travel to aid racketeering business. The Supreme Court has had no difficulty in dealing with these statutes. See, for example, *United States* v. *Nardello*, 393 U.S. 286 (1969), upholding Federal extortion prosecution under 18 U.S.C. 1952, where the meaning of "extortion" was taken from Pennsylvania law. Local law is used in the context of the Federal statute only when the local law itself controls the conduct in question. It is as simple as that. To attempt to make more of it is to attempt to confuse, not to enlighten.

My colleagues are on no better grounds when they attack the use of the technique of criminal forfeiture in title IX. Obviously, the time has come for a frontal attack on the subversion of our economic system by organized criminal activities. That attack must begin, however with the frank recognition that our present laws are inadequate to remove criminal influences from legitimate endeavor organizations. The traditional approach has been to seek through fine and imprisonment to deter or prevent the perpetration of criminal behavior. The President in his message on organized crime of April 23, 1969, observed:

> The arrest, conviction, and imprisonment of a Mafia lieutenant can curtail operations, but does not put the syndicate out of business. As long as the property of organized crime remains, new leaders will step forward to take the place of those we jail.

The Attorney General in testimony before the Senate subcommittee said:

> While the prosecutions of organized crime leaders can seriously curtail the operations of the Cosa Nostra, as long as the flow of money continues, such prosecutions will only result in a compulsory retirement and promotion system as new people step forward to take the place of those convicted. [Senate Hearings at 112.]

Fine and imprisonment as criminal sanctions are not new. The use of criminal forfeiture, however, represents an innovative attempt to call on our common law heritage to meet an essentially modern problem. In English law, goods and chattels were automatically forfeited to the Crown upon conviction of felony; lands were forfeited upon attainder, and this common law rule was carried into the new world by the colonists. Instances of criminal forfeiture, moreover, are noted in early American reports. The use of the ancient doctrine of criminal forfeiture embodied in title IX, therefore, will deal not only with individuals, but also with the economic base through which those individuals constitute such a serious threat to the economic well-being of the Nation. In short, an attack must be made on their source of economic power itself, and the attack must take place on all available fronts.

Finally, my colleagues are wholly off base when they complain that title IX adopts the present civil investigative demand provisions of antitrust law (15 U.S.C. § 1311 et seq.) to the civil aspect of title IX. These provisions do indeed ignore the grand jury in this area, for the grand jury is a method of criminal investigation. Title IX contemplates, in contrast, that the civil remedies, including injunctions, may have something to offer in this area. As a special committee of the American Bar Association observed:

> The time-tested machinery of the antitrust laws contains several useful and workable features which are appropriate for use against organized crime. [Senate Hearings at 577.]

I would credit the criticism of my colleagues more if they would only cite examples of the abuse they fear. These procedures are time tested in the anti-

trust area. I see no reason why they may not prove valuable against organized crime.

TITLE X: SPECIAL OFFENDER SENTENCING

Next, my friends turn their attention to title X, which provides for, subject to strict safeguards, sentences of up to 25 years for "dangerous special" offenders. The inadequacy of sentences imposed upon organized crime leaders has been well known to racket prosecutors for years. Our people, too, are aware of the facts. A Gallup poll early last year found that 7 percent of those interviewed thought that our courts did not deal harshly enough with criminals—New York Times, February 16, 1969, page 47, column 1. A recent study based on FBI sentencing data, moreover, confirms that experience and the judgment of our people. The study appears in the CONGRESSIONAL RECORD, volume 115, part 25, page 34390, so it is necessary now to point out only that two-thirds of La Cosa Nostra members included in the study and indicted by the Federal Government since 1960 have faced maximum jail terms of only 5 years or less, and that nevertheless fewer than one-fourth have received the maximum jail terms, and the sentences of the remainder have averaged only 40 to 50 percent of the maximums.

Title X will begin to correct that situation by implementing the principle, approved by the Department of Justice, the American Bar Association, the National Council on Crime and Delinquency, the American Law Institute, and the President's Crime Commission, that the Congress should authorize one maximum sentence for ordinary offenders and a greater maximum for more dangerous offenders.

The provisions for Government and defendant appellate review of sentences found in title X, too, are of great importance. They implement a recommendation of the President's Crime Commission that—

> There must be some kind of supervision over those trial juries who, because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel. Consideration should therefore be given to allowing the prosecution the right of appeal regarding sentences of persons in management positions in organized crime activity or groups. Constitutional requirements for such an appellate procedure must first be carefully explored. (Report at 203.)

The appellate review provisions of title X have been drawn with great care so as to avoid infringing individual rights under the due process and double jeopardy clauses. Supreme Court decisions rendered last term, and lengthy and detailed hearings into the legal and constitutional aspects of appellate review of sentences, have indicated that the concept can be implemented at title X does within constitutional bounds. Appellate review under title X will not only permit correction of unjust sentences in particular cases, it will also promote the evolution of sentencing principles and enhance respect for our system of justice. It promises a major improvement in the administration of justice. Key cases supporting title X include rulings that the double jeopardy provision permits sentence increases after reversal of a conviction—*North Carolina* v. *Pearce*, 395 U.S. 711, 719 (1969)—or after failure of a trial court to impose a mandatory minimum sentence—for example, *Bozza* v. *United States*, 330 U.S. 160 (1947). Those rulings are analogous rather than direct authority, but they offer strong support for title X against double jeopardy objections.

Under the existing precedents, there no longer can be any doubt as to the consistency of permitting the Government to appeal and obtain appellate increases of sentences with the double jeopardy clause. Dean Peter Low, who analyzed the issue carefully in the Senate hearings before the Supreme Court decided *North Carolina* v. *Pearce*, 395 U.S. 711, 717 (1969), stated after the Pearce decision that the double jeopardy arguments against an increased sentence on appeal had been "weakened if not completely destroyed." Senate hearings at 544.

My colleagues' views of special offender sentencing as an evasion of constitutional trial procedures—an "end run," they say, "around due process"—are not, fortunately, typical of professional authorities. The concept implemented by title X has been endorsed, as I noted previously, by the President's Crime Commission, the American Law Institute, the National Council on Crime and Delinquency, the American Bar Association, and other august associations. At the same time, my colleagues, in analyzing title X, seemingly ignore what is the law today as to sentencing: No standards or limits are placed upon the judges discretion. Would they have us merely raise the penalties on existing statutes without granting safeguards? As the commentary to the American Bar Association's standards on sentencing notes—

> It would indeed be ironic if procedural due process required the absence of legislative guidance in order for the sentencing proceeding to be informal. The Advisory Committee is confident that such a result need not follow. (ABA Standards Relating to Sentencing Alternatives and Procedures at 264.) (Approved Draft, 1968.)

Title X preserves, in short, the traditional principle, approved by the Supreme Court in *Williams* v. *New York*, 337 U.S. 241 (1949), that sentencing proceedings are exempt from the rules of evidence constitutionally required at trial. The Williams case, which was reaffirmed by the Court in 1967 in an opinion by Mr. Justice Douglas, *Specht* v. *Patterson*, 386 U.S. 605, 606, held that a sentencing court, unlike a trial court, can consider hearsay allegations not tested for reliability by the constitutional procedures of confrontation and cross-examination. Mr. Justice Black, in the opinion for the Court in Williams, spelled out in these terms the policies which underlie enlightened sentencing practices and preclude the extension of even constitutional exclusionary rules to sentencing proceedings:

> Highly relevant—if not essential—to his [the sentencing Judge's] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant's life and characteristics. And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by a requirement of rigid adherence to restrictive rules of evidence properly applicable to the trial.
>
> * * * * *
>
> The due process clause should not be treated as a device for freezing the evidential procedure of sentencing in the mold of trial procedure . . . (*Williams* v. *New York*, supra at 247–51.)

My colleagues attempt to evade application of these principles to special offender sentencing by saying that sentencing under title X is comparable to a second trial, and the sentencing allegations to a separate "charge" of crime. This is hardly a sound basis for exempting title X from the rule of the Williams case, since the hearsay which was used in sentencing Williams himself related to his commission of many serious crimes other than that for which he was being sentenced. As the Director of the National Council on Crime and Delinquency, whose Model Sentencing Act was one basis for title X, testifies before the Senate subcommittee:

> A sentencing statute certainly does not take the place of new definitions of racketeering crimes, appropriate and specific to the methods of operation in organized crime. The Model Sentencing Act does not define crimes. But if a defendant is convicted of an offense such as tax evasion, assault, criminal coercion, it makes a great deal of difference whether his crime was an individual act, or was part of a racketeering operation. If the latter, the sentence should be a severe one, and we so recommend in our act. (Hearings at 251.)

The sentence is more severe, as the U.S. Supreme Court has made clear regarding extended sentencing of recidivists, not because the defendant is receiving an additional punishment for his previous crimes, but because the fact of his previous conduct aggravates his latest felony and justifies the imposition of a more severe sentence in lieu of the ordinary one. See, for example, *Moore* v. *Missouri*, 159 U.S. 673, 677 (1895). Both the Model Penal Code and the Model Sentencing Act have rejected the notion that special offender sentencing is like a trial and requires application of trial rules of evidence, and the ABA has done likewise after an unusually thorough and scholarly study of the question.

My friends also assert that it violates the privilege against self-incrimination to permit an inference against a defendant alleged to be a professional offender to be drawn from his income or property, where it is not explained as derived from a source other than crime. This assertion is incorrect for several reasons.

First, title X does not require that a defendant desiring to explain his wealth testify in person. The defendant instead can offer other witnesses or documentary evidence, and doing so is not considered self-incrimination.

Second, this provision of title X does not compel a finding that a defendant with unexplained wealth is a professional offender, it does not create an irrebuttable or even a rebuttable presumption to that effect, and it does not even require the court to draw any inference from the unexplained wealth. It is

clear, from a careful reading of the face of the provision, that its sole effects are to declare unexplained wealth to be relevant, and to permit the drawing from it of any inference of fact which is logical and persuasive in the circumstances. In this connection, it is like similar permissible inference that follows from the recent possession of stolen property, which has been long upheld. See *Wilson v. United States*, 162 U.S. 613, 619 (1896). The inference may be very strong in some cases and nonexistent or very weak in others, depending upon the type of wealth, the circumstances of its acquisition, the facts concerning the felony for which the defendant is to be sentenced, and the other circumstances of aggravation.

Third, the Marchetti and Grosso cases, *Marchetti v. United States*, 390 U.S. 39 (1968); *Grosso v. United States*, 390 U.S. 62 (1968) relied upon by my friends shed no light on title X, since the law they invalidated made one's failure to incriminate himself a crime in itself.

My colleagues "due process" objection to title X is that the defendant would be deterred from appealing if he knew that Government could then appeal as well and have his sentence increased. I seriously question the care with which my friends examined title X, which takes great pains to prevent exactly the type of deterrence of which they warn. Since a defendant might be deterred from appealing if the Government could then appeal as well, title X requires that the Government take any review it desires 5 days before the defendant must do so. By the time the defendant is about to make his decision, the Government already has appealed or lost its chance to do so, so the defendant cannot possibly fear such retaliation.

In addition, the section of title X dealing with appellate review of sentence—section 3576—provides expressly that when a sentence review is taken by the United States, the court of appeals may increase or reduce the sentence, and that "any withdrawal of review taken by the United States shall foreclose change to the disadvantage but not change to the advantage of the defendant." These provisions prevent the taking of routine Government appeals in the manner described by my colleagues dissenting statements, since taking routine appeals would expose the Government to the possibility of sentence reductions, a possibility not foreclosed by Government withdrawal of review. Further, the sentence review provisions include a provision that "any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review." These safeguards, coupled with the 5-day lag itself, provide ample protection for a defendant against being penalized for taking an appeal. This conclusion, too, is concurred in by Dean Low, who emphasized the due process problems concerning sentence increases on appeal in his prepared testimony before the Senate subcommittee. He then was asked, during the hearing:

> Could part of your objection to the prosecutor having the right to appeal be obviated by giving him a short period of time to exercise his option, and then allowing the defendant to exercise his option at a later point, but not permitting increase on appeal where the prosecutor did not elect to exercise his option at the earlier point? (Senate Hearings at 211.)

Dean Low replied:

> I believe that would be very good. I believe it would be very good provision. I think the prosecutor could not then appeal in response to a defendant's appeal. I think that would be an excellent suggestion. (Ibid.)

CONCLUSION

Mr. Speaker, my colleagues, in closing, make passing reference to several other titles of S. 30. But here they did not seem to press their objections quite so hard. I shall not, therefore, burden the RECORD further with detailed reply. I should like to close, however, by making reference to the opinion of Justice Keating of the New York Court of Appeals in *People v. Kaiser*, 21 N.Y. 2d 86, 233 N.E. 2d 818, 829, affirmed, 394 U.S. 280 (1969) Affirming the extortion conviction of an alleged Cosa Nostra member secured by wiretaps, Justice Keating replied to the civil liberties objections:

> [M]uch as we might like, we cannot ignore the realities of life. We cannot ignore the rise of organized criminal activity and "families" who promise to provide the true "big brothers" of 1984. As the facts in this case reveal, some . . . [police investigative techniques] under the most severely regulated and restricted conditions are necessary, lest the only security we enjoy is that from government intrusion.

Mr. Speaker, I, for one, am willing to give law enforcement the tools it needs to get the job done. I have supported it in S. 30 in the committee and I intend to support it on the floor. I urge my colleagues to take this same course of action.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 30) relating to the control of organized crime in the United States.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 30, with Mr. ROONEY of New York in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the distinguished gentleman from New York (Mr. CELLER) will be recognized for 1½ hours, and the distinguished gentleman from Ohio (Mr. MCCULLOCH) will be recognized for 1½ hours.

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

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

Mr. Chairman, this bill has been the subject of much controversy. When it came to the Judiciary Committee from the other body it contained many imperfections. I might say that it contained many unconstitutional potholes. We filled them with constitutional provisions and removed irregularities. We smoothed out some of the rugged and extremely repressive provisions.

Mr. Chairman, we revised the bill and made it in accord with the legal process.

Mr. Chairman, our subcommittee worked assiduously and laboriously many hours refurbishing and smoothing out some of the wind rows, if I may put it that way, which were contained in this bill. It was approved unanimously by the subcommittee and had the preponderant vote of approval of the full committee. It is a good bill, but not perfect. What is? I have frequently said that even the sun has its spots. There is no light without shadow. So, this bill may have some imperfections, but it is a bill that is well rounded and it has compromises. But, is not all civilization the result of compromise?

Mr. Chairman, we conducted lengthy and extensive hearings on the bill and considered every shade and degree of opinion. We heard from the American Bar Association, the Federal Bar Association, the Association of the Bar of the City of New York, the New York County Lawyers Association, and other bar associations as well as the American Civil Liberties Union. We heard Members of both the House and the Senate, professors of law, experts in the criminal law, and judges.

If we are to deal however meaningfully with crime we must deal with the deep-seated causes of crime. We must address ourselves to the dehumanizing effect on the individual of slums, ignorance, sheer violence, corruption, poverty, idleness, hunger, disease, drug addiction, and overcrowded jails.

The use of naked power is not enough. We must care not only for law and order but for justice as well.

When I recite these horrendous evils that beset our society I do not pretend that we are lost and helpless, that in the proverbial sense we are going to the dogs, not at all. We need not let fear possess us.

I am young enough to know that the best is yet to come. We shall find solutions through patience, justice, and wisdom.

A nation that withstood the holocaust of a civil war where a million of our brave sons were slaughtered, a nation that withstood the anti-Chinese and the anti-Catholic riots of the 1840's and 1850's, the antidraft riots of the 1860's, a nation that fought two World Wars to triumph, that survived the Pullman and Homestead strikes and all the turmoil involved therein, a nation that lived through the boom and bust and gripping fear of the depression of 1929, such a nation can cope with and triumph over the present crime wave.

The bill before us I must admit is no panacea for the overall causes of crime but it will help. It will provide more tools and measures to invoke punishment to

those who heretofore have escaped sanctions.

There is an old saying, "If passion drives let reason hold the reins."

I am free to confess that emotion and passion inspired the bill originally but reason must now control. The bill reflected originally public hysteria caused by the escalation of crime. Our committee I think put reason in the driver's seat and made the bill palatable and indeed worthy of your support.

We made some 50-odd changes, offered some 50-odd amendments to the Senate bill. This legislation manifests the diligence and the Judiciary Committee's desire to produce a fair bill.

Mr. Chairman, the purpose of S. 30, as amended, is to curb organized crime by strengthening the Federal criminal justice system. There has been considerable confusion over what this measure really does provide and what it may actually accomplish. As reported by the Committee on the Judiciary, the bill contains an amendment in the nature of a substitute. Although S. 30 embodies the same 11 titles in the measure which the Senate approved, each title has been reworked or amended to some degree. In addition, the bill contains two new titles: Title XI—providing for the regulation of explosives; and title XII—establishing a National Commission on Individual Rights. It may be helpful to the ensuing debate to summarize the main features of each of the titles of the bill, as reported.

TITLE I—SPECIAL GRAND JURIES

Title I provides for the impaneling of special or investigative grand juries in major population centers and in other areas designated by the Attorney General. As amended by the committee, these special panels would serve, as do regular grand juries, under the supervision of the Federal district courts. They would be authorized to sit for extended periods—up to 36 months—and to issue reports first, concerning misconduct involving organized criminal activity of appointed Government officials, and second, regarding organized crime conditions within the district. When such reports are critical of identified indviduals, the bill establishes procedures for notice, the opportunity to present evidence, to file an answer and to judicial review prior to publication.

TITLE II—WITNESS IMMUNITY

Title II contains a general Federal immunity statute that affords "use" immunity rather than "transaction" immunity when a witness before a court, grand jury, Federal agency, either House of Congress, or congressional committee or subcommittee, asserts his privilege against self-incrimination. This title would displace the privilege against self-incrimination by granting protection intended to be coextensive with the privilege; that is, protection against the use of compelled testimony directly or indirectly against the witness in a criminal proceeding.

TITLE III—RECALCITRANT WITNESSES

This title seeks to codify civil contempt practice with respect to recalcitrant witnesses in Federal grand jury and court proceedings. The title spells out the powers of the court summarily, without a jury, to coerce testimony by imprisonment. As amended by the committee, the maximum confinement authorized is 18 months, and the applicable standard of bail during an appeal of a contempt order is made consistent with the Federal Rules of Criminal Procedure.

Title III also applies Federal sanctions to witnesses who flee State process in order to avoid testifying before State criminal investigatory agencies.

TITLE IV—FALSE DECLARATIONS

Title IV establishes a new Federal false declaration standard applicable to grand jury and court proceedings. Its purpose is to facilitate Federal perjury prosecutions by permitting convictions based on irreconcilably inconsistent declarations under oath. In order to encourage truthful testimony, the title, as amended, permits recantation to be a bar to a false declaration prosecution in certain circumstances.

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

As a further effort to secure and preserve essential prosecution testimony in an organized crime proceeding, title V authorizes the Attorney General to protect and maintain Federal and State organized crime witnesses and their families. It is provided that State witnesses may be protected on a reimbursable basis.

TITLE VI—DEPOSITIONS

Title VI authorizes the Government to preserve testimony by the use of a deposition in a criminal proceeding, a right which now exists only for the defendant under the Federal Rules of Criminal Procedure—rule 15. The Government's access to depositions is confined to organized crime cases, and as amended by the committee, the bill makes clear that such access shall not infringe the defendant's rights under the fifth amendment. It is also provided that the scope of examination and cross-examination shall be the same as at trial.

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

Title VII intends to limit disclosure of information illegally obtained by the government to defendants who seek to challenge the admissibility of evidence because it is either the primary or indirect product of such an illegal act. The title also prohibits any challenge to the admissibility of evidence based on its being the fruit of an unlawful governmental act, if such act occurred 5 years or more before the event sought to be proved. As amended by the committee, the application of title VII is limited to Federal judicial and administrative proceedings, and to electronic or mechanical surveillance which occurred prior to June 19, 1968, the date of enactment of the Federal wiretapping and electronic surveillance law—chapter 119, title 18, United States Code.

TITLE VIII—SYNDICATED GAMBLING

This title contains five parts:

Part A contains a congressional finding that illegal gambling involves the widespread use of, and has an effect on, interstate commerce and its facilities.

Parts B and C establish two new substantive Federal offenses. The first proscribes conspiracies to obstruct the enforcement of State law to facilitate an illegal gambling business. An illegal gambling business is defined as one which is conducted in violation of State or local law, which involves 5 or more persons who conduct, finance, manage or own all or part of the enterprise and which is in substantially continuous operation for over 30 days or has a gross revenue in excess of $2,000 in a single day. A fine of up to $20,000 or imprisonment for not more than 5 years, or both, is provided. The second offense makes it unlawful to engage in the operation of the illegal gambling business itself, defined as above. Any property used in violation of these provisions is made subject to forfeiture and a fine of $20,000 or imprisonment for not more than 5 years, or both, is authorized.

Part D establishes, effective in 2 years, a presidential commission to conduct a comprehensive review of Federal and State gambling policies and their alternatives.

Part E expressly authorizes court order electronic surveillance to enforce the provisions of parts B and C.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Title IX is designed to inhibit the infiltration of legitimate business by organized crime. In addition to creating new Federal offenses punishable by traditional criminal sanctions of a fine of not more than $25,000 or a prison term up to 20 years, or both, title IX also creates civil remedies modeled on those found in the antitrust field. These include orders of divestment, prohibition against business activity and orders of dissolution or reorganization, and treble damage suits on the part of private parties who are injured. The title also authorizes forfeiture of any interest which has been attained in violation of the criminal provision.

The title prohibits the investment of funds derived from a pattern of racketeering activity or from the collection of an unlawful debt, where the investor participated as a principal, in a business engaged in interstate commerce. It also proscribes the acquisition, maintenance or control of any interest in a business engaged in commerce through a pattern of racketeering activity or the collection of unlawful debts. The conduct of the affairs of a business by a person acting in a managerial capacity, through racketeering activity is also proscribed. Conspiracies to violate any of the provisions of the title also are made punishable.

Racketeering activity is defined in terms of specific State and Federal criminal statutes.

As amended by the committee, pattern is defined to require at least two racketeering acts, one of which occurred after the effective date of the statute, and the last of which occurred within 10 years—excluding any period of imprisonment—after the commission of a prior racketeering act.

Provision is made for nationwide venue and service of process, the expedition of actions, civil investigative demands, and

the use of court order electronic surveillance and its product.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

Title X authorizes extended sentences of up to 25 years for dangerous adult special offenders defined to include first, a three-time felony offender who has been previously incarcerated; second, an offender whose felony offense was committed as part of a pattern of criminal conduct, and third, an offender whose felony offense was committed in furtherance of a conspiracy of three or more other persons to engage in a pattern of criminal conduct.

The imposition of the extended term must be based upon a charge by the prosecuting attorney and a hearing before the sentencing court following conviction. The title provides for the assistance of counsel, compulsory process and cross-examination of witnesses. Appellate review of the extended sentence is provided for both the Government and the defendant, but the Government must exercise the option to seek review at least 5 days before the expiration of the time for review by the defendant. Further, the bill permits an appeal by the Government to result in an increase in a dangerous special offender sentence or a reversal of the trial court's finding that the defendant is not a dangerous special offender.

Title X also authorizes the Attorney General to establish in the Department of Justice a central repository for records of convictions. Records maintained in this respository are made admissible in evidence in the Federal courts.

TITLE XI—REGULATION OF EXPLOSIVES

This title, added by the committee, establishes Federal controls over the interstate and foreign commerce of explosives and is designed to assist the States to more effectively regulate the sale, transfer and other disposition of explosives within their borders. The title establishes a system of Federal licenses and permits; licenses are required of all explosives manufacturers, importers, and dealers; and permits are required of all users who depend on interstate commerce to obtain explosives. The title prohibits the distribution of explosives to persons under 21 years of age, drug addicts, mental defectives, fugitives from justice, and persons indicted for or convicted of certain crimes. Licensing authority is vested in the Secretary of the Treasury who is also authorized to regulate the storage of explosives. The title also makes it a Federal offense to falsify records, or make false statements to obtain explosives, to sell explosives in violation of State law and to traffic in stolen explosives.

In addition to the Federal regulatory scheme, title XI strengthens the Federal criminal law with respect to the illegal use, transportation or possession of explosives. Under this part of the title the definition of explosives is broadened to include incendiary devices such as "Molotov cocktails." In addition to increasing present penalties for the illegal use of explosives, title XI amends Federal law to cover malicious damage or destruction by explosives to Federal premises and other Federal property as well as to the premises and property of institutions or organizations receiving Federal financial assistance such as universities, hospitals, and police stations.

The title also specifically proscribes malicious damage or destruction by explosives of real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce. Existing penalties are increased and the death penalty is extended to new offenses added by the title. The new criminal offenses become effective upon enactment of the legislation; the licensing provisions become effective in 120 days.

TITLE XI—NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

This title, added by the committee, establishes, effective January 1, 1972, a National Commission on Individual Rights which is to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing authorized under this act, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action.

The Commission is authorized to make interim reports as it deems advisable and shall make its final report to the President and the Congress within 6 years of its establishment.

CONCLUSION

Mr. Chairman, measures such as S. 30 may well contribute to improving the capacity of the criminal justice system to respond to the challenge of a burgeoning crime rate. But no single anticrime bill, S. 30 or any other, will furnish the panacea to the crime problem. Heightened prosecutorial powers, enhanced criminal sanctions and longer periods of incarceration deal only with the symptoms of the basic problem.

As long as prisons resemble human warehouses and fail to provide adequate programs of rehabilitation, as long as the rate of criminal recidivism increases and the underlying causes go unattended, then effective crime control and effective crime prevention must await.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) has consumed 27 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I rise in support of S. 30. The bill as it passed the Senate consisted of 10 titles aimed primarily at the problems created by organized crime. The 11th and last title contained a standard separability clause.

The Committee on the Judiciary recommends that S. 30 pass with an amendment in the nature of a substitute. The substitute incorporates many changes which were the product of months of serious painstaking study. The 13 days of hearings and the 7 days of executive meetings, some around the clock, do not begin to tell the story of the thought and deliberation that went into the committee substitute.

S. 30—as reported—is a better bill. Provisions have been made workable. Constitutional rights have been protected. Measures have been clarified. But beyond that, the committee fashioned a new title to combat the recent rash of bombings. The new title is basically a combination of two bills—H.R. 16699 and H.R. 18573—which I introduced and which were cosponsored by numerous colleagues. But even with such provisions, S. 30 is no panacea. We who advocate this legislation do not claim that it is solution to all our crime problems. In fact, in my opinion, this bill is not the ultimate solution even to the problems posed by organized crime and by bombings. But this bill will mark the beginning of a vigorous attack on those problems, a day, which all may well be proud.

The Committee on the Judiciary built upon the work of the other body. The first 10 titles still retain their basic thrust. The first five titles are designed to accomplish one simple purpose: to get facts. Title I establishes special grand juries which may exercise more independence in fulfilling their duties and may sit for a period of time up to 36 months. In attempting to find out the facts, the grand jury may summon witnesses and compel them to talk by granting them immunity against the use of their testimony against them—Title II. If they refuse to talk, they may be held in civil contempt—Title III. If they talk but do not speak the truth, they may be tried for perjury. Title IV eliminates medieval rules of evidence which hobbled prosecution for this crime. And if the witness talks and places his life in jeopardy, title V authorizes the Government to protect him or even to relocate him.

Titles VI and VII facilitates the actual trial of organized criminals. Title VI allows the Government to take a deposition of a Government witness and use it at trial if the witness is for certain reasons not available. This not only protects the Government's case but the witness as well. The organized criminals have no motive to kill or kidnap a witness if the damning testimony is recorded and admissible.

Title VII precludes litigation concerning claims of illegal electronic surveillance by the Government which could not have possibly produced evidence for the prosecution.

Titles VIII and IX create substantive criminal offenses related to organized crime. Title VIII makes large-scale gambling operations in violation of State law a Federal crime. It also outlaws bribery of State and local officials in connection with such gambling enterprises. Title IX makes it unlawful to engage in a pattern of racketeering activity as a means of acquiring, maintaining, or conducting a business and creates civil and criminal remedies such as are found in antitrust law.

Title X establishes a postconviction presentencing procedure for determining whether the defendant is a habitual, professional, or organized criminal. Such an offender may then be accorded an extended sentence.

Although the Committee on the Judiciary made about 50 changes in this legislation in fashioning its substitute,

there are three major points that merit discussion.

First: The Senate version allowed special grand juries to make reports concerning the noncriminal misconduct, malfeasance, or misfeasance in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action. The committee limited the application of the report power to appointed public officers and employees. The limitation has two purposes. The first is to keep the special grand jury from "playing politics." Some members of the committee feared that a special grand jury might be tempted to abuse its power by trying to influence the outcome of an election.

The second purpose of the limitation is to protect further this grant of power to the special grand jury from attack on grounds that it violates the due process clause. Some have criticized this provision in the Senate bill as granting the special grand jury what is in effect the power to indict without according the identified individual the opportunity for vindication. The phrase—as the basis for a recommendation of removal or disciplinary action—did not make sense when applied to instances of elected officials such as mayors or Governors. To whom would the recommendation be made? The people? Who had the authority to remove or discipline such an official? If no such power to remove or discipline existed, was the special grand jury yet authorized to issue the report?

The answers to such questions become evident when the reporting power is limited to appointed officers and employees. Then the report may be viewed as a recommendation to the appointing agency to remove or to discipline. The identified individual thus has a further recourse. He may present his case anew to the appointing agency. He will have an opportunity to vindicate his position. The analogy to an indictment without a trial is no longer valid.

Second: Title VII is intended to diminish litigation over the sources of evidence. In *Alderman* v. *United States*, 394 U.S. 165 (1968), the Supreme Court held that a defendant challenging the admissibility of evidence who demonstrates the illegality of governmental electronic surveillance and that he has standing to assert the illegality of such surveillance is thus entitled to disclosure of the contents of such surveillance for purposes of litigating the challenge to the evidence. Litigation results whether or not there is any arguable connection between the Government's illegality and the case being made against the defendant.

During the hearings it became evident that the problem presented was primarily one resulting from cases of electronic surveillance arising in the absence of guidelines from either the Supreme Court or the Congress. Those guidelines were handed down by the Supreme Court in *Katz* v. *United States*, 389 U.S. 347 (1967) and by the Congress on June 19, 1968, when title III of the Omnibus Crime Control and Safe Streets Act became law. In other words, the bulk of the problem concerned illegal electronic surveillance occurring prior to June 19, 1968.

However, testimony was also received that the Alderman decision could not be changed by statute since it was based on an interpretation of the fourth amendment. In the situation alluded to before, Alderman would require disclosure to the defendant so that the defendant could make a claim that the evidence offered must constitutionally be excluded under *Mapp* v. *Ohio*, 367 U.S. 343 (1961). But if the fourth amendment does not require that Mapp itself be applied retrospectively, *Linkletter* v. *Walker*, 381 U.S. 618 (1965); it would seem ironic that a rule ancillary to Mapp could merit superior constitutional rank.

If the Government could be relieved from the burden of its irrelevant mistakes made at a time when appropriate guidelines were not yet in existence and if Alderman were not applied retrospectively, no violation would be worked upon the fourth amendment. Thus the committee found it possible to limit the mischief of Alderman without having to decide whether it was constitutionally based.

The question remained as to what date was an appropriate one for marking the prospective application of Alderman. Recent decisions of the Supreme Court have increasingly allowed law enforcement officials to rely on practices until proscribed, *Jenkins* v. *Delaware*, 395 U.S. 213, 218, n. 7 (1969). Since Katz brought nontrespassory electronic surveillance under the fourth amendment on December 18, 1967, that date seems most appropriate. But the choice of date in a case such as this is not a matter of constitutional compulsion but rather one of reasonableness, as the Court said in Jenkins. Hence, Congress in making the choice of date could reasonably pick the date on which the legislation guidelines were enacted, provided that such date was not later than the date of enactment of S. 30. Such later date would be constitutionally forbidden by Mapp.

In summary, if the Alderman rule is constitutionally based, then the committee's amendment has saved the provision and remedied most of the problem.

Third: Title XI is basically a combination of two bills which I introduced. H.R. 18573 establishes a regulatory scheme for the importation, manufacture, distribution, and storage of explosive materials which in many respects parallels the Gun Control Act of 1968. H.R. 16699 provides criminal penalties, including the death penalty, for the illegal use of explosives. The committee adopted H.R. 18573 but authorized the Treasury Department, not the Interior Department, to administer the title because of its experience with the Gun Control Act of 1968. The committee also adopted H.R. 16699 with the exception of one minor criminal provision. However, the committee extended the provision protecting interstate and foreign commerce from the malicious use of explosives to the full extent of our constitutional power. It also adopted a provision protecting institutions and organizations receiving Federal financial assistance from the malicious use of explosives. Lastly, the committee included the criminal provisions within the list of offenses for which electronic surveillance may be authorized by court order.

However, the combining of these two bills under the umbrella of title XI produced a problem. Had H.R. 16699 been enacted separately, it would have followed as a matter of course—without any express provision—that the Federal Bureau of Investigation would have had the authority to investigate any potential violations of law.

But when the regulatory measure which authorized the Secretary of the Treasury to administer the chapter containing the provisions normally within the investigatory authority of the FBI was combined with the criminal measure which was silent regarding the authority of the FBI, some questions arose as to whether the FBI had been displaced. To eliminate such a negative implication, it was written that the FBI—together with the Secretary—may investigate the criminal provisions. Why the phrase "together with the Secretary"? Because the Treasury Department has authority under the Gun Control Act of 1968 and under this legislation to investigate many explosions which may have resulted from a violation which the FBI is now given authority to investigate.

Thus the committee intended to grant the Treasury Department and the FBI the investigatory authority each would have had if H.R. 18573 and H.R. 16699 had been separately enacted.

The next question concerns what increase in authority has been given to the FBI through the provision making it criminal to bomb an institution or organization receiving Federal financial assistance. The FBI may presently investigate potential violations of section 245 of title 18, United States Code. Section 245(b) says:

> Whoever * * * by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because he is or has been * * * participating in or enjoying the benefits of any program or activity receiving Federal financial assistance.

It would seem to me that the FBI could invoke either section 245(b) or proposed title XI to justify investigating a campus bombing. The difference between the two provisions would be seen at trial rather than during the investigation. At trial, title XI would relieve the Government of the burden of proving that the purpose of the bombing was to interfere with the enjoyment of a federally aided program.

Finally, no action taken by the committee was intended to change the method of operation of the FBI. The FBI has generally cooperated with local authorities in the past, and it is expected that they will continue to do so. Pragmatically, it is difficult to imagine how the FBI could otherwise proceed.

I urge the adoption of this legislation.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the proposed legislation which is some of the most important anticriminal legislation that has been offered in my lifetime in the war on criminal activities.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the

gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise to express my support of S. 30, the Organized Crime Control Act of 1970, as amended by the House Judiciary Committee.

This complex measure was considered by the Senate for over a year, and our committee gave it intensive study resulting, in my judgment, in improvements to some of the Senate-passed provisions that might raise constitutional challenges. In addition, we added two new substantive sections. The first deals with the relatively recent but extremely grave problem of bombing incidents that have plagued the Nation. The second would establish a commission charged with the specific responsibility of assessing the impact of the provisions of this and other acts on the individual rights of our citizens.

S. 30 stems from efforts to implement recommendations of the 1967 report of President Johnson's Commission on Law Enforcement and the Administration of Justice. The Commission's Task Force on Organized Crime succinctly described the extent of the problem in its statement:

> Organized crime exists by virtue of the power it purchases with its money. The millions of dollars it can invest in narcotics or use of layoff money give it power over the lives of thousands of people and over the quality of life in whole neighborhoods. The millions of dollars it can throw into the legitimate economic system give it power to manipulate the price of shares on the stock market, to raise or lower the price of retail merchandise, to determine whether entire industries are union or nonunion, to make it easier or harder for businessmen to continue in business.

In fact, as the Task Force report concludes:

> The purpose of organized crime is not competition with visible, legal government but nullification of it.

Many of the provisions of S. 30 are directly designed to carry out the Commission's recommendations, and I would like to call particular attention to these.

The Commission recommended that at least one investigative grand jury be impaneled annually in each jurisdiction that has major organized crime activity, and in title I of S. 30 provision is made for special grand juries to sit in major population centers or in other areas designated by the Attorney General. The bill also provides authority for such grand juries to issue reports, as recommended by the Commission.

The bill provides for general immunity of witnesses and protective facilities for crime witnesses and their families, as suggested in the Commission's report. It also carries out another Commission recommendation by authorizing extended sentences of up to 25 years for dangerous adult special offenders. Criteria to define such offenders are included in the bill, and legal safeguards and appellate review are provided for in such cases of extended sentences.

The bill also contains vital provisions to bring major illegal gambling operations within Federal jurisdiction and make it a crime to use income from organized crime or racketeering activity to acquire or establish a legal interstate business. In addition, it clarifies the admissability of evidence obtained from electronic surveillance in Federal judicial and administrative proceedings.

Mr. Chairman, I would like to stress particularly the two new titles to S. 30 which were added by our House Judiciary Committee.

Title XI, the regulation of explosives, is designed to help prevent the shocking and tragic bombing incidents that have been taking place across the country. It is patterned after the Gun Control Act of 1968 and would establish effective Federal controls over interstate and foreign commerce in explosives. It sets up a system of Federal licenses and recordkeeping for dealers in explosives and requires permits of all users obtaining explosives in interstate commerce. Distribution of explosives to drug addicts, mental defectives, fugitives, persons indicted for or convicted of certain crimes, and to persons under 21 years of age, is prohibited. It increases penalties for illegal use of explosives and expands present law to cover damage by bombings of Federal property as well as property of institutions or organizations receiving Federal financial assistance.

The second title added to S. 30 by the committee would establish, effective in 2 years, a National Commission on Individual Rights to conduct a comprehensive review of Federal laws and practices under this bill and other Federal laws to assess the impact on the rights of our citizens.

Mr. Chairman, as a member of the Judiciary Committee I have been concerned and deeply involved for years in the development of anticrime legislation, and I have long been aware of the desperate need for a national strategy to combat organized crime.

The Senate-passed version of S. 30 has been improved by our committee, including some amendments suggested by the American Bar Association. However, I still have serious reservations about some of the principles newly established in the bill, and I am glad that we have authorized a National Commission on Individual Rights to study the effects of the provisions of S. 30 and other major anticrime measures.

Mr. Chairman, organized crime affects the lives of millions of Americans, yet operates outside the control of the American people and of our governments. Drastic methods to combat it are essential, and we must develop law enforcement measures at least as efficient as those of organized crime. With S. 30 we will provide not a panacea to rid the Nation of organized crime but the basis for an effective national program and generate a truly full-scale commitment to destroy the insidious power of organized crime groups. So while I have serious questions about some provisions of S. 30, I support it and urge its approval. It is an essential measure in the effort to eradicate the dreadful disease of organized crime that now afflicts the Nation.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I rise in support of S. 30, the Organized Crime Control Act of 1970. The strong measures contained in this legislation are aimed at ridding our society of the highly profitable business of organized crime, and they are long overdue. Organized crime has been financially bleeding this country with increasing efficiency over a period of years. An estimate reported by the New York Times early this year, indicated that the rackets gross more than $30 billion, with net profits of between $7 and $10 billion. This is a conservative figure—a minimum estimate. Chairman DANTE FASCELL of the Government Operations Subcommittee on Legal and Monetary Affairs, of which I am a member, estimated the gross revenue of organized crime in this country at $60 billion. Our subcommittee, as you know, has oversight authority over the Federal efforts against organized crime. Time magazine reported last year that profits from the rackets are—and I quote—"as big as United States Steel, the American Telephone & Telegraph Co., General Motors, Standard Oil of New Jersey, General Electric, Ford Motor Co., IBM, Chrysler, and RCA put together"—and most of this, of course is untaxed.

Gambling is generally thought to be the most profitable of the illegal goods and services provided by the rackets and the syndicates. The President's Crime Commission reported in 1967 that enforcement officials believe that illegal betting on horse races, lotteries, and sporting events totals about $20 billion, with a net profit of $6 to $7 billion a year. If gambling is the most profitable of the rackets—and some believe loan sharking may be about equal with it—it is not the most lethal. The profits from gambling and usurious loans go into financing the deadly narcotics trade, and the profits here at the importing and wholesaling ends are as astronomical as is the cost paid for this traffic by society—in terms of human lives and the street crime motivated by the addicts' need for money to buy drugs.

Contrary to the popular view, organized crime does not confine its activities to the underworld. In his recent book, "Theft of the Nation," Prof. Donald Cressey wrote that the greatest danger from organized crime lies not in its provision of illegal goods and services, but in its penetration of the country's legitimate institutions. In his words:

> The danger of organized crime arises because the vast profits acquired from the sale of illicit goods and services are being invested in licit enterprises, in both the economic sphere and the political sphere. It is when criminal syndicates start to undermine basic economic and political traditions and institutions that the real trouble begins. And the real trouble has begun in the United States.

For example, I noted earlier that most of organized crime's profits are untaxed, but there are considerable overhead expenses. One of the most ominous statistics turned up by the President's

Crime Commission in their surveys was the estimated $2 billion paid out each year by organized crime to public officials in and out of the criminal justice system to buy immunity from the law. Further, from fake bankruptcy suits to theft of Wall Street securities to "partnership" in small and large manufacturing companies, the syndicates are well represented in business and industries, alphabetically from automobile agencies to vending machines, in which organized crime is active, and indicated that this was only a partial list.

While general counsel for Senator JOHN MCCLELLAN'S Government Operations Subcommittee on Investigations, Robert Kennedy—a man not given to scare tactics—concluded that, and I quote from "The Enemy Within," "if we do not on a national scale attack organized criminals, with weapons and techniques as effective as their own, they will destroy us." That was in 1960. In 1967, reporting to President Johnson and the country, the President's Crime Commission concluded: "Efforts to curb the growth of organized crime in America have not been successful." In words reminiscent of the late Senator's, they reported:

> Law enforcement's way of fighting organized crime has been primitive compared to organized crime's way of operating. Law enforcement must use methods at least as efficient as organized crime's. The public and law enforcement must make a full-scale commitment to destroy the power of organized crime groups.

This "full-scale commitment," however, is not simply a question of where there's a will, there's a way. In the words, again, of the President's Crime Commission:

> From a legal standpoint, organized crime continues to grow because of defects in the evidence-gathering process. Under present procedures, too few witnesses have been produced to prove the link between criminal group members and the illicit activities they sponsor.

Law enforcement officials know who the racket leaders are, and they know the organizational hierarchy of the different "families" of organized crime. This information, in fact, is freely available to the public: the most recent organization charts of the underworld are published in the Senate hearings on S. 30, pages 124 to 128. However, under current laws and procedures, the men at the top are virtually untouchable because they seldom commit crimes for which they can be successfully prosecuted. Further, they are buffered from the law by layers of subordinates and flunkies to the point where the numbers runners and narcotics pushers frequently don't know for whom they're really working, and those who do know also know what happens to "informers." The brutality recorded in "The Godfather" pales in comparison with some stories in the police files.

The major purpose of the legislation under consideration today is to provide the criminal justice system with the necessary legal tools to get at organized crime. Titles I through VII are aimed at strengthening the evidence gathering process and insuring that the evidence will then be available and admissible at trial. Briefly, title I increases the powers and independence of Federal grand juries investigating organized crime cases; title II consolidates and amends general immunity statutes with the purpose of encouraging those implicated in organized crime cases to testify. Title III increases the penalties available for witnesses who refuse to testify, and title IV would make perjury cases easier to prosecute, in accordance with recommendations of the President's Crime Commission. Title V provides for protected facilities for housing Government witnesses; title VI provides for the taking of pretrial depositions in certain cases; and title VII is aimed at restricting within reason litigation concerning sources of evidence.

Titles VII and IX would create two new substantive laws aimed at controlling organized crime activity. Title VIII, Syndicated Gambling, would make large-scale gambling a Federal offense. Title IX, Racketeer Influenced and Corrupt Organizations, is aimed at keeping organized crime out of legitimate businesses through the use of both criminal and civil penalties. Title X provides for 25-year sentences for certain categories of convicted special dangerous offenders, including those with proven organized crime connections.

The House version of S. 30 contains a new title XI, Regulation of Explosives, which is an antibombing rather than an antiorganized crime law. This title was added by the House Judiciary Committee in a bipartisan effort to increase the controls on the sale of explosives, and the penalties for their use. In addition to tightening an earlier Federal antibombing law, title XI extends Federal jurisdiction to bombings on campuses receiving Federal financial assistance, allowing the use of wiretapping in such cases and, of course, bringing in the FBI to assist State and local authorities in investigations. The need for immediate passage of strong antibombing legislation is tragically apparent from statistics released this summer by the Treasury Department. During the 15-month period of January 1, 1969 to April 15, 1970, there were 4,330 bombings in the United States, 1,475 attempted bombings, and 35,129 bomb threats. Forty-three people were killed and 384 were injured, many of them very seriously. Property damage during the period was estimated at $21,800,000. Only 36 percent of the bombing cases were solved, and, of these, 56 percent occurred in connection with campus disturbances.

I urge that S. 30 be enacted into law without further delay. Hopefully, a major effect of this legislation will be to deter both the cold-blooded businessmen of crime and the hot-headed anarchists from further activity.

Thank you.

Mr. MCCULLOCH. Mr. Chairman, I should now like to say what I should have said, but did not say, when I was recognized before. I have been on the Committee on the Judiciary of the U.S. House of Representatives for well over 20 years and I have watched able staff members come and go, but never have I seen staff members who were in charge of the work on such important legislation who worked more diligently and who worked longer hours and devoted holiday time to getting in shape such important legislation, and I want to compliment them for the work they have done in their assignment.

Mr. Chairman, I now yield such time as he may consume to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, the committee amendment to S. 30 measurably improves upon the original version of the organized Crime Control Act. Most of the changes recommended by the American Bar Association and many of those urged by the Association of the Bar of the City of New York have been adopted. The total result is a cleaner, stronger, fairer and more effective piece of legislation.

The bill contains 13 titles. These can be classified in 5 operative categories—evidence, gambling, racketeer organizations, special offender sentencing, and explosives.

The evidence category includes the first seven titles of the bill. If organized criminals are to be discovered, apprehended, charged and convicted, the Federal system of gathering and utilizing evidence must be strengthened. That is the purpose of titles I through VII.

A continuing thread of relevance connects each title with each of the other six. Title I authorizes special grand juries, citizen-oriented, to sit in major population centers to investigate, to indict, and to report upon organized criminal activity in the District and those in Government who are involved.

Title II makes it possible to compel witnesses before the grand juries or elsewhere to testify under a guarantee that neither their testimony nor the fruits of their testimony will be used to prosecute them.

Title III recognizes that, even under an immunity guarantee. Some witnesses may refuse to testify and therefore codifies the law whereby the court can coerce testimony under pain of imprisonment for contempt.

Title IV provides for the case of the witness who testifies but testifies falsely, as sometimes becomes apparent by his contradicting his own previous testimony.

Title V recognizes that prosecution witnesses and members of their families sometimes never live to testify and accordingly authorizes the Government to furnish special sanctuary living quarters.

Title VI is further recognition of the intimidation and violence visited upon prosecution witnesses by those engaged in organized criminal activities. It authorizes the Government to take depositions in advance of trial, not only to preserve testimony but to preserve life and limb.

And finally, title VII insures that once the evidence is lawfully discovered and assembled, it can be used at trial without the time-consuming frustration of frivolous and dilatory challenge to its legality.

Of the seven titles in the evidence category, only two, titles I and VII, are likely to provoke much debate.

The gambling category is found in title VIII. Syndicated gambling is the

mob's principal source of income, estimated at $7 billion a year. The interstate gambling enterprise could not function without the connivance and corruption of State and local officials in the obstruction of State laws. Title VIII makes this conspiracy a Federal crime.

The racketeer organizations category in title IX is related to the gambling category. The money which the syndicate uses to infiltrate legitimate business enterprises comes largely from gambling receipts. Whether the technique of infiltration is intimidation and violence or simply public purchase, the consequence of mob ownership of business concerns are always evil. Business competitors suffer unfair competition. Workers are the victims of sweetheart labor contracts. And consumers are the victims of inferior products and services, price-fixing and most of the other predatory practices of monopolies. Title IX mobilizes both the criminal and civil mechanisms of the Sherman Act and other antitrust statutes against the barons of organized crime.

The category of special offender sentencing is found in title X. Title X is essentially the same as the amendment I offered to the Drug Control Act 2 weeks ago.

As the name of title X implies, it fixes special rules and special penalties for sentencing special offenders. It does not create a new crime. It does not apply to a juvenile or to the average occasional offender. It applies only to the most dangerous, persistent, hard-core criminals, those who fall in any of three groups—the organized crime offender, the professional criminal—who may or may not be a member of an organized mob—and the habitual criminal—who may be neither a professional nor a mobster.

Even the hard-core criminal is not subject to the special sentencing provisions of title X until he has first been convicted of a felony by a jury of his peers. Then, in the absence of the jury, the judge proceeds, just as he does under present law, to determine whether there are any mitigating or aggravating circumstances which he should consider in fixing the sentence. Title X gives the convicted defendant an adversary hearing with notice, the right to counsel, the right of compulsory process, the right of cross-examination of Government witnesses and the right to access to the presentence report. If the judge finds that the defendant is a hard-core repeat offender, this becomes an aggravating circumstance which authorizes the judge, if he further finds that he poses a danger to society, to impose a sentence up to 25 years.

Thereafter, title X gives the convicted defendant for the first time in Federal criminal law, the right to obtain an appellate court review of the propriety of the sentence imposed. Although the Government is given a similar right, there can be no increase in the sentence on the defendant's appeal alone.

The American Bar Association endorses title X as amended. The concept also has the endorsement of President Johnson's Crime Commission, the American Law Institute, the National Council on Crime and Delinquency and a host of legal scholars and penologists.

The fifth operative category concerning explosives found in title XI, is not restricted to organized crime. It is prompted by the national emergency of criminal bombings brought into dramatic focus by the recent tragedy at the University of Wisconsin. In order to assist the States in the enforcement of their laws on explosives, title XI establishes a Federal system of Federal regulation and licensing of the interstate movement of explosives. It also writes new Federal penalties for the use of explosives and incendiary devices to destroy property used in interstate commerce and property under the ownership or control of the Federal Government, including the property of institutions and organizations receiving Federal assistance.

This is a long bill, a complicated bill, a bill of criminal law reform and innovation. But it has been carefully and laboriously tested in the laboratory of public hearings and committee debate and comes to the calendar with only three votes against it. We must not shrink from it because it is new and different. Rather, because the problem is new and different, we must resist the temptation to be content with the old and customary.

Under unanimous consent granted in the House, I quote the following letter:

AMERICAN BAR ASSOCIATION,
September 11, 1970.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
Rayburn House Office Building.

DEAR CHAIRMAN CELLER: During the testimony, some questioning occurred regarding the Model Act on Perjury, especially as to a comparison between it and Title IV on the language and effect thereof regarding false and contradictory declarations; also concerning the requirement (or lack thereof) of the element of materiality. Likewise we were requested to supply for the record information as to adoption of the Model Act on Perjury in the states. (Typewritten transcript pp. 499–504).

With further reference to the element of materiality, the prefatory note to the Model Act on Perjury indicates the draftsmen intended to alleviate or cure a number of defects in perjury law, one of which was the requirement of the Federal statute, 18 U.S.C. section 1621, that "a false statement must be proved not only to be false but also to be material to the proceeding for which it was made. This rule has meant immunity for many witnesses who have willfully given false evidence in court, and much delay and uncertainty has arisen in the course of the interpretation and application of the rule." (Prefatory Note, para 2).

The word "material" as quoted in Sections 1 and 2 of the Model Act (my statement, p. 15) is bracketed. The comment to these sections by the National Conference of Commissioners on Uniform State Laws recommends omission of the word for these reasons:

"It is (1) unnecessary, being mainly a historical survival; (2) it is difficult or impossible of application in many cases, leading to strained exceptions and interpretations by the courts; and (3) it is confusing when argued by counsel and applied by courts and juries, thereby leading to miscarriages of justice and to weakness in the courts in protecting themselves against obstruction by perjurers and suborners of perjury. Moreover, (4) degrees of importance or "materiality" of perjured statements can and should be recognized by courts not as an element of guilt but in apportioning sentence, as provided in Model Act Sec. 4(2), and Sec. 5."

Similarly, Section 4 of the Model Act, dealing with "Proof" furnishes two alternatives, depending on whether or not "materiality" is included in Sections 1 and 2:

"[(2) Proof of Materiality under Act. (This alternative is to be used if the word "material" is inserted in Sections 1 and 2.) The question whether a statement was material shall include only whether the statement might affect some phase or detail of the trial, hearing, investigation, deposition, certification or declaration, and is a question of law to be determined by the court.]"

"(2) Proof of Materiality under Act. (This alternative is to be used if the word "material" is not inserted in Sections 1 and 2.) Lack of materiality of the statement is not a defense [but the degree to which a perjured statement might have affected some phase or detail of the trial, hearing, investigation, deposition, certification or declaration shall be considered by the court, together with the other evidence or circumstances, in imposing sentence]."

Finally, on the question of acceptance of the Model Act on Perjury by the states, I submit the following information for the record.

Two states have adopted sections of the Bar Association's approved Model Perjury Act. Arizona adopted all of it in 1953. *Ariz. Rev. Stat.* #13–561–66. Illinois adopted its contradictory statements provisions in the same year. *Ill. Ann. Stat.* ch. 38, #32–2. No other State has directly adopted the language of the Model Act.

The policy judgments its provisions embody, however, are reflected in other States. The two witness rule has been abrogated by statute in New Jersey, N.J. Stat. Ann., #2A: 131–6, and New Hampshire *N.H. Rev. Stat. Ann.* #597:1–d, and relaxed by decision in Arkansas, *Harp* v. *State*, 59 Ark. 113, 26 S.W. 714 (1894). The direct evidence rule has been modified, excluding documentary evidence from its scope in California, *People* v. *O'Donnell*, 132 Ca. App. 2d 840, 283 P. 2d 714 (1955) and holding it wholly inapplicable where direct evidence is, by the character of the issue of fact, e.g., opinion, belief, or memory, necessarily unavailable in California, *People* v. *DeMartini*, 50 Cal. App. 109, 194 P. 506 (1920); in Kansas, *State* v. *Wilhelm*, 114 Kan. 349, 219 P. 510 (1923); in Illinois, *Johnson* v. *People*, 94 Ill. 505 (1880); in New Jersey, *State* v. *Sullivan*, 24 N.J. 18, 130 A. 2d 610 (1957); in Oklahoma, *Shoemaker* v. *State*, 29 Okla. Cr. 184, 233 P. 489 (1925); and Pennsylvania, *Com'm* v. *Sumrak*, 148 Pa. Supr. 412, 25 A. 2d 605 (1942). In addition, the following eleven States have adopted contradictory statement provisions: *Cal. Penal Code* #118a; *La. Rev. Stat. Ann.* #124; *Md. Ann. Code art.* 27 #435; *Minn. Stat. Ann.* #609 48 (3); *N. H. Rev. Stat. Ann.* #587:1–b; *N.J. Stat. Ann.* #2A:131–5; *N.Y. Penal Law* #210–20; *Okla. Stat. Ann.* tit. 21, #496; *Tenn. Code Ann.* #39–3301; *Utah Code Ann.* #76–45–1; *Va. Code Ann.* #18. 1–276.

In the course of my testimony on behalf of the American Bar Association in the hearings on S. 30 of the House Judiciary Committee's Subcommittee No. 5, you requested that I supply a further statement describing the differences between title X of S. 30 as it passed the Senate and title X as it would be amended if the ABA's recommendations were followed, and stating what portions of the existing title X would remain after the ABA's amendments. (Type-written transcript of July 23, 1970, hearing at 481, 494.)

I must begin my response to that request by describing certain points on which supposed differences between title X and the ABA's recommendations were discussed during my testimony.

The provisions of title X which authorize the government to take review of a sentence

and obtain an increase are fully supported by the ABA, which proposes no amendments to those provisions. It is true, as I tried to indicate in response to questions of the committee counsel during my testimony, that the *Standards for Criminal Justice* of the ABA do not themselves offer affirmative support for the concept of government review of sentencing. (Type-written transcript at 483.) It is equally true, on the other hand, that the *Standards* do not oppose that concept. Instead, the *Standards* support sentence increase on review taken by a defendant, and are silent on the question whether review and increase at the instance of the government should be permitted. (Project on Minimum Standards for Criminal Justice, *Standards Relating to Appellate Review of Sentences* §§ 3.2, 3.3 (Approved Draft, 1968).)

The commentary to the *Standards on Appellate Review of Sentences* suggests disapproval of appellate review of sentences at the instance of the government. (*Id.* at 56, Supplement at 3.) The commentary, however, has not been approved by the Board of Governors or the House of Delegates of the ABA, and does not state ABA policy.

The decision made by the ABA when the *Standards on Appellate Review of Sentences* were adopted, to endorse sentence increase on review taken by a defendant and to take no position on review taken by the government, was made on the assumption that case law existing at that time established the constitutionality of sentence increase on review taken by a defendant, but did not answer the question of the constitutionality of review taken by the government. On that assumption, the position taken by the *Standards* seemed the surest way of providing that sentences would be open to increase on review, and was adopted by the ABA. Subsequently, however, the Supreme Court decided two cases (*Price* v. *Georgia*, 7 Crim. L. Reptr. 3103 (1970); *North Carolina* v. *Pearce*, 395 U.S. 711 (1969)) strongly indicating that sentence review at the instance of the government as provided in title X is constitutional.

It was with those cases in mind, as well as earlier decisions (*e.g., Green* v. *United States*, 355 U.S. 184 (1957); *Kepner* v. *United States*, 195 U.S. 100 (1904)), that the Board of Governors adopted its position on the appellate review provisions of title X. The resolution adopted by the Board, which already is in the record of the Subcommittee's hearings makes no reference to the *Standards on Appellate Review of Sentences*, and approves title X's appellate review provisions without exception or amendment. That approval of sentence increase on sentence review taken by the government constitutes the sole occasion on which the ABA has taken a position on that issue, and unequivocally supports the concept as well as the specific provisions of title X. There is thus no difference between title X as passed by the Senate and ABA policy concerning appellate review of sentences at the instance of the government.

Another point on which a difference between title X and the ABA's position was said to exist durin, the hearing is the requirement that a special sentence for a dangerous offender be appropriately proportionate to the sentence for an ordinary offender. The importance of such a requirement is well stated in the passage from the commentary to the ABA *Standards on Sentencing Alternatives and Procedures* quoted by committee council during the hearing. (Typewritten transcript at 495.) The difference between title X and the *Standards* on this point, however, may be only of explicitness, since the Senate Judiciary Committee Report on S. 30 suggests legislative intent that each sentence imposed under title X must be "appropriate". (Report at 91, 166.) Since clarity on this important issue is desirable, nevertheless, the ABA has proposed amendment of title X to add the four lines suggested appearing in my prepared statement to the Subcommittee. (At 25–26.) That amendment is simple, would not interfere with the efficacy of title X, and conforms title X fully with ABA policy, eliminating the constitutional issues such as confrontation referred to during the hearings as well as policy objections against excessive or disproportionate sentences.

A second respect in which title X now fails to conform to ABA policy is that its definitions of professional and organized crime offender would be improved by increasing their specificity in line with the recommendation of the ABA *Standards*, quoted in my prepared statement, that criteria for special offender sentencing "carefully delineate the type of offender." (Statement at 28.) Attached to this letter are suggestions for amendments further defining the concepts of "a substantial source of income," "special skill or expertise," and "pattern." Those are the only three terms in title X requiring further elaboration.

While it is not the customary practice for us to urge any particular language in connection with suggested amendments, I do appreciate the dilemma which differences of opinion create and that it is easier to criticize generally than to suggest specific alternatives. Hence, I took the liberty of consulting some of the Senate Subcommittee staff on this issue. They drafted suggested language which I have reviewed and submit herewith as one form which would seem to satisfy the need for increased specificity:

"For purposes of paragraph (2) of subsection (e) of Section 3575, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended, 80 Stat. 838), and as hereafter amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Code of 1954 (68A Stat. 17, as amended, 83 Stat. 655), and as hereafter amended. For purposes of paragraph (2) of this subsection, special skill or expertise in criminal conduct includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of criminal conduct, the enlistment of accomplices in such conduct, the escape from detection or apprehension for such conduct, or the disposition of the fruits or proceeds of such conduct. For purposes of paragraphs (2) and (3) of this subsection, criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events."

The other amendments to title X proposed by the ABA are as follows:

1) A sentence should be added requiring that the three felony convictions which make one a recidivist be for offenses committed on three different occasions.

2) A phrase specifying a maximum period of time between a defendant's most recent felony conviction or release from imprisonment and his present offense might well be added. Here, however, it is the factor of time rather than any specific period that is the essence of the recommendation.

3) At one point, the word "shall" should be changed to "may" to clarify the intent that no special sentence is mandatory.

4) The 30-year maximum should be changed to 25 years.

5) Title X's provisions requiring substantial presentence report disclosure should be replaced with the more detailed but similar provisions in the ABA *Standards*.

6) A sentence should be added prohibiting communication of the contents of the special offender sentencing notice before trial to the judge.

The comparison of title X with the ABA *Standards on Sentencing Alternatives and Procedures*, and on *Appellate Review of Sentences*, placed in the record by Congressman Poff during my testimony, is helpful in understanding the relationship between title X and the *Standards*. The first 22 items in the comparison are accurately described in the comparison as "similarities." They obviously are points of similarity rather than points of identity, as the comparison makes clear when it sets out summaries of the provisions which are similar though not identical. That comparison is consistent with the statement of the ABA to the Subcommittee, and with the list of suggested amendments contained in this letter. What the ABA has done, in effect, is to suggest that two of the differences between title X and the ABA *Standards*—the length of the maximum enhanced term, and the requirement of appropriate proportionality for each term—are differences which should be eliminated when S. 30 is enacted, and that on approximately 6 other specific points where title X and the *Standards* are similar, the ABA would prefer to see title X made identical to the *Standards* or nearly so, or otherwise to be improved as suggested in our statement.

When one compares the amount of title X which the ABA would like to see amended, with the amount of title X which it approves exactly or substantially as written, it is seen that the ABA approves without qualification the overwhelming bulk and principal provisions of title X. The only suggested amendment which apparently would significantly impede the use of title X is the amendment which would specify a maximum period of time between a defendant's most recent conviction and the offense for which he is to be sentenced. As Congressman Poff brought out during my testimony, that amendment would place some limitation upon the effectiveness of one of the three definitions of special offenders, although the ABA considers the benefits of such a limitation to outweigh the modest harm it does to the effectiveness of the Act. In any case, the suggested amendment is a short and simple one, requiring only the addition of one phrase to the bill.

Three other proposed amendments—reducing the maximum term from 30 to 25 years, requiring that a recidivist's three felonies have been committed on three occasions, and prohibiting communication of the special sentencing notice to the judge before trial—would not even interfere with the basic effect and value of title X, though they would slightly restrict the authority granted by the bill. The three amendments could be made by adding a total of about two sentences to the bill.

The other four proposed amendments—defining three terms used, adding specificity concerning presentence report disclosure, making explicit on the face of the bill the requirement of proportionality of sentences, and clarifying the discretionary rather than mandatory nature of the special sentence—simply clarify and do not contradict or restrict the provisions already found in title X, although they would require the addition of several paragraphs of language, found in my prepared statement and in the attachments to this letter.

All eight amendments, therefore, would require the deletion or revision of only some ten lines or so in a title covering some eight pages or nearly 200 lines, and the addition of several paragraphs of material merely clarifying existing provisions of title X. And when the suggested amendments are evaluated not

in terms of bulk but in terms of the relative importance and number of the provisions suggested to be revised, it is seen that the ABA has positively endorsed well over 95% of the substance and provisions of title X, including every key concept and provision. Furthermore, if those eight amendments to title X are adopted, title X will without exception conform to the ABA *Standards* and the formal position of the ABA.

The same observations may be made concerning the other nine titles of S. 30. With them, as with title X, the Board of Governors received, considered and rejected as without merit a great number of constitutional and other criticisms of those titles. The ABA suggested only a limited number of specific amendments, preserving the basic thrust and concept of each of the various titles of S. 30, as well as the great bulk of specific provisions of every title. Indeed, the only suggested amendment to any of the first nine titles which to any substantial extent could be expected to undercut the effectiveness of the title is the proposal that title I grand juries be denied the power to file reports criticizing or exonerating specified public officials. Even that proposal, of course, preserves all the other key provisions of title I, including the power to file reports recommending legislative, executive, or administrative action, or describing organized crime conditions in the district, and a long list of other provisions enhancing the independence and authority of grand juries created under title I. Even in title I, adoption of the ABA's amendments would only partially restrict the effectiveness of the title, while the ABA's amendments to the other titles of S. 30 trench still less upon the key provisions of each title.

That is not, of course, to minimize the significance of the amendments proposed by the ABA. As I testified in the hearing, each proposed amendment is one of substance, and would improve the legislation. Nevertheless, the amendments touch a small part of S. 30. They are, however, respects in which some room for improvement in this important piece of legislation exists—they are not grave flaws—and the Association is grateful for the opportunity to present to the Subcommittee both its suggestions for specific changes in the bill and its unequivocal support for enactment at the earliest possible date.

I trust the foregoing adequately answers all of the inquiries and requests made of me by the Committee. Thank you for your indulgence.

Sincerely,

EDWARD L. WRIGHT.

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

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

Mr. ECKHARDT. Mr. Chairman, as the gentleman knows, I am most interested in a constructive way in title X of the bill. I know the gentleman has been the author of the present draft of that section and was also the author of what has been called the Poff amendment in the drug bill. I would like to clear up one thing with my friend on the other side of the aisle on this point. Do I understand correctly that there are two ways in which this sentencing procedure, which I understand is what the gentleman calls it, is activated: One way is by virtue of showing that there have been previous jury convictions. That is one way, is it not?

Mr. POFF. That is one way, but I will say to the gentleman that there are three activating definitions.

Mr. ECKHARDT. Yes, there are actually three, but the first is in the category of an offense for which the person has been convicted. The others are in the category of offenses for which the person has not been convicted. Am I correct in so saying?

Mr. POFF. The first category is the special offender category defined as one who has been previously convicted in the courts of the United States or the States of this Nation for two or more felonies, committed on occasions different, one from another.

Mr. ECKHARDT. Let me say to my friend, I am not raising the points in objection that I am raising here with respect to that section but I understand that in addition to that section, title X may be activated where it is shown that certain elements essential to accentuation of the sentence exist, and these elements may be proved in the post-conviction presentencing hearing. Is that correct?

Mr. POFF. The gentleman is correct. And with respect to the second definition if the defendant is found guilty and adjudged to have committed the felony of which he stands convicted as a part of a pattern of conduct which is criminal under the laws of the jurisdiction, and that pattern of conduct constitutes a substantial source of the defender's income, and the defendant himself was possessed of special expertise or skill, then he would meet the definition of a professional and would activate title X.

Mr. ECKHARDT. Yes, I understand. As a matter of fact, we might divide this second category of elements which are approved in the post-conviction pre-sentencing trial into two groups. One has to do with that which involves participation in certain gains, or certain profits, and the other has to do with certain activities like engaging in a bribe. These two, I understand, are actually different approaches to this objective, and I assume that is the reason the gentleman is referring to three.

Mr. POFF. The gentleman is not quite correct, although he is not altogether in error.

Mr. ECKHARDT. I so frequently find myself in that position.

Mr. POFF. The third definition to which I have reference undertakes to define the typical member of an organized crime conspiracy.

That definition is found on page 145 of the bill. If the defendant is found by the judge to have committed the felony of which he is convicted at bar as a part of a conspiracy with three or more other persons, to engage in a pattern of criminal conduct, and the defendant himself managed or supervised as part of the conspiracy, or in the conduct of the conspiracy, or if he gave a bribe in connection with the conduct, then he would meet the definition of an organized crime special offender and the judge could sentence him up to 25 years as a special dangerous offender.

Mr. ECKHARDT. Then am I correct in saying with respect to these categories—and I am eliminating from consideration the first category of a prior conviction—that there need to be two basic bodies of facts proved. Number one: There has to be the conviction, for instance by a jury, of the original offense which may carry a penalty up to 5 years, say, but not in excess of that amount. Second, it must be proved as an element of applying a 25-year sentence a body of fact the gentleman describes in these categories, the one which relates to the participation in the gains of a crime and the other which involves close participation in a conspiracy, which involves certain elements which are criminal. But in both instances facts in addition to those before the jury must be presented to the court without a jury and the court determines these without a jury, and these elements in addition to what went before the jury are elements necessary to support the enhanced penalty; is that correct?

Mr. POFF. The gentleman is correct. I might add that evidence given before the jury which is relevant to the question of special offender could be considered by the judge in addition to information presented to him in the post-conviction hearing.

Mr. ECKHARDT. I understand that. In other words, evidence can really come in through two sources, but I suppose it would all be, as a practical matter, probably embraced in the probation officer's report. But it could come from the tested source of evidence admissible, introduced and accepted by the court in the jury trial, or it could come in through the source of the probation officer's investigation of the additional facts which we have discussed here as being that other element that makes up the basis for the enhanced sentencing; is that not correct?

Mr. POFF. The gentleman is substantially correct.

Mr. ECKHARDT. I thank the gentleman.

(Mr. McCLORY, at the request of Mr. POFF, was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCLORY. Mr. Chairman, it was my privilege to serve as a member of a subcommittee which heard the testimony relating to S. 30—the organized crime bill. This lengthy and comprehensive measure is directed at many aspects of the organized crime network. It places in the hands of the prosecution a number of necessary weapons in order to deal with the sophisticated operations of organized crime—including its connections with many public officials. Indeed, it is charged that without the cooperation of many of those who are in positions of authority, the crime syndicate could not exist. Accordingly, this measure touches new and sensitive areas which have not heretofore been attempted in any Federal legislation.

In addition to the wide range of subjects covered in this comprehensive bill, I am pleased and proud to point out that the members of the subcommittee upon which I serve gave thoughtful consideration to virtually every line and paragraph in the bill. I want particularly to pay tribute to the chairman (Mr. CELLER) and to my colleague from Virginia

(Mr. POFF) for the very painstaking manner in which they dealt with the entire bill—including the numerous amendments which our subcommittee recommended and adopted. In my experience, no single measure has received more thorough consideration by a legislative committee than this bill. On numerous occasions, it required lengthy discussion in order to arrive at a consensus or a compromise which would accurately reflect the overall views of the subcommittee members. Precedents as contained in numerous court decisions were reviewed and weighed—and every effort was made to produce a strong and effective tool with which to combat organized crime—and at the same time deal fairly with all who might be affected by this legislation—whether part of the crime syndicate or not.

Mr. Chairman, I shall not undertake to review the various provisions of this bill. This has been done by the chairman of the committee as well as by others. The committee report accurately describes the provisions and impact of this bill, and I am persuaded that it will be fully acceptable to the Department of Justice and to the President, and hopefully will be concurred in by the other body before Congress adjourns or recesses later this month.

Mr. Chairman, in addition to the testimony of individuals who appeared before the committee, the position of the American Bar Association, as well as other organizations which have studied and reported upon this bill, were given due weight and consideration. In my opinion, this is a good bill, consistent with the provisions of the Constitution and responsive to the urgent need for added legislative authority which the Attorney General and the courts require in dealing with the insidious and horrendous impact of organized crime.

Mr. Chairman, I support this measure as reported by the committee and urge its overwhelming passage by the House of Representatives.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I suppose I am addressing these remarks to those few people who come from safe districts or to those who decided for some reason or other that they do not want to come back here, or to those who have some kind of death wish about reelection; because I recognize at this point that urging people to vote against S. 30 is not the most politic thing to do.

This bill is not the most politic thing that ever came out of the Committee on the Judiciary, either. The fact of the matter is this bill is not really a bill at all, it is a bagatelle, a clip-and-paste job, put together under pressures that had nothing to do with trying to find real answers to the real problems of crime, organized and otherwise.

I asked my colleague from Virginia to yield to me but he ran out of time; I hope we can engage in colloquy on my time if not on his time.

This bill is for the purpose of controlling organized crime in the United States. Throughout the bill, aside from title XI, which was thrown in at the last minute, organized crime is used over and over again as the hallmark of the bill. The bill is aimed at controlling organized crime.

I ask my colleague from Virginia this rhetorical question: where in the bill does one find a definition of organized crime? There are at least six instances in which that term is an operative fact that is necessary to make other sections come into being; but there is no definition.

When I asked one of the staff members over in the other body, who was one of the major draftsmen of this bill, why there was no definition he said, "Oh, you know, it is very hard to try to agree on a single definition of organized crime."

That answer may satisfy when you are talking about resolution urging the executive to do something or about memorial resolutions for the folks back home but not when you are talking about the criminal law of the United States. It seems to me that if you are saying that the term is incapable of definition, then how in the world can you ask judges and juries to apply it and use it in a criminal law case?

Take, for instance, the very lucid but unfortunately incomplete explanation of title X by my colleague from Virginia. The gentleman from Virginia talked about it as if it were very clear that it is aimed solely at the racketeers and syndicate members that all of us despise and who have no friends in this Chamber. I ask the gentleman if he can show me why, under the various loose definitions put together in title X, that special dangerous offender category does not also include somebody who violates income-tax laws or antitrust laws or the Pure Food and Drug Act or any of the other Federal laws that contain criminal sanctions. Because the operative language under the second category is that the defendant "committed such felony as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction which constituted a substantial part of his income"—and most income tax evaders do pretty well until they get caught—"and in which he exhibited special skill and expertise." All of the antitrust cases that I ever read would indicate that the perpetrators of an antitrust conspiracy indeed manifest great expertise and skill and engage in many acts over a long period of time. Thus, the "pattern of racketeering" as defined in this bill would clearly cover that, too.

I will be glad to yield to the gentleman if I am in error.

Mr. POFF. No. I thank the gentleman for yielding.

I do not rise to say that the gentleman was in error, but I simply wanted, if I could, to respond to his earlier question about why income tax law violations were not specifically included in title X.

Mr. MIKVA. I did not ask whether they were specifically included, but I ask are they excluded in any way.

Mr. POFF. I will say to the gentleman that it would be difficult to define an income tax violation as a dangerous offense as that offense is defined under subsection (f) on page 147.

Mr. MIKVA. I beg to differ. Will the gentleman read that section, please? It does not say dangerous offense.

Mr. POFF. It says the defendant is dangerous.

Mr. MIKVA. It has nothing to do with the offense.

Mr. POFF. Does the gentleman contend because a defendant filed deliberately an erroneous income tax return that that makes him dangerous?

Mr. MIKVA. No. But the judge may find him dangerous for a variety of other reasons. The point is that the language operates to include him. You had no intention of covering income tax violators or antitrust violators or Pure Food and Drug Act violators, but it includes them even though the section was aimed at racketeers.

Mr. POFF. Exactly.

Mr. MIKVA. But, unfortunately, the language does not so limit itself even though I think the intent of the committee was pure.

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

Mr. MIKVA. I would be glad to yield further to the gentleman from Virginia.

Mr. POFF. The gentleman inquired rhetorically as to why no effort was made to define organized crime in this bill. It is true that there is no organized crime definition in many parts of the bill. This is, in part, because it is probably impossible precisely and definitively to define organized crime. But if it were possible, I ask my friend, would he not be the first to object that in criminal law we establish procedures which would be applicable only to a certain type of defendant? Would he not be the first to object to such a system?

Mr. MIKVA. That is not a rhetorical question. I had always understood that the criminal laws were supposed to zero in on a particular type of offense. My objection to this bill in toto is that whatever its motives to begin with, we will end up with cases involving all kinds of things not intended to be covered, and a potpourri of language by which you can parade all kinds of horrible examples of overreach.

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

Mr. MIKVA. I would like to yield further but I have more examples of overreach which would even curl the hair of the gentleman from Virginia.

I do not know how many of my colleagues engage in a friendly game of poker now and then, but under this definition if five or more of them engage in such a game of poker and it lasts past midnight—you do have that safeguard—thus continuing for a period of 2 days, then you have been running an organized gambling business and you can get 20 years, and the Federal Government can grab off the pots besides.

All of us I am sure, have come across strange characters who are convinced that they have uncovered the scandal of the ages. They are people who are convinced that the entire history of this country was written in a conspiracy and that every elected official and anyone else in a newsworthy capacity is involved in a conspiracy to bring down the democ-

racy. Under this bill the U.S. attorney must take as real every single complaint that is brought to him by any such person and present it to the grand jury and explain to the grand jury why he decided not to call this person before the grand jury. This really makes every U.S. attorney into a gossipmonger, because he has to take every loose tale or story and present it to the grand jury no matter how ridiculous it may be; then it is available to the grand jury to proceed from there.

Let me give you another example as to what I mean. We have a whole series of new crimes involving gambling and some of them, as I indicated, include even the poker game which goes beyond midnight. Under the bill, it can be an organized gambling game and one can get up to 20 years for having participated in that poker game. But at the same time the bill recognizes that our gambling laws have been notoriously inefficient in dealing with crime. We have had great concern about this entire business of gambling and whether the manner in which we have undertaken to deal with it federally and at the State level makes sense. And so in this bill we put in a commission to study whether or not we ought to have laws about gambling and what they ought to be. But in the meantime we are going to stiffen all the penalties just in case we were right in the first place.

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

Mr. MIKVA. I yield further to the gentleman from Virginia.

Mr. POFF. I suggest that the gentleman is in error when he poses his hypothetical statement. I direct his attention to page 11, lines 15 and 16 of the bill. There you will find that illegal gambling means a business and has been and remains in substantially continuous operation for a period in excess of 30 days or has a gross revenue in excess of $2,000 in any single day. The poker game which the gentleman has described does not meet that criterion.

Mr. MIKVA. But that is not true because later on there is a presumption that it is an illegal gambling business. That language appears on page 114 and is as follows:

> If five or more persons conduct, finance, manage, supervise, direct, or own all or part of a gambling business and such business operates for 2 or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of $2,000 in any single day shall be deemed to have been established.

Mr. POFF. If they are in the gambling business.

Mr. MIKVA. I suppose it depends whether you are gambling for profit or pleasure, but I happen to know a lot of people who do enjoy the profit as well as the pleasure, and I would hate to rely on the "nondefinition" of business to protect somebody from a zealous U.S. attorney.

If my colleague, the gentleman from Virginia, would do so, I would prefer not to yield for a few moments just so that I can make clear one other point before my time elapses.

There are a lot of people here who are very concerned about the federal system; I for one like to think that I am very concerned about the federal system. The genius of this country and its laws has been the federal system. In such a system, we recognize that the primary protectors of our security, are the State and local governments, and that the Federal Government intervenes only in those areas where the interstate nature of the crime or the overwhelming public aspects of the crime requires such intervention. Yet on page 122 of the bill I would point out to my colleagues a definition of racketeering activities, which brings into play the whole title IX and all kinds of things we have not yet talked about. This definition states that "any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year" becomes an act of racketeering under this statute. What we have done in one fell swoop—and the States-righters who may be in this room should listen—is to incorporate as a part of the Federal law all of the offenses which heretofore have traditionally been treated as under State and local jurisdictions.

Let me talk for a few moments, if I may, about the problem of forfeiture of property and corruption of blood. We are all concerned about organized crime—syndicated crime or whatever other term you want to use—getting involved and engaged in legitimate businesses. I am worried about it, too. I would hope we could come up with something that addresses itself to this problem. But all we have come up with in this bill is a forfeiture of property and corruption of blood, a concept that the First Congress decided was a bad statutory policy and a bad constitutional policy. Under this bill, if you are engaged in two acts of gambling—and we may argue about the definition, whether it is mine or that offered by the gentleman from Virginia (Mr. POFF)—and you are engaged in an interstate business or any business that affects interstate commerce—and you know how broad that definition can be—this bill can give you 20 years for engaging in interstate business. Moreover, they take your business away as well. And then just to make sure that we have been innovative enough, we also put in a private remedy that says that any competitor can accuse you, and if he can prove that you have gambled and used the proceeds in the business, then he can go after you and put you out of business.

Now, it would be nice to get the syndicates out of legitimate business and to get organized crime away from the fruits of legitimate enterprises; but we should not do it in a way in which we throw out all of these deep-seated traditions about protection of private property and about limiting the penalty to what it says in the statute books without any forfeiture of property or corruption of blood.

These are the kinds of problems that are involved in this bill. I could go on. There are perhaps seven, eight, or nine different more "horribles" that could be paraded before you—dealing with "civil investigative demands" by which every book and every record of every private business and individual can be brought before the U.S. attorney without even a grand jury proceeding. These books and records can be retained by the U.S. attorney for an unspecified "reasonable" period.

It might take him 1 year, 2 years, 8 years to search the records. Meanwhile, the businessman has no recourse.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MIKVA) has expired.

Mr. CELLER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I thank my distinguished chairman, the gentleman from New York (Mr. CELLER).

Let me just summarize by saying, as I started out at the beginning, that the salutary purposes for which this bill aimed at organized crime was intended, somehow never come to fruition. Instead, the spread of the shotgun approach will involve a lot of activities not intended to be covered and will not be successful in addressing itself to the problems that were intended to be covered.

It will subject the courts, the prosecutors and indeed every person who studies the law to incredible burdens and problems in trying to decipher, administer, and uphold some of the provisions that we are about to enact.

The overreach, the looseness of the language, the whimsy in this bill just simply do not enhance the legislative process.

When it passes, and I am well aware that it will pass, no person is going to be any more secure in his home than he was the night before. There is nothing in this bill that is going to deter street crime, about which people are up so tight. But that fear about the problem of street crime is being used to justify a deep cut in some of our traditional liberties and a deep cut in our constitutional protections, and a deep cut in the federal system which has worked so well over these last 200 years. We do this in a spirit and period of repression which is caused by street crime, but about which this bill does nothing.

Mrs. Mitchell's husband was quoted at a party not too long ago as saying that this country was going to go far to the right under his tutelage. I do not know whether he said it or not. But if he said it then I think that S. 30, and the zeal with which we dedicate ourselves to the task of tearing asunder some of our very important freedoms and liberties is an indication that perhaps Mrs. Mitchell's husband is a self-fulfilling prophet.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Ohio (Mr. CLANCY) such time as he may desire.

Mr. CLANCY. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the crime problem has today reached an overwhelming dimension. Action must be taken before this problem becomes so great that effective action will not be possible. The simple fact is that crime and violence, both in

the streets and on our campuses, are intimidating us. They are threatening our heritage, our traditions, but most of all they now threaten our future and our children's future.

The President has made many significant proposals which are necessary in order to wage an effective war against these forces. As the President himself has noted:

No subject has been the matter of more legislative requests from the Administration.

President Nixon has fulfilled his responsibility by presenting an effective far-reaching anticrime program. The time has come for us, as Members of the House, to fulfill our responsibility by taking quick decisive action to approve this program. I urge my fellow Members of the House to join with me in support of the Organized Crime Control Act. The time is now. We must take action before we no longer have an opportunity to act.

The last decade has brought an increased growth in violence and destruction to this country. Riots, bombings, campus disorders, and a 100-percent increase in the crime rate have characterized the 1960's. It is now the decade of the seventies and action must be taken to correct the aftermath of the 1960's. A shadow of fear resulting from the development of the attitude of total disregard for individual lives and property has spread throughout this Nation. The Federal Government must take steps so that our citizens can feel safe to walk down our city streets and our students can feel safe to study in campus buildings without the fear of the building being bombed.

When I joined in cosponsoring the organized crime control legislation, I was convinced that this was a necessary tool to effectively combat this problem. Today, I am even more certain that this bill will assist this Nation to once again begin to recover from its present state of fear. I sincerely believe that one way to effectively combat crime, particularly organized crime as well as violence in the streets, is to enact the measure before us today. It is clearly time that we face the facts. The crime problem is no longer merely an issue for discussion, but it is a call to action which demands our immediate action.

Organized crime today represents a serious threat to the well-being of this entire Nation. It is an evil which is gradually infiltrating and poisoning every phase of American life. It is corrupting our society, our economy, and our future. The money and power gained by the masters of organized crime is amazing. This illegal menace is entering into every phase of our lives. It drains countless dollars from our economy, it corrupts our free enterprise system and our democratic processes, and, in general, it undermines our entire Nation and our way of life.

How did our Nation come to be faced with this problem of such an overwhelming dimension? In recent years, we have frequently heard the recurring cry from our courts that the right of the individual must be upheld over the right of society. Mr. Chairman, I submit that it is time that action be taken to strike a balance between the need for the effective administration of justice with the desire to preserve our substantive rights. The legislation we are considering here today represents the means to effectively achieve this balance. Our Bill of Rights is one of the most sacred portions of our heritage left to us by our forefathers. It is to be respected and revered. However, if it, as well as the other elements of our heritage, are to be preserved, steps must be taken to prevent a total state of lawlessness from engulfing the Nation. I believe this legislation returns to legal forces necessary tools for the effective administration of justice while at the same time protects the rights guaranteed to us by the Constitution.

The Organized Crime Control Act represents an integrated approach to the problem of fighting crime. It presents a means to strengthen the legal tools in the evidence-gathering process. The bill is also designed to combat organized crime by providing new remedies to deal with individuals engaged in organized crime. Among other things, this bill provides for increased sentences for dangerous adult special offenders—the recidivist, the professional offender and the organized crime leader. I believe this legislation answers the challenge that organized crime presents to the Nation today.

Perhaps one of the most significant portions of this legislation was recently added to the bill by the House Judiciary Committee. This provision, title XI, deals with the regulation of explosives. The recent increase in bombings clearly points to the need for immediate action in this regard. The ease of access to explosive materials has led, I believe, to the recent increase in destructive bombings. Legislation to provide for effective checks on the procurement of these explosive materials is necessary. For this reason, I have joined in cosponsoring legislation to provide for the necessary checks on these materials. I was most pleased to learn that the House Judiciary Committee has decided to incorporate this concept as a portion of the organized crime control bill.

It is the purpose of this provision to assist the States to effectively control the sale, transfer and disposition of explosives within their borders. This provision establishes a system of Federal licenses and permits. Licenses are to be required of manufacturers, importers and dealers, and permits are to be required for all users who depend on interstate commerce to obtain explosives. In addition to the Federal regulatory system established here, this title strengthens the Federal criminal law with respect to the illegal use, transportation or possession of explosives.

Student disorders have become a concern for all of us. The activities of a small group of activists are jeopardizing the safety and education of the majority of students who wish to acquire an education that will permit them to make a meaningful contribution to society. The use of bombs and bombings as a tool of demonstration has instead become a tool of death, as witnessed at the University of Wisconsin. For this reason I wholeheartedly support this legislation and its provision regarding campus bombings. By making the provisions of this bill applicable to anyone who maliciously damages or destroys or attempts to damage or destroy any institution or organization receiving Federal financial assistance, this legislation provides the Federal Government with an effective means to help in the efforts against such incidents as took place at the University of Wisconsin. We must act now before more lives are lost. We must make our campuses safe so that our students will not have to fear the fact that the building they are studying in may explode any minute. The addition of this provision, presents a significant new dimension of this legislation, a dimension which I feel deserves our fullest support.

Organized crime, indeed all forms of crime, today offer a challenge to this Nation. A challenge to see if we will do anything to stop the activities and growth of this menace. I believe that the Organized Crime Control Act is an answer to that challenge. This bill represents the necessary means we have been looking for in order to root out this evil which has developed such a grasp on our Nation. I urge my fellow Members of the House to join with me in support of this legislation so that we can offer a resounding answer to the challenge offered to us by crime.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from North Dakota (Mr. KLEPPE) such time as he may require.

Mr. KLEPPE. Mr. Chairman, the threat of organized crime cannot be ignored or longer tolerated. It is America's principal supplier of illegal goods and services—gambling, usurious loans, illicit drugs, and prostitution; daily it increases its operation in fields of legitimate business, employing such illegitimate techniques as bankruptcy frauds, tax evasion, extortion, terrorism, arson and monopolization. Its sinister effects upon our Nation must be eradicated.

In his message on organized crime, forwarded to Congress in April 1969, President Nixon proposed new legislative weapons to enable the Federal Government to strike at the hierarchy and the sources of revenue of the criminal syndicate.

S. 30, as passed by the Senate and amended by the House Judiciary Committee, incorporates the President's proposals and three of its titles, titles II, IX, and X, include provisions contained in legislation I introduced in February of 1969, covering general witness immunity, the suppression of the infiltration of legitimate enterprises by racketeers or the proceeds of racketeering activities where interstate or foreign commerce is affected, and provides for increased sentences for dangerous habitual, professional and organized offenders.

The United States will never fall to external enemies unless it has been weakened beyond redemption by the enemies within. America's internal enemies today are the criminals, the lawbreakers and those who prey on the poor, the young, the weak, and the innocent.

I feel certain we all are deeply aware of the dangers the scope and incidence of crime pose to our Nation. We must be determined to institute actions wherever and whenever possible to give law-en-

forcement officers at the National, State, and local levels the tools to cope with crime and the courts the means with which to deal adequately with criminals.

At the same time we must remain determined to provide justice under the law, to protect the innocent and to assure the constitutional rights of all our citizens.

S. 30, the crime bill before us today, provides the additional tools with which we can remedy the problems presented by organized crime.

In conclusion, I want to commend the members of the House Judiciary Committee for including title XI, the administration's proposals to halt the rash of bombings across the Nation.

I urge my colleagues to join me in support of S. 30, the Organized Crime Control Act of 1970, as amended by the House Judiciary Committee. Stronger laws are needed; let us pass them. Let us start enforcing the ones we have. Every citizen of this country has the right to justice. But let us consider the rights of those who do not break the law as well as we protect the rights of those who do. Rioters and organized groups who flaunt the law and destroy private property must be dealt with strongly.

Mr. McCULLOCH. Mr. Chairman, I have no further requests at this time.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, as a former assistant district attorney in New York County and as the Representative of a city afflicted by crime, I know full well the vise of crime which grips America and the need for effective Federal legislation to assist State and local government in dealing with the problem of crime. I cosponsored H.R. 17825, amending the Omnibus Crime Control and Safe Streets Act of 1968, which passed the House on June 30, 1970. Unfortunately, the Senate has yet to act upon that bill which is addressed to the very serious menace of street crime which is of such legitimate concern to millions of Americans. At the same time, I also am very much aware of the precious civil liberties which protect our citizens from the overzealous judge or prosecutor or police officer.

S. 30, unfortunately, is a direct challenge to these basic rights. It contains various provisions which severely restrict and infringe upon certain basic rights, depriving defendants, as well as those who are not charged with any crime but who are accused of noncriminal misconduct, for instance, in the special grand jury proceedings sanctioned under title I, of fundamental rights.

Not only would passage of this bill indeed be an assault upon the Constitution, but it would fail to produce an effective remedy. S. 30 offers no solution to organized crime or to street crime Its vague and jumbled language, its misperceived ends, and its erection of barriers, rather than paths, to conviction—all result in a bill which simply fails to construct an intelligent, effective approach to the problems of organized crime.

I have set forth along with my colleague from Michigan (Mr. CONYERS) and my colleague from Illinois (Mr. MIKVA) in dissenting views, the reasons which compel me to oppose this bill, reasons which describe the infirmities which exist in many of the titles. I shall briefly refer to the major defects and then examine them in more depth.

I should like to point to title I, which makes it possible for a special grand jury to defame an appointed public official by accusing him of noncriminal misconduct, but excludes from its ambit elected public officials.

I should like to point to title II, which I believe raises very serious constitutional and policy questions in that it rejects the absolute immunity which has previously been granted to those required to testify under compulsion and substitutes transaction, or use, immunity.

I should like also to point out that title IX, which has been so well described by the gentleman from Illinois (Mr. MIKVA) in his eloquent statement, raises serious constitutional questions because of the ambiguity of its definitions.

Title X is probably the most pernicious title of the bill with its so-called dangerous special offender provisions which would make it possible for the first time for the Government to appeal a sentence and have it increased on appeal, and even for the Government to appeal a finding by the trial court that a defendant is not a dangerous special offender. This raises the question of double jeopardy, and we should look askance at that.

For all these reasons I find that S. 30 is defective in its assault on basic civil liberties, and I hope that Members of the House, despite the emotional times in which we legislate, will look to the fact that we are making laws which will govern U.S. attorneys and our courts for a long time to come. Let us not legislate out of the passion of the moment, but with regard for the basic fundamental rights, which are essential to the survival of our democratic society.

I have made my views on this bill known extensively in the committee report on it—House Report 91-1549. I there joined with my distinguished collegues from Illinois (Mr. MIKVA) and from Michigan (Mr. CONYERS) in explaining the pernicious features of this bill, as well as its inept attempt to erect a legislative plan to fight organized crime. I should like to quote from our dissent, inasmuch as it obviously expresses my objections to S. 30:

> In sum, the Organized Crime Control Act is no answer to the hundreds of thousands of criminal acts which are terrorizing this country. It is aimed—at least ostensibiy—at organized crime, and any person who sees in its passage the turning of the tide against the street crime which is the vital, immediate concern of every American family suffers faulty vision.
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> Even so, were this bill an intelligent, reasonable approach to the problem of organized crime, we would gladly support it. As Government officials, we are especially offended at the frequent links between organized crime and politics; and we are deeply concerned about infiltration of legitimate business by organized crime. But, intentionally or otherwise, this bill directly assaults the liberties and rights of all Americans, while only ineptly flailing out at organized crime.
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> We commend the committee for having considerably improved upon the Senate version of this bill by modifying and deleting at least some of the offensive provisions of that piece of legislation. The result, however, is a "scissors and paste" cosmetizing job that cannot overcome the basic defects of the bill. As Mr. Justice Brandeis wrote in *Olmstead* v. *United States*, 277 U.S. 438, 485 (1928):
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> "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example . . . If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution . . ." (House Report, p. 182)

Almost every one of the 12 titles of S. 30 is subject to meaningful criticism. However, there are seven titles which are particularly egregious, and it is these which I want to briefly discuss.

TITLE I

Title I authorizes special grand juries to be created at the instance of the Attorney General. These special grand juries would have the power not only to indict, but also to submit to the court of their district reports when the evidence is insufficient to warrant an indictment. These reports are to be issued concerning noncriminal misconduct of appointed officials.

As we stated in our dissenting views in the committee report:

> In brief, this title proposes to create official bodies bedecked with the power to accuse, while leaving the accused bereft of any effective means of rebuttal. (Page 182).

These grand juries are going to undertake investigations—not of criminal conduct—and issue reports which may well be used to smear officials. Two things are of particular note here. The so-called procedural safeguards granted the noncriminal accused are totally ineffectual, and he is going to be subjected to what we termed in the dissent "sanctified calumny." And, second, the bill, as reported out of the House Committee on the Judiciary excludes elected officials from the ambit of this title. As we said in our dissent:

> (I)n case anyone might quarrel with our characterization of these special grand jury reporting powers, he might first ponder why the Senate version of this bill was amended by the House Committee to exclude elected officials from the reach of these mini-star chambers. (House Report, p. 182.)

I think it beyond imagination that anyone might claim that I hold any brief for official corruption. But I also believe that this title is itself a crass corruption of basic rights. Thus, this title constituted one peg in my decision to oppose S. 30.

TITLE II

Title II proposes to supplant to absolute immunity granted to those forced to sacrifice their fifth amendment right to remain silent, for transaction, or use, immunity. I have previously expressed my opposition to this departure in the law in my minority views on H.R. 11157, the Federal Immunity of Witnesses Act, which has not come to the floor, but which is incorporated into S. 30 as title II.

Both as a matter of law and as a matter of policy, I believe title II raises serious quesitons. I am appending my views on H.R. 11157—which is the same as title II—in order that these questions may be thoroughly explicated.

TITLE VI

Title VI's aim is to enable the Government to preserve testimony in a criminal proceeding by authorizing the taking of pretrial depositions. However, once again there is serious defect, as is pointed out by the report of the Association of the Bar of the City of New York on the Organized Crime Control Act:

One of the most serious problems with Title VI is that it fails to deal with the need of a criminal defendant, faced with cross-examining a Government witness in a deposition, for information as to the theory of the Government's case and some opportunity for pretrial discovery. We doubt whether a defendant can effectively cross-examine at a pretrial deposition with the limited discovery rights provided under the rules now governing criminal procedure . . . At a minimum, the Government should be required to provide a statement of its theory and the expected testimony in sufficient detail to enable the defendant to appreciate the significance of the testimony. (Pp. 17–18).

TITLE VII

Title VII proposes to establish a statute of limitations on the exercise of the right to challenge the admissibility of illegally obtained evidence. The so-called justification for this ploy is the inconvenience for the prosecution of litigating supposedly "stale" matters. Were the countervailing balance to the Constitution such "convenience," I would venture that we would quickly see much of the Bill of Rights sink into senescence.

Again, the observations of the report of the Association of the Bar of the city of New York on the Organized Crime Control Act are very cogent in analyzing this title:

It may be reasonable to preclude the commencing of litigation after a given period of time—either because the defendant should not be forced to answer, nor the court to hear, charges which can only be substantiated by evidence weakened by time, or because the plaintiff has been negligent in failing to bring suit earlier. It would be a novel application of this logic, however, to allow the defendant to be brought to trial and at the same time to hamper his defense by precluding him from raising constitutional issues which might otherwise be available to him. (P. 24).

TITLE IX

I think our introduction to the discussion of the defects of this title, in our dissent on S. 30, very quickly pinpoints the problems with title IX:

Title IX, entitled Racketeer Influenced and Corrupt Organizations, seeks to stymie organized crime's growing infiltration of legitimate business.

But it runs amuck. It embodies poor draftsmanship, and it employs penalties and investigative procedures which are both abusive and pregnant with the potential for abuse. (House Report, p. 185.)

The defects of title IX are numerous, and explanation of them must by necessity be fairly complex. One flaw lies in the inept drafting which has resulted in key definitional terms being totally inadequate, misguided, or even wrong. For example, a basic provision is section 1962(a) of title IX, defining what constitutes unlawful activity. This provision employs the phrase "pattern of racketeering activity," which is in turn defined by section 1961(5).

The result of these provisions is that for an unlawful act involving racketeering to be established, the prosecution must prove beyond a reasonable doubt two illegal acts—not just one—absent a prior conviction. And what is more, the prosecution must also undertake the enormous burden of tracing funds from their source to their investment. In brief, title IX may well succeed in aiding racketeers to insulate themselves from prosecution, rather than facilitating convictions.

Title IX also adopts a provision which for 180 years has been absent from American criminal law—a provision providing for forfeiture of the convicted defendant's property. I think the observations which I and my colleagues, Mr. MIKVA and Mr. CONYERS, offered on this aspect of title IX in our dissent are well on point here:

We think the potential scope for deprivation of property by criminal forfeiture constitutes a threat to legitimate business far beyond what should be the ken of a bill aimed at organized crime.

Moreover, not only does criminal forfeiture unduly penalize the man who may simply have engaged in two separate poker games and thereby subjected himself to accusation for having engaged in a "pattern of racketeering activity." It also leaves far too uncertain the rights of entirely blameless citizens and organizations. A minor legislative bow in their direction is made in section 1963(c), which states that "The United States shall dispose of all such property (which has been forfeited to it) as soon as commercially feasible, making due provision for the rights of innocent persons." But the seizure and sale by the Government of property which was used as collateral by the offender for a legitimate loan may well leave an unsecured creditor out of luck, or sale by the Government of a forfeited business on a stagnant market may well undercut innocent competitors or customers.

Finally, I would note that title IX, by authorizing the Attorney General to issue "civil investigative demands" to any person or enterprise he believes "may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation," opens up the door of virtually every American business to Government snooping. I think this is unnecessary and unwise. At the least, the grand jury should be interposed between the curiosity and perhaps even malice of the Government, and the person or business which is the subject of such snooping.

TITLE X

Title X, concerned with the sentencing of so-called dangerous special offenders, is probably the grossest refutation of due process which this bill contains. In brief, it drops by the wayside such due process procedures as confrontation and cross-examination. By attempting to disguise what is really a hearing on the issue of guilt as a "sentencing" hearing, it denies the right to trial by jury. By authorizing the Government to appeal impositions of sentences, it violates the constitutional bar against double jeopardy. By authorizing the Government to appeal the length of sentences imposed, it gives the prosecution the power to penalize the defendant should he himself attempt to appeal.

In brief, title X is totally insupportable. As we said in our dissent:

Title X, were it not such a dangerous special offender itself, would be ludicrous, the product of a caveman's course on the Constitution. As it is, it contravenes the Constitution, it substitutes revenge for reason, and it flaunts the concept of fair treatment. It is a parody of justice made tragic by the damage it will do—to individuals, and more important, to our system of rule by law. (House Report, p. 193.)

Title XI creates a Federal criminal law regarding bombing. Certainly, no one can condone the lawless acts of bombing which have occurred in recent years. But, in incorporating a death penalty provision, I think title XI errs. There is virtually no evidence to support the notion that the death penalty works as a deterrent.

Moreover, the very issue of the death penalty is the subject of consideration by the National Commission on Reform of Federal Criminal Laws—a Commission which is the creation of the Congress. Surely, we ought to at least await the conclusions of this Commission, created "to make a full and complete review and study of the statutory and case law of the United States which constitutes the federal system of criminal justice for the purpose of formulating and recommending to the Congress legislation which would improve the federal system of criminal justice."

CONCLUSION

S. 30, the Organized Crime Control Act of 1970, should not be passed. It is both ineffectual and offensive—a combination rarely paralleled in past legislation. Were this bill an answer to crime and were it consonant with the Constitution, I would be among the first to endorse it and support it. It is neither.

I believe Mr. Justice Stewart has very accurately stated, in *Elkins* v. *United States*, 364 U.S. 206 (1960), what I regard as a fitting epitaph for S. 30:

(N)othing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.

The dissent which I offered on H.R. 11157, the Federal Immunity of Witness Act, which is incorporated into this bill as title II, follows:

MINORITY VIEWS OF HON. WILLIAM F. RYAN ON H.R. 11157

I believe H.R. 11157 to be seriously subject to question as to its constitutionality. And, that issue apart, I find H.R. 11157 a misguided dimunition of fifth amendment rights which, if they are to be eroded and even abolished, should suffer this fate at the hands of a constitutional amendment, not piecemeal legislation.

Mr. Justice Frankfurter, had a very fitting statement to make about the fifth amendment in *Ullman* v. *United States*, 350 U.S. 422, 426–27 (1956):

It is relevant to define explicitly the spirit in which the fifth amendment's privilege against self-incrimination should be approached. This command of the fifth amend-

ment ("nor shall any . . . person be compelled in any criminal case to be a witness against himself * * * ") registers an important advance in the development of our liberty—"one of the great landmarks in man's struggle to make himself civilized." [Citing Griswold, "The Fifth Amendment Today" (1955), 7.] Time has not shown that protection from the evils against which this safeguard was directed is needless or unwarranted. This constitutional protection must not be interpreted in a hostile or niggardly spirit. Too many, even those who should be better advised, view this privilege as a shelter for wrongdoers. They, too, readily assume that those who invoke it are either guilty of crime or commit perjury in claiming the privilege. Such a view does scant honor to patriots who sponsored the Bill of Rights as a condition to acceptance of the Constitution by the ratifying States. The founders of the Nation were not naive or disregardful of the interests of justice * * *.

No doubt the constitutional privilege may, on occasion, save a guilty man from his just deserts. It was aimed at a more far-reaching evil—a recurrence of the Inquisition and the Star Chamber, even if not in their stark brutality. Prevention of the greater evil was deemed of more importance than occurrence of the lesser evil. Having had much experience with a tendency in human nature to abuse power, the Founders sought to close the doors against like future abuses by law-enforcing agencies.

I would add one addendum to Mr. Justice Frankfurter's eloquent statement. He made it in speaking for the majority in a case in which a Federal immunity statute was upheld as not being violative of the fifth amendment. He was not denouncing the concept of immunity; in fact, he was sustaining it.

H.R. 11157, both by the concept of use immunity which it embodies, and the procedures it provides for implementation of this concept falls far short of the concern for basic rights so finely expressed by the fifth amendment.

The bill provides for a new general immunity provision to title 18 of the United States Code, applicable to proceedings before or ancillary to (1) a court or grand jury of the United States, (2) an agency of the United States, or (3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House.

It further provides that, if a witness refuses to testify or provide other information in such proceedings, he may be ordered to provide the information and

* * * may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with the order.

Until 1964, there was little question that where a witness was required to testify or other information was compelled, he must be granted absolute immunity from prosecution. This was established by the Court in *Counselman* v. *Hitchcock*, 142 U.S. 547, 585–86 (1892), in which the Court held an immunity statute unconstitutional and stated:

We are clearly of the opinion that no statute which leaves the party or witness subject to prosecution can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard, and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecution for the offense to which the question relates.

H.R. 11157 clearly falls fatally short of the standard set in *Counselman*. That standard was subsequently upheld in *Brown* v. *Walker*, 161 U.S. 591 (1896); *Ullman* v. *United States*, *supra; Hale* v. *Henkel*, 201 U.S. 43 (1906); and *Reina* v. *United States*, 364 U.S. 507 (1960).

The prime support for the proponents of the constitutionality of the proposed use immunity embodied in H.R. 11157 is *Murphy* v. *Waterfront Commission*, 378 U.S. 52, 79 (1964). In that decision, Mr. Justice Goldberg, writing the opinion for the Court, stated that a witness cannot be compelled to testify by state officials "unless the compelled testimony and its fruits cannot be used in any manner by Federal officials in connection with a criminal prosecution against him." This language is read by the proponents of H.R. 11157 to support its use immunity, rather than the absolute immunity of *Counselman* and its descendants.

In fact, *Murphy* v. *Waterfront Commission* is weak ground on which to base such a significant assault on the fifth amendment as H.R. 11157 constitutes. For, if Mr. Justice Goldberg's statement following the quotation I have just noted is read, it is seen that his decision was written in the context of a concern for Federal-State relations. This was what was at issue, and Mr. Justice Goldberg wrote, at page 79 of the opinion:

We conclude, moreover, that in order to implement this constitutional role and accommodate the interests of the State and Federal Governments in investigating and prosecuting crime, the Federal Government must be prohibited from making any such use of compelled testimony and its fruits. This exclusionary rule, while permitting the States to secure information necessary for effective law enforcement, leaves the witness and the Federal Government in substantially the same position as if the witness had claimed his privilege in the absence of a State grant of immunity.

The Court was faced with the problem of the interaction of Federal and State governments, and Mr. Justice Goldberg's opinion is an attempt to deal with that problem.

On the one hand, the application of *Counselman's* absolute immunity to State proceedings would have opened the door for State prosecutors to give "immunity baths" to witnesses. The States would have had it in their power to immunize racketeers and bribegivers from all prosecution. Given the potential for local corruption, this created a very real problem.

On the other hand, the Court clearly was not prepared to reject *Counselman*, else it would have done so if it actually intended use immunity to supplant absolute immunity. Inadvertence in failing to explicitly overrule *Counselman* is to facile an explanation, since, certainly, Mr. Justice White's concurring opinion in *Murphy* v. *Waterfront Commission* was ample reminder to Mr. Justice Goldberg, and the colleagues who joined in his opinion, of *Counselman's* existence.

Thus, *Murphy* signals no rejection of *Counselman's* vitality. Moreover, *Counselman's* vitality was confirmed only a year after *Murphy* was decided, in *Albertson* v. *SACB*, 382 U.S. 70, 80 (1965), in which the Court straight-forwardly quoted the key language of the 1892 decision:

"In *Counselman* v. *Hitchcock* * * * the Court held "that no [immunity] statute which leaves the party or witness subject to prosecution after he answers the criminating question put to him, can have the effect of supplanting the privilege. * * *," and that such a statute is valid only if it supplies "a complete protection from all the perils against which the constitutional prohibition was designed to guard * * *" by affording "absolute immunity against future prosecution for the offence to which the question relates." * * * Measured by these standards, the immunity granted by section 4(f) [of the statute before the Court in *Albertson*] is not complete.

Notice the Court's words: "measured by these standards." *Murphy* was decided only a year previously. Surely, if *Murphy* in fact erected new standards, they, not *Counselman's*, would have governed the Court in *Albertson*. Clearly, they did not.

Nor did they do so in *Stevens* v. *Marks*, 383 U.S. 234 (1966), in which the Court vindicated, in passing, *Counselman*, when it stated at page 244–45.

We need not stop to determine whether the immunity said to be conferred here—which merely prevents the use of the defendant's testimony or its fruits in any subsequent prosecution but, apparently, does not preclude prosecution based on "independent" evidence * * * —constitutes that "absolute immunity against further prosecution" about which the Court spoke in *Counselman* v. *Hitchcock*, 142 U.S. 547, 586, and which the Court said was necessary if the privilege were to be constitutionally supplanted. And see *Albertson* v. *Subversive Activities Control Board*, 382 U.S. 70, 79–81.

I am aware that at least three States' courts have ruled that prosecution immunity is not required by the fifth amendment, relying on *Murphy* v. *Waterfront Commission*. However, I do not believe that decisions based on a case ambiguously at odds both with its predecessors and with the successor *Albertson* and *Stevens* decisions can serve to justify the Congress in taking the step of passing H.R. 11157.

But my objections to H.R. 11157 extend beyond the very serious question of this bill's constitutionality. Even granting that H.R. 11157 could possibly withstand constitutional scrutiny—a concession I make only in order that I may pass on to those other aspects of the bill which I believe suspect—this bill is still otherwise seriously flawed.

The bill fails to take any cognizance of the fact that it is virtually impossible to establish tainted evidence—that is, evidence that has been developed from leads which appeared from the compelled testimony or information of the immunized witness. Very simply, to elevate use immunity to general law is to declare a moratorium on the effectiveness of the fifth amendment and to leave it moribund. It is not difficult to mask evidence so that it appears to have been developed independently of the immunized witness' testimony or information.

Even though, technically, the burden is usually on the prosecution to disprove taint, as a practical matter it works the other way. Courts have both evoked doctrines and made findings in related areas which show how feeble such an alleged protection is. In many instances, courts have ruled that, where the taint is "attentuated," the derivative evidence is admissible. *Wong Sun* v. *United States*, 371 U.S. 471 (1963). Some courts have ruled that if the evidence could have been obtained from an independent source, it will be admitted. *Wayne* v. *United States*, 318 F.2d 205 (D.C. Cir.), cert. denied, 375 U.S. 860 (1963). Some courts have ruled that the testimony of witnesses whose names have been obtained unconstitutionally is not excludable because too remote and "attenuated."

In sum, courts are often hostile to excluding evidence of guilt and find ways to avoid such a ruling even where such evidence is traceable to illegally obtained information. As Professor John Mansfield of Harvard Law School has suggested:

The upshot of a rule restricted to forbidding prosecution use may be that a person is in fact much worse off in regard to the danger of prosecution and conviction than if he had remained silent. "The Albertson Case: Conflict Between the Privilege Against Self-Incrimination and the Government's

Need for Information," 1966 Sup. Ct. Review 103, 165.

H.R. 11157 embodies the vice of which Professor Mansfield warns. Because of the present assumption that immunity statutes have to grant immunity against prosecution rather than merely protection against direct and indirect use, there is very little experience with the effects of such a statute. But the prosecution has had little difficulty disproving taint in related areas.

For example, a large number of cases were sent back for hearings on whether any of the evidence in the cases involved was derived from admittedly illegal wiretapping and eavesdroping. Very few, if any, courts have found such a taint and set aside a conviction. This is quite astonishing, in one sense, for virtually all of this illegal wiretapping was done by Federal agencies at a time when they had no expectation that it would ever be disclosed and when there was thus no reason to obtain much independent and duplicating evidence.

In another sense, such a result might be expected. As noted, judges are reluctant to set aside convictions or to exclude evidence, and they often strain to avoid doing so, particularly if the issue comes up after a full trial and conviction. Recently, a practice has grown up of holding taint hearings after trial, for various reasons, some good and some not so good. The inevitable result of this practice, if applied to the self-incrimination area—and there is no reason why it should not be—is that the pressures on the court not to find a taint will be the same.

This reluctance can also be seen in the various "harmless error" rules which courts have devised to make sure that even if there has been error at a trial, constitutional or otherwise, the trial will not be set aside. Regardless of the merits of such rules—and obviously, they have a good deal of merit if applied carefully—the result is to water down even further the protections of the person whose rights were violated.

The problem for a defendant is magnified where the evidence is given before another body; e.g., an agency. In that situation, the derivation may be virtually impossible to prove, since all the agency may do is to notify the prosecutor that the witness should be investigated with respect to certain matters, and the evidence actually used may seem quite independent.

The foregoing examples do, of course, have certain distinguishing features, but they are sufficiently similar to the self-incrimination problem to serve as precedents, and they indicate a dominant attitude. Courts do not want to exclude evidence and they will strain to find ways to avoid an exclusionary rule. This hostility toward exclusion is most pronounced among trial judges, and since such matters are virtually nonreviewable except in the grossest cases, there will be little control.

Another point I wish to make concerns the argument that, since a prohibition on direct and indirect use is the only consequence of illegally obtained evidence, why a broader protection in this area? Although the analogy seems strong, I think it fundamentally misconceives the purposes of the exclusionary rule and of protective legislation.

The usual reason for excluding illegally obtained evidence and its fruits is to punish the man who has violated the still-existing rights and thereby to deter him from such impropriety. Exclusion is usually considered a measure of desperation, born from the failure of other devices to discourage such conduct. By it, the community recognizes the continuing existence of such rights, which by definition have not been legally removed but only illegally impaired; the witness cannot legally be forced, by contempt or otherwise, to give evidence as a result of the official illegality, for he retains his rights despite such official acts. The exclusionary rule is thus a necessary evil, and it is appropriate to limit it to the narrowest scope consistent with the goals we seek. Arguably, the Court might ultimately insist on immunity for all related acts if a mere use doctrine proves inadequate, but of course it has not done so explicitly. This reluctance is partly because the feeling is strong against the notion that "the criminal is to go free because the constable has blundered" to use Judge Cardozo's famous line in *People* v. *DeFore*, 242 N.Y. 13, 21 (1926).

The rationale for immunity legislation is rather different. The community is legally taking away a constitutional right against the person's will. When the community legitimates the involuntary deprivation of rights so that he may be legally punished for continuing to try to exercise such rights, it must make absolutely sure that the protection is complete. Unlike the situation where the evidence is legally obtained, the witness no longer has a constitutional right to deny the State such information. If a right is to be deliberately removed by the State, there should be no doubt about the adequacy of the compensating protection.

There are some final points I wish to address. I think H.R. 11157 deficient in its wide-ranging application. The authority to grant only use immunity is extended throughout the government to agencies of the United States, which include any executive department, and to numerous Federal commissions and boards. I have very serious doubts that such potent authority—the granting of use immunity—should be so liberally dispensed when the dangers of abuse of the use immunity standard are so imminent and significant.

Moreover, I reject the infringement of judicial powers which this statute constitutes. Provision is made in regard to witnesses seeking the protection of the fifth amendment that, upon the request of the U.S. attorney for the judicial district in which the proceeding is or may be held, the district court shall issue an order requiring the testimony or information to be given. In brief, the courts become paper shufflers, removed from any substantive role in determining whether such order should properly issue. This is a departure from the usual provision in Federal immunity statutes which states that a court may issue an order

I should also like to note that the blunderbuss approach of H.R. 111757 applies to all proceedings before or ancillary to a court, grand jury, agency, Congress, and congressional committees and subcommittees. In the past, in passing legislation providing for the granting of immunity, the Congress has had the opportunity to consider whether the legislation involved warranted the employment of the immunity approach. This statute removes that opportunity to balance the proposed immunity grant in light of the subject matter legislation to which it is attached.

In conclusion, I want to stress that I am entirely in favor of whatever measures can help to extend and perfect the rule of law—provided these measures are constitutional and provided the vices they themselves erect do not outweigh the evils against which their proponents inveigh.

There will always be people of good will who will view differently the competing needs which they identify of individual rights versus the public good. That competition is an eternal one, and a constantly varying one. In this instance, I believe the balance swings unduly against individual rights, as protected by the fifth amendment. And—and this is very important—I do not believe the public good to be in any way impinged if H.R. 11157 is rejected. The skills of our law enforcement and investigatory agencies are, if applied intelligently and diligently, fully capable of meeting the challenges which exist and which, I am fully aware, have not been sufficiently met thus far.

I should like to quote again from Mr. Justice Goldberg, whose opinion in *Murphy* v. *Waterfront Commission*, *supra*, is viewed as the touchstone for H.R. 11157. In *Escobedo* v. *Illinois*, 378 U.S. 478 (1964), he said:

If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement, then there is something very wrong with that system.

The decision turned on different issues, but I think the reasoning equally apt here.

WILLIAM F. RYAN.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, this bill is another episode in the continuing problem that we are confronted with here when public hysteria inspires legislative passion, and frequently the results are difficult to overcome. I have noticed with some understanding the tremendous role of the chairman and the many Members who have voted for this bill in committee. I have noticed the reluctance with which they have brought it to this Chamber. Only a few hours ago did this bill clear the Rules Committee under what I am told was an extraordinary procedure.

Why are we moving with such speed a bill of so many pages that has taken so many months and that fails even to define some of the major terms that so grandly change the character of Federal criminal statutes in this country?

I hope those Members who can afford the luxury of honestly evaluating this bill will examine each of the provisions, and if they find they cannot in good conscience support it, I hope they will join the probably less than 3 or 4 dozen Members who will vote against it. My appeal is to a reasoned evaluation on the part of Members who aside from the political pressures will be able to analyze this bill that compromises the Bill of Rights to a very large and serious degree.

Mr. Chairman, it has been stated that some of the bar organizations supported some of the provisions of this bill, but it should be made clear that many of the bar organizations have not supported even the completed provisions, and more than 50 changes in the Senate version have failed to make this bill satisfactorily meet, in my judgment, the minimum requirements of the Constitution of the United States.

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

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

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

Mr. Chairman, I have in my district, as I am sure the gentleman does in his, a great many people who have been either mugged or held up in hallways or subjected to street crimes, who are terribly concerned about this, and they want action by the Government. I wonder if the gentleman could tell me, if I were to support this bill, or the final bill, what could I say to the people of my district this bill does about street crime?

Mr. CONYERS. I would say to the gentleman from New York—and I would stand to be corrected by anyone here in the House—that there is not one provision in this bill that directly confronts the problem posed by the gentleman

from New York. That is to say, even if this bill went seriously into the dimensions of organized crime, which I submit it does not, it would still not speak to that crime for which the American public, particularly in urban areas, is seeking relief.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, as I was listening to the gentleman from Illinois (Mr. MIKVA), and reading some of the provisions of the bill, it seemed to me people who might engage in casual gambling on more than one occasion, gambling that might be against the law of their State, could be subjected to very serious risks of prosecution under some of the loose language of this bill, as distinct from the muggers and the pushers of narcotics on the streets of the cities. Is that correct?

Mr. CONYERS. It is absolutely correct, as the gentleman from Illinois described it, but further than that I think it opens the avenues in criminal law for persons who may have been previously convicted to be subject to the provisions in this bill which would allow a judge at his own discretion, under the very loose definitions that exist, and under the admission that in some instances no definitions covering the descriptions of the criminal activity complained of exist in the bill, to sentence additionally up to 25 years.

This poses some extremely serious problems for those of us who have had even a passing concern with civil liberties over the past 10 or 15 years, for what it does is allow other considerations extraneous to the conviction to be entered into a decision that would then be post trial presentence, in which the judge could add on a period of years which might be far in excess of what the defendant had recently been convicted of.

Mr. BINGHAM. I thank the gentleman.

Mr. POFF. Mr. Chairman, will my friend on the Judiciary Committee yield?

Mr. CONYERS. Your friend on the Judiciary Committee will yield with pleasure.

Mr. POFF. I thank the gentleman.

Before the gentleman from New York leaves the floor I should like to have his attention. The gentleman from New York inquired if this bill contains any provision designed to control the problem of street crime. I ask my friend from New York the question: Would he want the Federal police establishment to be so strong as to reach into local street crime?

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield, the question was addressed to me.

I certainly would not want the Federal police to be given that type of power, but I believe the people who have expressed concern about the crime problem in this country—at least, the kind of people I have in my district—are going to be very concerned when they discover that this bill about which there has been so much debate and so much discussion does not address that problem.

Mr. CONYERS. Mr. Chairman, we who have signed the dissenting views recognize that there will be not too many Members who will vote in the final negative on this bill. But I believe that there will be a thread of discussion throughout consideration of this bill which will attempt to honestly portray the deficiencies that still exist.

It is true, of course, that even the sun has its spots; but, of course, we cannot control the spots on the sun. We, on the other hand, have the most complete control over the kind of legislation that issues from the Committee on the Judiciary, from its subcommittees, and finally from this Committee of the Whole, which will debate this bill.

I am hoping that we will not leave an improved Senate bill to be an acceptable substitute for a still inadequate House bill. I do not believe that is an adequate measure. I would hope that we would examine this with the care and scrutiny that a bill of this magnitude obviously requires.

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

Mr. CONYERS. I yield with pleasure to my distinguished chairman of the Judiciary Committee.

Mr. CELLER. Would the gentleman prefer to have the bill as originally sent over to the House by the Senate, known as S. 30, or would he rather take this bill, which painstakingly was changed so as to be considerably modified by the Judiciary Committee? Which would the gentleman choose, the original bill or this bill?

Mr. CONYERS. Well, unfortunately, Mr. Chairman, I have been put in a very difficult position. I would not accept the Senate bill. By the same standard with which I measured the Senate bill, Mr. Chairman, I have found myself again unable to accept the version of the bill that has come out of the committee.

Mr. CELLER. The gentleman's answer does not quite cover the question I put. It is possible under the circumstances that I read out that you would have been compelled to take S. 30 as it was passed by the Senate. What would the gentleman say, then, if he had the opportunity to ameliorate the harshness of the Senate bill and he did not do it?

Mr. CONYERS. Well, if I were compelled to choose between the Senate version and the committee version that emanated just last week from the chairman's distinguished committee, of which I am proudly a member, I would without hesitation almost cheerfully accept the House version. However, I presume that the chairman's question is hypothetical. I say that because we are not in that position. We do not have to accept legislation, as I understand the rules of this House, which emanates from the Senate any more than we are compelled to accept the House bill that emanates from this committee.

Mr. McCULLOCH. Mr. Chairman, if there remains to me as the spokesman for the minority at this time 5 minutes, I should like to yield 5 minutes to the gentleman from Iowa (Mr. KYL), who has been waiting patiently.

The CHAIRMAN. The gentleman from Ohio has such time and the gentleman from Iowa (Mr. KYL), is now recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I have not only listened to the gentleman from Michigan, but I have also read his comments in the RECORD. I have listened to this colloquy, and there are a number of thoughts which he expresses which concern all the members of the committee that brings this bill to the floor and all the Members of this body.

This bill is not designed to take care of street crime, that crime which touches the average citizen more directly and more frequently, and a field, incidentally, in which the matter of gathering evidence and prosecution is infinitely more simple than those dealing with organized crime.

Organized crime today is the principal supplier of illegal goods and services, and it costs the people of this country billions of dollars a year.

There is, as a matter of fact, a third area of lawlessness with which I am concerned, too, and which this bill does not touch, nor should it touch it, and that is the general area of lawlessness, of the flaunting of the law—the use of a violation of a statute to shock the public conscience; because this field represents an area which presents a problem to the legal system in a way that cannot be cited.

I agree with the gentleman from Michigan who just spoke that there are some provisions in this bill which could not have passed this body a few years ago. They are extraordinary measures. But it will take extraordinary measures to achieve the purposes which we must achieve today.

The gentleman from Michigan has spoken about how this entire matter is somehow steeped in emotion. It is. Thereby again hangs a good reason for taking this step. If we look at history, I think the predictions we can make are rather sure: Unless we have firm law and unless we enforce that law, then the same people who today are emotionally as well as intellectually concerned about crime, not because they are stupid but because they are human, will ultimately take the law into their own hands. This has to be a very real worry in a free nation. I do not think anyone ever said it better than Alexander Hamilton did in the Federalist Papers when he said in a period of violence and lawlessness of this nature the people ultimately, in order to become more safe, are willing to become less free.

Unless we have firm law and firm law enforcement, we then open the door to that much more to be feared circumstances when we could get government by men rather than government under law.

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

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

Mr. CONYERS. I appreciate the gentleman's remarks. I think that he is obviously contributing to a realistic tone that I hope the debate on this bill will proceed in.

The gentleman indicated that there are provisions in this measure that, perhaps, would not have passed several years ago. I would like to add to that statement with which I agree and say that there are provisions in this bill that prob-

ably would not pass if the bill came up after November 3, 1970.

Mr. KYL. Well, I would simply respond to the gentleman's final comment in this fashion: I support this bill today because I believe it is needed, and my opinion and my vote after November 3 would be the same as it would be were we voting this afternoon.

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

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

Mr. HALL. Mr. Chairman, I appreciate the statement of the gentleman from Iowa. I doubt very much whether or not we can hem in and long contain in any committee of the Congress if the representative system in a legislative body is working, legislation whose time for borning has come like this and where the demand of the American people has come as it has for a package of crime control legislation.

I would like to ask those who are handling the bill, if the gentleman will yield further for a question, if in a union dispute there was allegedly a rifle fired at a Government truck or at least a truck licensed by the Government for hauling of all classes of explosives and radioactive materials to the point where 42,000 pounds of dynamite exploded and not even a corpus delicti could be found and there was great damage on an interstate highway, whether or not this would be covered under these circumstances.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. I thank the distinguished gentleman from Ohio for this additional time.

Mr. HALL. My question is whether or not there is anything in this proposed legislation which, certainly the people in my area are demanding, because buildings were destroyed and great damage was inflicted as far as 8 to 12 miles away and if this did come to the question undoubtedly of harassing or hindering the transportation of the sinews of war of the military by properly licensed, inspected, and decreed Defense Department vehicles, whether or not under such a hypothetical situation there would not be restraint if not indeed penalties within this bill to cover such a situation?

Mr. KYL. Mr. Chairman, I yield to the gentleman from Virginia (Mr. POFF) to respond to that question.

Mr. POFF. I thank the gentleman.

In response to the question propounded by the gentleman from Missouri, I read from subsection (f), beginning at the foot of page 165 as follows:

> Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be imprisoned for not more than ten years, or fined not more than $10,000, or both;

If I correctly understood the hypothetical question posed by the distinguished gentleman from Missouri, this language would be applicable.

Mr. CONYERS. Mr. Chairman, would the gentleman yield on that same point?

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

Mr. CONYERS. I think the gentleman from Missouri ought also be advised that prior to this bill ever coming to the floor there was already in the judgment of many people full and sufficient Federal criminal statutes covering that price situation.

Mr. HALL. I would simply say that I think my point has been well made. If the scalpel is so near the bone that there is blood, then it is pretty obvious that the people are in fact demanding this kind of legislation, because I think we would have to bring it up even in the event of the failing of the judicial and lacking the backing of the constabulary.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I thank the distinguished chairman for yielding. I have been studying the letter which I think all Members received from the American Civil Liberties Union on the subject of this bill. As a former member of the Board of the National ACLU I always pay a great deal of attention to what they have to say, especially in this field where they have special expertise. Mr. Chairman, later I will ask unanimous consent to have this letter included in the RECORD.

The gentleman from Iowa and other speakers have referred to the demand of the people for action. The crime situation in this country is undoubtedly acute. But in jurisprudence there is a maxim that "hard cases make bad law," and I think we can now say that a hard situation in the country may make bad law, when the Congress feels forced by the political pressures of the time to embark upon unwise legislation.

The references in the letter from the American Civil Liberties Union to the possibility of "fishing expeditions" under the very broad powers granted to the Attorney General are important. Those of us who have had some experience in the practice of the law in dealing with ardent Government prosecutors know the dangers of "fishing expeditions." The time may well come when respected businessmen will be coming back to this Congress and saying, "What have you done to us? You have opened the way for the Attorney General to come in and inspect our books and records and call for the production of books and records on the flimsiest of pretexts."

There seem to be many things in this bill that we may live to regret. I assume it will be passed, but I would like to commend the three gentlemen who are members of the committee for their eloquent and courageous separate views. I am most impressed with their views, as I am with the objections in the ACLU's letter. The text of that letter follows:

> AMERICAN CIVIL LIBERTIES UNION,
> *Washington, D.C., October 2, 1970.*
>
> Re: Organized Crime Control Act, S. 30.
>
> DEAR CONGRESSMAN: Very soon you will be called upon to cast your vote on S. 30, the so-called Organized Crime Control Act, the stated purpose of which is to destroy the power of organized crime groups. We share this goal, but believe the bill goes far beyond it. In the guise of pursuing this objective, it would make drastic revisions in our entire system of criminal law, state and federal, which would jeopardize the civil liberties of everyone.
>
> The American Civil Liberties Union believes that the good in S. 30 is far outweighed by the bad, and that it ought not pass. We urge you to give serious consideration to our reasons for this conclusion before deciding how you will vote.
>
> TITLE I—SPECIAL GRAND JURIES
>
> Title I authorizes special federal grand juries to report: "concerning noncriminal misconduct, malfeasance or misfeasance in office involving organized criminal activity by an appointed officer or employee . . ."
>
> We are not alone in the conclusion that it is highly undesirable to give federal grand juries the power to criticize public officials and employees where there is not enough evidence to indict and try them in a criminal trial. A number of Bar groups have come to a similar conclusion. An individual accused by such a grand jury has no real way to clear himself of charges levied by this body which speaks with the authority of the government and which has secured its information by using compulsory testimony in secret proceedings.
>
> Although a person named in a report is given an opportunity to testify and present a "reasonable" number of witnesses, the value of that right is critically undercut because he cannot know the identity of his accusers, cannot compel the attendance of witnesses or cross-examine, and cannot compel the production of documentary evidence.
>
> Moreover, he receives this limited opportunity to appear only after the grand jury has decided to report on his guilt. The provision for judicial review is also largely illusory. A report may be made public if it is supported by nothing more than "a preponderance of the evidence" and a detailed record of the proceedings need not be kept. These procedures are totally inconsistent with that fundamental fairness guaranteed by the Fifth Amendment.
>
> As a final note, we point out that the Judiciary Committee amended the Senate-passed version of S. 30 to eliminate the grand jury's power to report on the conduct of elected officials. The Committee's unwillingness to permit Congressmen to be subjected to this kind of public smearing, but to allow it to be done to appointed officials, raises a serious question about a double standard. Surely what should be sauce for the goose should be sauce for the gander.
>
> TITLE VII—LITIGATION ON SOURCES OF EVIDENCE
>
> If one title of S. 30 had to be singled out as the most dangerous, Title VII would have that very dubious distinction. As the fine dissenting views of Congressmen Mikva, Ryan and Conyers point out, "it demonstrates an antipathy towards, and impatience with, the exercise of constitutional rights which reflects another grim chapter in the attempts to uplift expediency to the level of constitutional legitimacy."
>
> Title VII does two things to earn this clearly deserved condemnation. First, it sets a statute of limitations on complaints that evidence was obtained by illegal electronic surveillance. Such statutes of limitation, whatever role they might play in forcing litigants or the government to file suit or criminal charges in a timely manner, have no place in the defense of constitutional rights. To deprive the defendant of constitutional defenses which only become necessary to assert when he is later brought to trial is an extraordinarily dangerous inroad on rights we have long worked hard to protect.
>
> Second, Title VII seeks to reverse the ruling of the Supreme Court in *Alderman* v.

United States, 394 U.S. 165 (1969), that the defendant must be shown all tapes of electronic eavesdropping conducted by the government in order to determine whether those activities tainted the prosecution's evidence. Title VII attempts to substitute "in camera" inspection by the court which would determine which tapes might be relevant and turn only those over to the defendant. This is precisely the procedure which the Supreme Court rejected. As the Court said in *Alderman*, we believe that only full inspection by the defendant will "provide the scrutiny which the Fourth Amendment exclusionary rule demands." 394 U.S. at 184. It is ironic that Title VII is proposed as a remedy for time-consuming court proceedings, yet would require the judge to examine the often voluminous records himself before turning them over to the defendant.

TITLE X—SPECIAL OFFENDER SENTENCING

Imposition of Sentence. Title X authorizes a special sentence of up to twenty-five years for any person convicted of a federal felony who is also found by the sentencing judge to be a "dangerous special offender." This term includes any person from whom the public needs the protection of an extended sentence and who has (1) been convicted of two other felonies, one within the past five years, or (2) committed the present felony as part of a "criminal pattern of conduct" (a) from which he derived substantial income and in which he had special skill or (b) which was part of a conspiracy of three persons in which he played a more than passive role.

A number of the provisions of Title X violate both substantive and procedural due process of law. Many of the definitions, for example, are vague and do not give the defendant adequate notice of the conduct which will subject him to these lengthy new sentences. Also, in determining whether the defendant is such an offender, the judge can rely on information supplied by sources which he need not disclose to the defendant. Moreover, he can consider an unlimited variety of information, whether or not constitutionally acquired. Lastly, he need only find that "a preponderance" of this information supports the allegation before imposing the special sentence.

However, even these very serious obstacles to the defendant's ability to clear himself pale in the face of our basic objection to Title X. It is clear from the definition of "dangerous special offender" that Congress wishes to impose lengthy sentences on those found to have engaged in the conduct included therein. However, Title X does not create a new federal crime which makes that conduct punishable. It authorizes the judge to consider information which would support the conclusion that the defendant has engaged in such conduct in fashioning the sentence. In this way, the government avoids having to prove beyond a reasonable doubt in a criminal trial that the defendant has committed the acts for which he is to be punished.

The Supreme Court has recognized that this type of special sentencing provision is subject to a higher standard of due process than the normal sentencing procedure in which the judge is given broad leeway. *Specht* v. *Patterson*, 386 U.S. 705 (1967). The Court recognized in the *Specht* case that a Sex Offender Statute involved the court in "the making of a new charge leading to criminal punishment." 386 U.S. at 610. We believe that this statute must be governed by an even higher standard of due process than was required in the *Specht* decision. To the extent that the sentencing judge must determine whether the defendant committed certain acts, the inquiry cannot be distinguished in any way from the criminal charges which must be proved in a criminal trial. We do not believe that the Constitution will permit this obvious attempt to permit the government to sentence a man for allegedly committing acts which the government could not prove beyond a reasonable doubt in a criminal trial with full due process safeguards for the defendant.

Appeal of Sentence. Title X authorizes the government to appeal the length of a special offender sentence and have it increased. It may also seek reversal of a trial court decision that a defendant is *not* a dangerous special offender.

While the ACLU has long favored appellate review of sentencing as a means of controlling abuses in the trial court's discretion, we strongly support the recommendation of the Advisory Committee of the American Bar Association Project on Minimum Standards for Criminal Justice that no appellate court should be empowered to set a harsher sentence than that imposed by the trial court. We join with them in the belief that such a procedure raises serious questions under the double jeopardy clause of the Constitution, especially where the defendant is in effect "acquitted" of the charge of being a "dangerous special offender." Moreover, we share their fear that the government will wrongly use this power to persuade defendants to plead guilty or to refrain from appealing either their sentence or the underlying conviction.

TITLE II—IMMUNITY OF WITNESSES

Under the Fifth Amendment, no person may be compelled "in any criminal case to be a witness against himself." Since 1892, it has been the federal rule that in order to compel a person to testify, he must be "afforded absolute immunity against future prosecution for the offense to which the question relates." *Counselman* v. *Hitchcock*, 142 U.S. 547, 586 (1892). Title II would greatly water down that protection, permitting the government to compel the witness to testify in exchange only for a guarantee that that specific testimony will not be used against him, directly or indirectly, in a future criminal trial.

As we outlined in our testimony before the House Judiciary Committee, this lowered standard is not a constitutionally adequate substitute for the privilege against self-incrimination. There are too many ways to make evidence look as if it were independently obtained even though the compelled testimony has really led the government to find it. Thus the defendant will in fact be compelled to contribute to his own prosecution in direct violation of a privilege which the framers of the Constitution thought important enough to include in the Bill of Rights.

TITLE III—CONFINEMENT OF RECALCITRANT WITNESSES

Title III gives the court the power to confine witnesses who refuse to testify in a court proceeding or before a grand jury. The Judiciary Committee has somewhat revised this Title, so that persons who refuse to testify during grand jury proceedings cannot be confined more than eighteen months. However, they left open the possibility of open-ended confinement for one who refuses to testify during "court proceedings." As we pointed out in our testimony before the House Judiciary Committee, "still pending in the federal court is a civil case which began on January 29, 1940 . . . and a criminal case filed in May, 1921." A clear time limit should be added to this provision.

Such a limit may also be constitutionally compelled. If a person has refused to speak for a long time, there is little likelihood that he will change his mind. Further confinement becomes punitive, not coercive, and should not be permitted without a complete trial for criminal contempt of court. See *Bloom* v. *Illinois*, 391 U.S. 194 (1968).

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

Title V, which authorizes the Attorney General to provide facilities for the safety and security of government witnesses concerning organized criminal activity, appears to be a useful tool for securing needed testimony. However, in light of the House Internal Security Committee's recent refusal to repeal provisions for federal detention facilities under the Emergency Detention Act of 1950, it would be desirable to make it perfectly clear that no witness can be unwillingly confined or detained in such facilities.

TITLE VI—DISPOSITIONS

Title VI attempts to deal with a problem often associated with the prosecution of organized crime cases—that of the witness who changes his mind about testifying against the defendant at trial because of intimidation, threats, or physical abuse or disappears entirely. Title VI would permit the government to take a deposition of this witness. We doubt whether this procedure will achieve the desired goal. As the defendant must be notified in advance of the deposition, we suspect that those who wish to keep witnesses from testifying against them will merely speed up their intimidation or kill someone whose deposition is used at trial as a warning to anyone else considering testifying in a deposition or any other.

Even assuming this practice would preserve some useful testimony, we object to its adoption in its present form. If the government is going to be able to use this evidence at trial, the defendant must have a meaningful opportunity to cross-examine the witness during the deposition. At trial, this opportunity exists because the defendant already knows the nature of the prosecutions theory of the case which he will have to meet with his own evidence. At the deposition stage, the defendant will still be in the dark as to the lines of questioning he should pursue. We strongly urge that Title VI be amended to give the defendant expanded pre-trial discovery rights in those cases where the taking of depositions is contemplated, so that he will not be prejudiced at trial by the use of paper testimony obtained in the absence of meaningful cross-examination.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Title IX seeks to improve government ability to stem organized crime's infiltration of legitimate business through the use of civil and criminal sanctions derived from the anti-trust field. Unfortunately, the value of this innovative approach is marred by overly broad and ambiguous provisions which permit application of Title IX to a man who twice wins $1000 in a friendly gambling game, as well as the most professional racketeer. Moreover, Title IX creates federal law in an area where state laws have traditionally operated, but it does not deal adequately with conduct which may be lawful in one jurisdiction and unlawful in another.

We are also troubled by the power given to the Attorney-General to issue civil investigative demands requiring the production of documentary material wherever he "has reason to believe" that material might be relevant to a Title IX investigation. No neutral magistrate is placed between this prosecutor's request and the potential defendant. In addition, the almost unlimited scope enables the government to engage in vast "fishing expeditions."

Although Title IX contemplates that the

records obtained in this dragnet fashion may be used in subsequent criminal as well as civil proceedings, no provision in the statute safeguards the individual's Fifth Amendment privilege against self-incrimination in a later proceeding. If material acquired in connection with a civil investigation can be used in a subsequent criminal case, any Fifth Amendment privilege would thereby be destroyed. The Supreme Court has very recently made it quite clear that a person fearing criminal prosecution has a constitutional right to assert his privilege against self-incrimination in responding to a civil investigative demand. *United States* v. *Kordel*, 38 U.S.L.W. 4153 (Feb. 23, 1970). Unless this privilege covers all prosecutions which result from the gathering of this information, broad civil investigative powers in an area involving criminal activity would clearly be unconstitutional.

CONCLUSION

Organized crime is a serious problem deserving the attention, imagination, and industry reflected in S. 30. However, serious constitutional problems cannot be brushed aside in a zealous pursuit of organized criminals. Its impact, moreover, can effect many others. Political dissenters, police who deprive others of their civil rights, Congressmen who take bribes, businessmen who violate tax laws, gamble, or commit other "white collar" crimes—all these could be considered "dangerous special offenders." In light of growing illegal use of wiretapping and other electronic surveillance, almost anyone could be subject to this invasion of privacy and then be deprived of a constitutional defense by Title VII—in any kind of federal trial for the smallest offense. The list could go on indefinitely. No one can safely assume that this bill will only affect someone else or really evil people. Its derogation of constitutional rights threatens us all.

The Judiciary Committee has added a new title which would establish a National Commission on Individual Rights. A six year study, which will undoubtedly face the same fate as too many other Presidential commissions, does not make up for the immediate loss of individual rights which will come with S. 30. We urge you to join in its defeat.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

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

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

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

I think the gentleman has touched upon the character of the objections that have motivated three of the members of this committee to file dissenting views.

I would like to point out that the statement of the findings and purpose embody a very disturbing notion to me, because we start off by finding:

The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and wide-spread activity that annually drains billions of dollars from America's economy by unlawful conduct . . . .

Then after going on and describing the acts we find at line 13 on page 76 that—

Organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities.

Now I think with a bit of reflection the Members will begin to perceive that this whole bill is based on the idea that somehow the courts have been preventing the effective prosecution of criminal activities in this country and that by some means or other there are defects in the evidence-gathering processes which this bill has sought to remedy.

I, as one Member, want to make clear a very distinct disagreement with the primary motivation that is stated in the purpose behind this bill.

The courts have not been the major culprits in the fight against crime.

The judges have not been the ones who have been making it difficult for prosecuting attorneys to bring criminals in the organized syndicates to trial.

The rules of evidence, and the criminal law, have not been derelict or weak or soft in any way supportive of the criminal elements once we get them into court.

I think, in a nutshell, nothing will clearly reveal the incorrect theory on which this entire bill is based than that section that I have cited to you in the statements of findings and purposes.

Mr. BINGHAM. I thank the gentleman for his very important contribution.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I rise in support of this legislation and also in the hope that it may be improved in the amending process.

I would call the attention of the House to page 105 of the report, section (c), which is, as I understand it, repealed in this legislation:

(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it.

Then it goes on to say that the presumption, of course, is rebuttable.

It seems to me, under that existing law which we are now repealing, the FBI could be called in for the investigation of any bombing case. I am not clear that that would still remain possible under the new law.

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

Mr. HUNGATE. I yield to the gentleman.

Mr. CONYERS. The gentleman is right. It is a theory that has been discussed by some Members. This provision of the law may be actually a weakening amendment from the version that is stricken in favor of the bill that is before us today.

Mr. HUNGATE. I thank the gentleman for his comments.

I think unless someone can straighten me out on that, I believe it may be a weakening provision.

Suppose we have a case of a chamber of commerce building blown up such as we had in Des Moines, Iowa? I wonder if anyone can tell me if this new bill would permit the FBI to go in and investigate. I think we should amend this bill to provide at least as much Federal investigatory authority as now exists in bombing cases.

Mr. ALEXANDER. Mr. Chairman, I rise as a cosponsor in support of the Organized Crime Control Act of 1970. This legislation marks a positive step and fulfills an immediate need to provide some of the ingredients necessary to wage war on organized crime.

In my view, no other national concern preys upon the minds of decent, law-abiding citizens more than the consistent and inexcusable rise in criminal activities in this Nation. I offer my compliments to the members of the House Committee on the Judiciary for their work in providing this legislation. I congratulate the administration which has provided leadership, background material, and support. The bill is made possible by the constant and diligent efforts of Senator JOHN L. MCCLELLAN, of Arkansas, who has labored long and hard for this bill and against organized crime since the mid 1950's.

He is indeed the first crime fighter in the truest sense. He is the No. 1 enemy of the criminal world and this act, in my view, is a tribute to his labors and leadership.

Mr. BENNETT. Mr. Chairman, I am a strong supporter of the legislation before the House today, S. 30, similar to my bill, H.R. 15507, which would assist in stamping out organized crime in America. My legislation is identical to the bill authored by Senator MCCLELLAN, which passed the Senate January 23, 1970, by a vote of 73 yeas and 1 nay. I congratulate the chairman and members of the House Judiciary Committee for bringing this bill to the floor.

Reducing the amount of crime in the United States is the domestic problem which the Government should give No. 1 priority to in 1970 and 1971, according to a Gallup poll released recently. We are all very concerned with the rising crime rate, particularly the continued domination by organized crime, and I believe the Federal Government should be given all the necessary and proper tools to combat this threat to our citizens.

I have been a sponsor and supporter of the far-reaching legislation to halt crime reported from the Judiciary Committee in recent Congresses, including the Law Enforcement Assistance Act of 1965 and the Omnibus Crime Control and Safe Streets Act of 1968. The Organized Crime Control Act we are discussing today will add to these strong laws, and, hopefully, reverse the crime rate, which increased 11 percent in 1969 over 1968.

Hearings held by the House Select Committee on Crime, established by a resolution I was pleased to cosponsor with my colleague from Florida, CLAUDE PEPPER, indicate that strong measures included in the Organized Crime Control Act are needed to help curtail the narcotics traffic in our Nation. It was brought out in hearings by the Crime

Committee last December that 50 to 70 percent of all the traffic in the drug cocaine comes through the Miami, Fla., port and it is directed by elements of organized crime.

The supervisory agent for the Miami regional headquarters of the Bureau of Narcotics and Dangerous Drugs, Dennis Dayle, told the Crime Committee:

While the percentage of criminals in the Cuban community in south Florida is relatively small, it is well established and perpetuated by the planning and organization usually associated with the activities of the Mafia.

Mr. Dayle reported that there is close connection between the Italian Mafia and the Cuban Mafia.

Dayle said:

As the Italian Mafia has more often than not victimized its own ethnic group, so have we seen the Cuban Mafia prey upon the Cuban community.

As the Italian Mafia migrated first to the New York area and then invaded other parts of the United States, so have we seen the Cuban Mafia migrate to Miami and then permeate other parts of the country with their presence and their activities of crime and violence. As we have seen the Italian Mafia invests its ill-gotten gains in legitimate business, so also do we see the hierarchy of the Cuban Mafia infiltrating many avenues of both legitimate industry and business.

Mr. Chairman, I have used this one example of the illicit traffic in cocaine in south Florida, brought out by the House Crime Committee, to show a need to further strengthen the laws of our land to get rid of organized crime.

President Nixon said in a message to Congress last year:

It is vitally important that Americans see this alien organization (Cosa Nostra) for what it is—a totalitarian and closed society operating within an open and democratic one. It has succeeded so far because an apathetic public is not aware of the threat it poses to American life.

Organized crime strikes at the basic roots of our society. It is a monster which must be eliminated. I believe the legislation being considered by the House is the vehicle to rid our land of this scourge and I hope it will be enacted.

Mr. FASCELL. Mr. Chairman, I rise in support of this landmark legislation. Enactment of this measure will, I believe, bring on a new day in our 50-year struggle against organized crime. A day when witnesses, fearful of reprisal, may be protected in their desire to tell the truth about syndicated crime; a day when organized crime bosses may not have total assurance that their underlings will not speak the truth; a day when legitimate businessmen may not face the unfair and even deadly competition posed by an organized crime-dominated business; a day when the source of most organized crime revenues, gambling, dries up; and a day when the structure and organization of organized crime are crumbled away by a more effective and better equipped intergovernmental effort.

These and many other benefits may come about by enactment of S. 30. This measure is no panacea, however. The Federal effort against organized crime, and indeed the intergovernmental effort, can still stand much improvement. Relationships among Federal agencies in the effort are still governed, basically, on an ad hoc basis. Some agencies express little interest in participating on a meaningful basis in the overall effort. Most Federal agencies, including regulatory agencies and Cabinet departments, provide no training to their investigative personnel in the area of organized crime. Those agencies and departments charged with the primary responsibility in this effort, the Justice and Treasury Departments, have training programs which place little emphasis on organized crime subjects.

Recent hearings by the Legal and Monetary Affairs Subcommittee on the House Government Operations Committee, which I chair, depicted many of these deficiencies. The resulting committee report, "Unmet Training Needs of the Federal Investigator and the Consolidated Federal Law Enforcement Training Center," report No. 91–1429, was recently issued.

It is just as important to provide the Federal agencies, principally the Justice Department, with the tools that S. 30 provides, as it is to achieve a top flight, well coordinated operation against organized crime. S. 30 brings us close to achieving one of those goals, the other goal remains to be met.

S. 30 is the culmination of great efforts by distinguished Members of this House and of the other body. Since its introduction by Senator JOHN MCCLELLAN in January 1969, this bill has been given an intense scrutiny like that which few bills have ever received. I give it my wholehearted support.

Mr. HALPERN. Mr. Chairman, organized crime in America is a thriving business. As the President's Commission on Law Enforcement and the Administration of Justice observed almost 3 years ago—

Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits. The Challenge of Crime in a Free Society 187 (1967)

Since the issuance of the Commission's final report, Congress has striven to implement the recommendations of the Commission consistent with its obligation to the American people to rid this Nation of the paralysis of crime. The Organized Crime Control Act of 1970 embodies many of the Commissions' recommendations on organized crime. The bill is directed at three areas: The investigation of organized crime, the punishment of organized crime, and the examination of existing laws to determine their effectiveness in dealing with organized crime.

A substantial part of S. 30 is devoted to facilitating more effective investigation of organized criminal conduct. Its innovations are directed at the public corruption and conspiracy of silence which surround the activities of organized crime. Consistent with the recommendations of the President's Commission special grand jury provisions have been offered. The effectiveness of the grand jury as an investigation tool where public officials are involved was clearly demonstrated recently in Newark, N.J. These grand juries would be given special powers to investigate the rackets. But prosecutors have long realized that the authority to investigate can easily be frustrated by the silence of witnesses caused either by a fear of prosecution or terrified by their coconspirators. S. 30 would attempt to break down this wall of silence by granting immunity, by punishing those who refuse to accept immunity, by adopting the Model Penal Code provisions on perjury and false statements, by permitting the use of depositions in extraordinary cases, and by providing for protective housing facilities for Government witnesses and their families.

S. 30 would also make changes in substantive criminal law. It would prohibit the infiltration of organized crime into business enterprises affecting interstate or foreign commerce either by investment, unlawfully obtaining control or using a legitimate business in a "pattern of racketeering activities." It would also prohibit engaging in an illegal gambling business or obstructing local law enforcement officials in their investigations of such a business. There would be special offender sentencing procedures directed at those who have made crime their profession. Finally, conscious of the fact that gangland killings frequently involve the use of explosives or explosive devices, the drafters of S. 30 have incorporated a system of regulating the importation, manufacture, and storage of explosive materials.

A Commission To Review National Policy Toward Gambling would be created under the act to study gambling in the United States. Gambling is the lifeblood of organized crime. It provides the capital with which a host of other illicit activities are financed. Recent Supreme Court cases have raised serious questions concerning current Federal gambling laws. The drafters of S. 30, recognizing the scope of the problem, its national significance and its effect on interstate commerce, would provide for a thorough study of the problem to determine the proper legislative response.

I support S. 30 because it represents the recommendations of the President's Commission for eradicating organized crime; because I feel that existing criminal laws drafted to cope with individual lawbreakers are insufficient to combat the criminal cartels that have come close to creating a fifth estate in this Nation; and because the objections raised earlier on civil liberties grounds have been substantially eliminated in the current amended version of S. 30.

Mr. MCDADE. Mr. Chairman, I rise in support of the pending bill, the Organized Crime Control Act of 1970.

This is a subject that is of deep concern to me. It is a matter that I have been working on since 1966. During the course of these past few years it has been my privilege to work with 22 of my col-

leagues to examine the nature and scope of crime in the United States of America. I am deeply gratified to see that much of that work is coming to fruition.

In August of 1967 in a special order I reported to this House about the true nature of those who are victims of organized crime, and I pointed out on that occasion that the real victims of organized crime are the urban poor. I pointed out as well that much of the street crime in America results from organized crime in the United States. It is estimated that in the city of New York fully 50 percent of the street crime which occurs there is directly connected to the activities of organized criminals. I pointed out as well that at a time when law and order are on trial, organized crime presents a direct threat to a nation which seeks to restore a sense of dignity and majesty to the law.

Because organized crime cannot flourish in any city of this Nation without at least some corruption of public officials, I stated then and I state now that organized crime teaches the lesson that the law is for sale and that the road to success is to follow the path of corruption. Indeed, this may explain why in some of the areas of our Nation a policeman has lost his effectiveness and on some occasions has even been replaced in the esteem of some by those who pursue a "get-rich-quick" policy.

Consider if you will the cost of organized crime. Experts have estimated that organized crime's annual profits exceed many billions of dollars.

There are three major sources for all of this wealth, namely, gambling operations with a conservative estimated take of $20 billion annually and a $6 billion profit, most of it coming from those who can least afford to pay; loan sharking, $350 million per year; and narcotics, $350 million per year, almost all from the poor.

Dr. Martin Luther King once said that "permissive crime in ghettos is the nightmare of the slum family." I do not mean to imply that the tentacles of organized crime are found only in the ghetto. I simply point out that this is where they reap a huge part of their illicit gains. I am most pleased to point out that we are making progress in this battle.

Legislation to permit carefully controlled electronic surveillance in organized crime cases has already been approved by the Congress. That was a recommendation I made in 1967.

In 1968, this House passed a bill which made loan sharking a Federal offense for the first time. I was delighted to submit this legislation to the Congress. It is now the law of the land, it is working, and I am informed by officials of the Justice Department they are most pleased with the efficacy of this law.

This bill today contains five additional recommendations I made to the Congress in 1967 for further gearing up to combat and hopefully to destroy organized crime in America today.

In August 1967 I proposed the following:

First. That legislation be enacted to provide for extended prison terms where the evidence, presentence report, or sentence hearings shows that a felony was committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or other management position.

Second. That Congress should abolish the rigid two-witness and direct-evidence rules in perjury prosecutions, but retain the requirement of proving an intentional false statement.

Third. That legislation be enacted to extend Federal immunity provisions to crimes relating to organized crime and to make it a Federal crime to coerce or threaten a person who is willing to give vital information before a grand jury convened to hear an organized crime investigation.

Fourth. That the Federal Government should establish residential facilities for the protection of witnesses desiring such assistance during the pendency of organized crime litigation.

Fifth. That antitrust legislation be passed designed to curtail organized crime. First, legislation to prohibit the investment of funds illegally acquired from specified criminal activities in a legitimate business concern, and, second, legislation to prohibit the investment in such concerns of funds legally acquired but deliberately unreported for Federal income tax purposes.

All of these recommendations which I made then are contained in this bill today. Mr. Chairman, I urge the adoption of this bill as another firm step in an effort to control this insidious problem in our Nation.

Mr. DONOHUE. Mr. Chairman, as a member of the House Committee on the Judiciary, to whom was referred Senate Bill 30 relating to the control of organized crime in the United States, having considered the same after long, exhaustive hearings, at which appeared law enforcement authorities, Governors, and many other witnesses, from all areas of the United States concluded, as has been stated by the chairman and other members of our committee, that organized crime in the United States is a highly sophisticated and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud and corruption; that organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; that this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes; that organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security and undermine the general welfare of the Nation and its citizens; that organized crime continues to grow because of defects in evidence gathering processes of the law, inhibiting the development of legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

It is the purpose of S. 30 to seek the irradication of organized crime in the United States, by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

Mr. Chairman, I therefore rise in enthusiastically supporting S. 30, entitled the proposed organized crime control act of 1970, as amended by the committee. This measure is a large, complex bill which the members of Subcommittee 5 of the Judiciary Committee, of which I am a member, worked patiently and arduously to improve. We endeavored to remove vague and unworkable language and to revise provisions which, in our opinion, raised substantial constitutional questions.

S. 30, as amended, has been vastly improved over the bill which passed the other body. In addition to the reform of various aspects of Federal criminal procedure and the establishment of new Federal substantive offenses in the field of gambling and racketeers infiltration of legitimate businesses, the committee added two new titles.

One, title XI, provides much-needed Federal controls over the transportation, importation, distribution, and storage of explosives. It also establishes new broadened criminal penalties for the misuse of explosives. It is intended to strengthen the ability of State and local communities to cope with the growing number of bombing outrages throughout the country.

A second title added by the committee, title XII, would establish a National Commission on Individual Rights to conduct a comprehensive study and make reports to the President and the Congress on the variety of changes in Federal criminal procedure effected by this measure and other recent enactments.

Mr. Chairman, I believe that this measure makes a valuable contribution to the Federal effort to curb crime and violence, by strengthening the system of gathering evidence and prosecuting offenders in the federal system.

Mr. CELLER. Mr. Chairman, I yield 8 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this bill is a fraud upon the public as time will prove. It is a monster. I make these statements with the utmost respect for the distinguished Committee on the Judiciary and the distinguished chairman of that committee.

The committee contains some of the most effective and able lawyers of this House. I recognize them—on both sides, for instance, the gentleman from Virginia (Mr. POFF), is a man who is very learned in the law, as I have frequently observed in colloquy on the floor. But he has exercised his great expertise frequently to walk with exquisite precision

on the very outside borders of the Constitution. I think he has in this case overstepped.

The chairman of the committee is indeed a man who has more respect, I think, for the constitutional process than any other Member of this House—a man who is devoted to drawing legislation which is practical and effective. I recognize that with what he had, he did his best. I recognize the same qualities in the ranking minority member.

But, after all, the chairman was merely the obstetrician who brought this bill to light. He had nothing to do with its genetic constitution.

To adapt the words of Edmund in King Lear—this bill was got 'tween sleep and wake, in the dull, stale, tired bed of the Justice Department.

In lulls the public into a feeling of false security when considered in light of those uncertainties introduced by its unconstitutional provisions; its overloading of the Federal courts by moving large substantive areas formerly totally within the police power of the State into the Federal realm; its new authority to harass police and law-enforcement authority by meddlesome or even politically motivated special grand juries, probing public officials' admittedly legal activities.

When all of these considerations are taken into account, the bill is a backward step.

It is always popular to advance the proposal of a cheap solution to difficult public questions. It is quite cheap in money to merely increase penalties, to expedite conviction by shortcutting new processes and shortcropping the right of trial by jury. But in the long run it is the most expensive course we can take, because if it were upheld, it would be bought at the cost of loss of validity and respect for law.

I am most concerned, as I think some of my colleagues have observed, about what is called the dangerous special offender provisions of this bill and of the drug bill. It is found in this bill at title X. I would like to say a little about it because we have to know what it means to know precisely how it removes from the consideration of the jury a very serious element of what you may either call crime, as I prefer to call it, or you may call a status with respect to the nature of the dangerous special offender, as the gentleman from Virginia (Mr. POFF) prefers to call it. But I think whatever you call it you must come to the same conclusion as to how the offense, or the status if you prefer, is to be proved if the act is to stand constitutional muster.

A person accused of factual elements of either a crime or that which justifies a sentence—and I know no difference between those terms—a person so accused under American law, and under English law before us, was entitled to have a trial before a jury in all cases of serious offenses. That, of course, has been so clearly established in Duncan against Louisiana in recent times that it can be no longer brought into contest—except for the fact that I suppose everything can be brought into a contest today.

I have tried a case before a Justice of Peace who simply remained mute, and after a long period of time he said, "Mr. ECKHARDT, proceed to defend your client."

I said, "If Your Honor please, will you instruct the jury that he must be held not guilty?"

He said, "Well, Mr. ECKHARDT, I understand the law to be that a man is guilty until he proves himself innocent."

I was free to admit that I had not briefed that point for that case, but would later give the authority.

I had not thought I would have to argue this question to the Attorney General of the United States.

The Poff amendment, the dangerous special offender provision of S. 30, does this: If the prosecuting attorney intends to ask for enhanced sentencing, he gives a notice in advance and he makes the allegation that the defendant is a dangerous special offender who, upon conviction, is subject to enhanced sentencing and, in addition, he sets out with particularity the reasons why he feels the defendant to be a dangerous special offender.

If the defendant is convicted of a felony, after such notice has been properly given, the court, sitting without a jury, holds a presentencing hearing which may be based upon a report compiled by a probation officer. The report itself would necessarily be constituted, in major part, of the hearsay testimony of various persons from whose statement it has been compiled. Also it could be a mixture of statements of alleged facts, opinions, innuendo, and inflammatory material relative to the offense upon which the defendant was found guilty by the jury.

Somewhat ameliorating these infirmities of the report are the following assurances to the defendant:

First, his counsel may inspect, except in extraordinary cases, the report sufficiently prior to the hearing as to afford a reasonable opportunity for verification of the facts recited therein;

Second, he is afforded compulsory process to bring in as witnesses persons whose hearsay testimony appears in the report, persons who would refute the report, or other persons who might give material evidence; and

Third, he is afforded the right to cross-examination of such witnesses as appear.

These protections are inferior, however, to the protection he would receive if the case were tried before the court, mainly because of the fact that he is not entitled to a jury to determine whether or not the facts are valid. But in addition the following infirmities also exist:

First. The prosecutor does not have to elect whether or not to use a witness the disclosure of whose identity would make him useless in the future as an informer or would endanger him, or to use testimony which might "seriously disrupt a program of rehabilitations."

This is because, in what is called extraordinary cases, the court may protect confidential sources of information. This would, of course, deny to the defendant the right of cross-examination as well as the right of jury trial.

Second. The defendant is at the mercy of the judge's determination as to what material is "not relevant to a proper sentence," and although this question may be carried forward into an appeal, as I understand it, the actual material may continue to be considered in camera by the courts.

Third. The defendant has the tremendous practical disadvantage of having to go forward with the burden of obtaining firsthand testimony and of bringing in live witnesses to test or to refute material which may be easily brought in against him in the report.

This is why I say in effect the court is holding, contrary to long-established English and American law, that a person is guilty until he proves himself innocent. This is also found in the provision that requires a person to carry the burden of proof that certain earnings were not earned as the fruits of a criminal enterprise in which he is assumed to have engaged.

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

Mr. CELLER. Mr. Chairman, if the gentleman insists on that, I shall move that the Committee rise.

I hope the gentleman will not insist on his point of order.

Mr. CONYERS. But, of course, Mr. Chairman, I insist on it. I think the gentleman from Texas is making remarks which should be heard by all the Members of the House.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ROONEY of New York, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 30) relating to the control of organized crime in the United States, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill S. 30.

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

There was no objection.

HOUSE RECESS

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

Mr. ALBERT. Mr. Speaker, I take this time to advise the House of recommendations that have been made by the leadership in joint conference on both sides of the Capitol and on both sides of the aisle.

It is our plan to offer a resolution within the next few days to provide for a House recess from the close of business on Wednesday, October 14, until noon, Monday, November 16.

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

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

Mr. McCORMACK. I might say that this was the unanimous opinion of the leadership on both sides, both parties in the House and both parties in the Senate, recognizing that it would be impossible by either October 16 or October 23 to get through with the business that we have to dispose of before this particular session is over.

Mr. ALBERT. The distinguished Speaker is correct. I might say that there are still eight appropriation bills—not counting the one we passed today, which have not yet gone to the White House. That alone is quite a chore.

DIRECT ELECTION PROPOSAL FAILURE IN THE SENATE

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

Mr. CELLER. Mr. Speaker, I rise to express my personal disappointment and regret that the other body has been unable to call up for a vote the proposed constitutional amendment providing for the direct nationwide popular election of the President and Vice President. The proposed amendment was overwhelmingly approved in this Chamber, 339 to 70, over a year ago, on September 18, 1969. The vote reflected approval by better than two-thirds of the full membership of the House. It disclosed that 36 State delegations supported the proposal—24 unanimously—and five additional delegations were split evenly. Not only do national opinion polls and surveys of congressional districts attest to the nationwide approval of the direct election proposal, but also the substantial support it received in this House furnishes overwhelming evidence of the likelihood of ratification.

Mr. Speaker, I profoundly believe that the Nation now stands on the threshold of meaningful electoral reform. I still hope that in the remaining days of this Congress it will be possible for the other body to vote on this issue.

I ask unanimous consent to insert in the RECORD a copy of a letter dated September 24, 1969, signed by the gentleman from Ohio (Mr. McCULLOCH) and myself.

SEPTEMBER 24, 1969.

Hon. MIKE MANSFIELD,
Majority Floor Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The proposed amendment to the Constitution, House Joint Resolution 681, providing for the direct nationwide popular election of the President and Vice President, was overwhelmingly approved (339 to 70) in the House of Representatives last Thursday, September 18. This vote reflected approval by better than two-thirds of the full membership of the House and paralleled an earlier wide margin of support in the Committee on the Judiciary. We believe that the nation now stands on the threshold of meaningful electoral reform.

Analysis of the vote in the House discloses that thirty-six State delegations supported House Joint Resolution 681 (twenty-four unanimously) and five additional delegations were split evenly. In view of this compelling evidence of support, those who have withheld approval from the direct election system, believing it to lack favor with small State or large State interests, have good reason now to reexamine their earlier assessment. Not only do national opinion polls and surveys of congressional districts attest to the nationwide approval of this form of electoral change, but also the action of the House furnishes convincing current evidence of the likelihood of ratification.

The historic action taken by the House in approving a plan for electoral reform for the first time since 1803 should provide momentum for decisive Senate action.

We urge the Senate to give this matter the highest priority. We profoundly believe that the submission of the direct popular election proposal to the State legislatures for ratification will mark one of the greatest accomplishments of the 91st Congress.

Sincerely yours,

EMANUEL CELLER,
WILLIAM M. McCULLOCH.

RAIL PASSENGER SERVICE ACT OF 1970

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

Mr. ADAMS. Mr. Speaker, Tom Wicker of the New York Times has written a most informative column on the importance of the Rail Passenger Service Act of 1970. This bill has passed the Senate and 2 weeks ago was favorably reported by the House interstate and Foreign Commerce Committee, with the strong support of members of both parties.

In his article, Mr. Wicker points out that unless this bill is passed there very well may be no more passenger trains left. He goes on to say:

Fast, efficient trains can not only move more people more quickly and comfortably and cheaper than any interstate highway ever contemplated; they can do so with less pollution of the air and with less disruption of the landscape and of residential values.

The rail passenger corporation, he adds, can be a "buffer against nationalization" of the railroads because it will relieve privately owned railroads of serious deficits. I think Mr. Wicker's persuasive commentary will be of great interest to my colleagues and I include the article in the RECORD at this point:

[From the New York Times, Sept. 27, 1970]

RESCUING THE IRON HORSE

(By Tom Wicker)

WASHINGTON.—The House Commerce Committee approved this week an expanded version of a bill already passed by the Senate that would go a long way toward preserving and improving railroad passenger service in America. Limited as the measure still is, it nevertheless could become a landmark of the Nixon Administration, much as the Interstate Highway System was a major achievement of the Eisenhower Administration.

As approved by the House committee—apparently with the advance concurrence of the Administration and of the right Senators—the measure would set up a semi-public corporation to operate an integrated national rail passenger network, starting as soon as next March 1. The railroads would turn over passenger equipment to the new corporation, which would operate passenger trains over existing rights-of-way; the new corporation would issue stock to those railroads that wanted to participate.

Both Senate and House versions of this bill would provide $40 million in direct grants to the new corporation, but the House bill would allow it $300 million in loan guarantees, as compared with $165 million in the Senate bill. The larger figure is what is likely to emerge from a Senate-House conference; and $100 million of the loan guarantees would be for new equipment and right-of-way improvements. The rest would be for underwriting cash-short railroads that wanted to buy into the new rail passenger corporation.

Even so, this would only give the new passenger system $340 million, plus a lot of old equipment and right-of-way, with which to fight the automobile and the airlines. But there would be a number of advantages over the present mess.

For one thing, the rail system could concentrate on profitable metropolitan corridor service, like that of the Penn Central's Washington-New York Metroliner, although preliminary plans in the Department of Transportation also suggest the maintenance of a basic minimum long-haul passenger service, particularly on the major routes to the West Coast.

For another thing, the integrated national organization could provide efficient scheduling, as against the present hodge-podge; and it could also institute computerized ticketing, like that of the airlines. Thus, Transportation Department experts believe that through economies and improvements, the new corporation might show a profit within four years—by about 1975—and, more important, provide decent rail passenger service where it is most sorely needed.

The bill to make this possible (which the House appears ready to pass next week) is important for a number of reasons, the most immediate of which is that, without it, rail passenger service in America seems almost certain to die. But if it can be preserved and improved, a number of things will be achieved in the process.

Above all, it will become easier and cheaper for people to get around. The airlines, even with all sorts of Federal assistance, are in financial trouble, and are beginning to abandon small-city service; and the Interstate Highway System is not only going to cost, when completed, about twice its original estimate (or more than $75 billion) but it is already being overwhelmed by the increasing numbers of cars on the road.

Fast, efficient trains cannot only move more people more quickly and comfortably and cheaper than any interstate highway ever contemplated; they can do so with less pollution of the air and with less disruption of the landscape and of residential values. While it is true that the automobile has a special place in the American soul, and offers special advantages of its own, there appears no real reason why some sensible combination of the two modes with air travel should not find favor in the future. What is most needed is a planned and comprehensive *system* of passenger transportation—rail, highway and air—rather than the disjointed efforts of private companies and the abject obeisance of politicians to the motorist and the highway lobby.

It may well be that the rail passenger corporation also will become a buffer against nationalization of the railroads. It will, for instance, relieve existing lines of their passenger service deficits, making them more profitable and hence theoretically more efficient. And it will provide Government underwriting of a semi-private corporation to operate a much-needed public service, rather than outright Government ownership and management of that service.

Above all else, passage of the rail passenger bill and its acceptance by the Nixon Administration will mean the acceptance by the Federal Government of a major responsibility—to maintain balanced transportation by relieving the airlines and the highways of

a burden that threatens to overwhelm both. It remains to be seen whether this Administration and others to come will accept the obvious corollary responsibility—to finance and develop the new technology and the improved roadbeds and rights-of-way that inevitably will be needed.

PULASKI DAY, OCTOBER 11, 1970

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

Mr. ROONEY of New York. Mr. Speaker, I take great pride in having been permitted to join once again my many Polish American friends in their observance of Pulaski Day. I was thrilled last Sunday afternoon to watch another parade up Fifth Avenue, New York, of the great organizations made up of loyal American citizens who take such deep pride in their Polish heritage. The parade this year seemed to me to be the most meaningful of all those which I have witnessed over the past many years. The reasons for having such a high regard for this year's observance are many.

First of all, the observance has grown each year, just as has the importance of honoring the heroic Gen. Casimir Pulaski on this the 191st anniversary of his death of wounds suffered in the Battle of Savannah. In addition this year marks the 50th anniversary of the Miracle of the Vistula when the army of a new Poland, exhausted after a 2-year war brought on by a Soviet attack, were able to miraculously defeat and rout the invaders. Pulaski Day is dedicated also to honoring the people of Poland who still suffer from the oppressions of a Soviet-imposed regime but who are determined to be free again.

In these days of "anti something" demonstrations or "anti everything" marches, it is most refreshing and tremendously reassuring to witness a parade of loyal Americans proud of their country, sincerely respectful of their flag, and tolerant of their fellow citizens. It was heartwarming to see thousands of clean faced, bright-eyed and happy children and young people, dressed in gay costumes instead of dirty, dissident groups clad in filthy hippy rags.

It was tremendously satisfying to see thousands of businessmen and workers paying deep respect to one of our greatest heroes of the Revolutionary War, Gen. Casimir Pulaski.

All America is grateful for the happy reminder which it receives from the Polish-American groups that this is the day to recall the glorious contributions which the exiled Polish nobleman and soldier made to the winning of American independence. It is fitting indeed that our fellow citizens of Polish birth or extraction remind us of the deeds of this heroic man for whom countless parks, highways, bridges, and monuments today bear his name.

Just as Pulaski offered his services to Gen. George Washington in the most agonizing months of what seemed a hopeless struggle, countless other Polish-born people have subsequently volunteered the same kind of selfless devotion to the preservation and expansion of our American liberty and independence. These heroes and their descendants who march in Pulaski parades are not the sneering malcontents or the flag-burning rabble who would toss aside our hard-won freedom. No, these modern counterparts of the great Pulaski are determined to support this Nation, its Constitution, and its laws formulated by the people, of the people and for the people of this land.

Mr. Speaker, as I witnessed firsthand the patriotic fervor exhibited by the marchers, by the themes of the excellent floats and banners, and by the thousands of spectators who stood on the sidewalks to view this great parade, I could not help but wish that this event could come more often than once a year.

How wonderful it would be if such widespread reawakening of national pride and personal patriotism could occur more frequently. America needs the kind of reawakening and rededication which Pulaski Day ceremonies provide all over this land. For these reasons thousands of our countrymen are grateful to the Polish-American organizations for their significant reminders of the debt of gratitude which we owe to Gen. Casimir Pulaski. Many thousands more of American citizens receive inspiration and restored faith in our American way of life because of the conduct and deeds of our Polish-American friends.

On this Pulaski Day we extend our deepest gratitude and our heartiest congratulations to our fellow Americans who make up American Polonia.

PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

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

Mr. DORN. Mr. Speaker, I was shocked and amazed at the majority recommendations of the President's Commission on Obscenity and Pornography. It is the Congress who will write the laws to govern the distribution of pornography. We are not, of course, bound to accept the conclusions of any Presidential Commission. Last week, after 3 years and $2 million, the President's Commission on Obscenity and Pornography released this report. Among other things, the Commission recommended the repeal of all laws against pornography for consenting adults. This recommendation was based on the Commission's astounding conclusion that pornography is harmless for adults.

Mr. Speaker, I agree with Mr. Keating in his minority report. There is no doubt that the increase in crime, particularly sex crime, is related to permissiveness, moral laxity and, yes, Mr. Speaker, obscene, filthy, and suggestive literature pouring through the mails across State lines. The committees of the Congress have conducted for years a very thorough investigation and study of this menace. Thousands of pages of testimony have been heard of witnesses from throughout the country. Many of us have testified before these committees to oppose the sending of this smut through the mails and across State lines. Experts on this subject have appeared time and again before our committees.

Furthermore, Mr. Speaker, the profiteering hucksters who produce and distribute this prurient smut are largely controlled by the criminal underworld. The Congress must not be distracted or sidetracked in its determination to expose this underworld conspiracy to undermine and destroy the moral standards of our country. Now the Congress must act to answer this threat to our society with appropriate legislation. I commend the Committee on Interstate and Foreign Commerce and the Committee on Post Office and Civil Service for their concern about this obscene smut coming to our children, and for their recommendations which are contrary to those of the President's Commission.

Mr. Speaker, with all respect to the distinguished Americans who served on this Commission, it must be said that most thoughtful and responsible Americans want the Congress to act positively with respect to this problem, and not to take a defeatist, negative action of repealing the laws governing this filth. We are for freedom of expression, but this concept has never in the history of our constitutional Republic been interpreted to mean absolute license to produce and exhibit material which is totally and solely concerned with immoral and offensive filth.

OPPOSED TO TRADE BILL

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

Mr. GIBBONS. Mr. Speaker, as I have said many times before, I am opposed to the so-called trade bill that has been reported by the Ways and Means Committee. Now it appears that the Senate is about to attach this very poor bill to a nongermane piece of legislation—to wit—the social security bill—and send it back to the House without the House having had an opportunity to vote on this legislation. This unusual and unorthodox maneuver flies in the face of our Constitution which gives to the House the sole and exclusive right of originating this type of legislation. In addition, Mr. Speaker, this unwise move is a violation of the comity that each House of this Congress must have for the other.

Two weeks ago, Mr. Speaker, I stood here in the well of this House and opposed a move that would require a two-thirds vote on Senate amendments to House bills that were nongermane under our rules. I opposed the requirement of a two-third vote because I thought it would destroy the good working relationship that the House and the Senate must have with each other in order to carry out our legislative responsibility. I hope that the Senate will refrain from attaching this antitrade bill to a social security measure or any other nongermane piece of legislation.

How unjust would it be to use the backs of the aged, the infirm, and the poor to carry this misguided antitrade measure. These people have enough trouble trying to get along on their small pensions, but to make their legislation the vehicle by which everyone's cost of living will be

substantially increased is an injustice that is irreconcilable.

Mr. Speaker, when one thinks that this quota bill, this antitrade bill, contains a provision that will make it impossible for any future President to take off of the backs of the consumer the more than $5 billion per year in excessive payments to the oil companies, one wonders how it could be supported by any Senator or Congressman. And further, when one thinks of the fact the owners of the textile and garment industry have increased their profits over fourfold in the 1960's, and have increased their return on invested capital by better than 30 percent, one wonders how anyone can impose mandatory import quotas for the benefit of the textile and garment producers.

Yes, Mr. Speaker, many of us worry about American labor and its competition with other labor throughout the world but when the facts show that the number of jobs in the textile and garment industry increased by about 300,000 during the 1960's one again wonders how so much misdirected support has been generated for this antitrade legislation.

I hope that the Senate will not break faith with the House of Representatives and use the social security legislation as a part of the log-rolling operation that has developed this antitrade bill.

Mr. Speaker, this morning there appeared a very interesting article in the Washington Post entitled "The Textile Lobby and the Trade Bill." The author, Mr. John M. Leddy, served for many years with great distinction as a leading trade policy official of the U.S. Government. Because some Members may not have had an opportunity to read it, I will include Mr. Leddy's article in the RECORD at this point.

The article follows:

THE TEXTILE LOBBY AND THE TRADE BILL

(By John M. Leddy)

As the trade bill nears the final stage of congressional action, it is important to understand what the driving force behind that bill is: the textile industry. Does this important industry have a legitimate case for special treatment or is it leading the country down a false and costly trail?

The pushing of special interests at the expense of the general public is not the oldest profession in the world, but it is venerable enough so that the hallmarks of its come-on are unmistakable. The prevalence of half-truths is among them.

One is the use of the Soviet statistical technique of citing large increases, percentage or other—in this case of imports—without providing the relevant basis for comparison. There has been talk of the tremendous upsurge in textile and apparel imports to double their level at the beginning of the decade. It is important to remember, however, that while textile and apparel imports increased from 340 million pounds in 1961 to 813 million pounds in 1968, U.S. production increased by seven times this amount, or from 6,581 million pounds in 1961 to 10,259 million pounds in 1968. Thus production at home increased by 3.7 billion pounds while imports increased by less than 0.5 billion pounds. Do such figures suggest that imports have put the industry in deep trouble?

Some other half-truths need spotlighting:

We are told that the domestic apparel industry, in which average hourly earnings in 1969 were $2.31, cannot be expected to compete successfully with imports produced by labor which is paid as little as the U.S. equivalent of 26 cents per hour (in Hong Kong) or 39 cents per hour (in Japan). But how is it that, if the domestic textile and apparel industry cannot compete with low-wage foreign labor, net profits after taxes of domestic U.S. firms producing textile mill products were reported at 7.9 per cent on equity last year, and that U.S. firms producing apparel and other finishel products reported an 11.9 per cent profit figure?

To be sure, wage rules are the element in costs of production which over a period of time, play a role in the ability of the industry of one country to compete in the market of others. But it is precisely the object of a sensible trade policy to promote international competition on the basis of all elements of comparative advantage—capital, resources, geography, and technology, as well as wage rates.

Then it is suggested to the inflation-conscious American consumer that imports tend to increase domestic prices. These days even the kiddies know better than to swallow this kind of breakfast cereal. If textile producers don't want high domestic prices, why do they want import quotas, whose major purpose is to keep domestic prices higher than they would otherwise be?

We are also told that protection is now necessary for our industries because other countries are not treating us fairly—in fact, playing us for an easy mark in the commercial field. Of course, foreign countries still have trade barriers, and Japan has been notably laggard in liberalizing trade and investment. But so do we have trade barriers—witnes our oil quotas; our agricultural import restrictions—including sugar, dairy products, and meat; our "escape clause" actions on glass, carpets and rugs and pianos. The problem is to bring all these barriers down at home and abroad. The way to get them down is through multilateral and hardheaded negotiation. Legislating textile quotas won't do this and isn't intended to.

In 1970, as a result of a persistent U.S. effort to promote liberal world trade, tariffs and trade barriers among the industrialized countries have been brought to their lowest point in the twentieth century and the economies of the industrialized countries are more open to one another than ever before in history. International monetary cooperation has been intensified in a way that is little short of revolutionary. Interdependence among the countries of the non-Communist world in trade, money and investment is far greater than at any time in the past. The way to destroy this structure is to let loose a new trade war a la 1930's. Action to legislate quotas on textiles, given the pressure for restrictions on many other products, could do just that.

If apologists for the current bill would simply tell us, "Boys, if you want to continue along the path of freer trade you'd better knuckle under to the textile industry because that's where the political clout is," this would at least have the merit of candor. But it would probably also be wrong. The administration and the unfortunate (and probably uncomfortable) Chairman Mills of the Ways and Means Committee are now discovering to their sorrow that the ancient art of log-rolling is still alive and well on Capitol Hill. The trade bill reported by the committee would provide legislative quotas not only for textiles and apparel, but also for shoes. In addition, quotas become the mandatory technique for dealing with petroleum imports and a "trigger" mechanism is established to spread quotas all over the landscape, whenever imports become a little uncomfortable to domestic producers. A chain of retaliation and counter-retaliation would be almost certain to follow. The resulting damage to the international economic and monetary structure so painstakingly built up over a quarter of a century would be something to behold.

The risk is great. And the main argument for running this risk—that the U.S. textile industry needs protection—won't hold water. If these simple facts can be brought to the fore of public debate, we may yet be saved.

THE INTERNATIONAL LABOR ORGANIZATION

The SPEAKER pro tempore (Mr. ECKHARDT). Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, earlier today the House very briefly considered the conference report on the State, Justice appropriation bill. The entire proceeding lasted only 9 minutes, and many of us who would have liked to discuss a particular matter in connection with that report were unable to do so. Therefore, I have asked for this time to make some remarks on the subject and to introduce a pertinent document.

The conference report presented a very serious question about the United States and its relationship to the International Labor Organization. If we are going to leave the International Labor Organization, we should certainly not take that step in the course of a 9-minute debate on the floor of the House in which the matter certainly was not made clear to the many Members. Such a step would have great impact not only on our relationship with the ILO but also with other international organizations.

We have sharply criticized the Soviet Union and France in the past for refusing to pay legal assessments to the United Nations. Now by action of the Congress we are apparently putting the United States in exactly the same position.

I think it is especially regrettable that such action should be taken in such a hasty manner without giving the Members of the House an opportunity to ask questions or to discuss the pros and cons of the proposed cut.

Mr. FASCELL. Will the gentleman yield?

Mr. BINGHAM. I will be glad to.

Mr. FASCELL. I want to thank the gentleman for raising that issue and say that I agree with him that it would have been extremely important to have clarified in the RECORD at the time the conference report was being considered the exact course and direction which we in the United States are seeking to take with respect to action. It would indeed be unfortunate if what occurred would be misinterpreted, and I think that is entirely possible. Therefore, I welcome the gentleman from New York taking this time to help make some additional record with respect to the fact that a reduction in an appropriation bill dealing with the U.S. contribution to an international organization, specifically, the ILO, does not in itself necessarily mean that the United States as a participant in the ILO is changing its course and direction in the ILO. I think we are both agreed, are we not, that this would indeed be a backhanded way of approaching the simple question as to whether or not the United States should continue its participation in the international organization. I certainly agree

further with the gentleman that if that is the decision we are trying to make, we certainly do not want to make it in a backhanded way by making it appear that we are withdrawing our financial support, freely and duly entered into under a treaty requirement, and that we would be reneging on our contribution in a fashion which we criticize very strongly when other nations do it. The problem itself concerning the participation in international organizations and the use of international organizations as a political forum is as old as the international organization itself is. The United States has to face the problem, it seems to me, quite squarely. We pointed out in previous committee reports in the Committee on Foreign Affairs, particularly with respect to the international organization, the ILO and others, where it is obvious that the communist bloc are using all international forums as political forums as well as technical forums. Therefore, it is incumbent on the United States to deal with both problems intelligently and not be piqued at a time when a political question has arisen that does not suit our purposes and then respond in this fashion which can be misinterpreted and which does not really solve the basic political problem.

So I commend the gentleman for raising the issue, and I trust we will meet the problem squarely.

Mr. BINGHAM. I thank the gentleman from Florida very much for his contribution. I would like to ask him from his background—and he conducted a splendid investigation of this very problem in 1963—does the gentleman have any information that the American labor movement today and the American business community today, both of which are represented in the ILO, want the United States to withdraw its participation?

Mr. FASCELL. I have no information to that effect, and I think it would just be horrendous, frankly, to think that the United States would withdraw from the ILO and just turn over to the Communists the whole political apparatus and technical capability of it and leave this political apparatus available to them. I do not see how you can win a fight by walking away from it. It seems to me that the free labor movement and the concepts it has been able to bring throughout the free world as contrasted with the very opposite that exists in Communist nations is a very important contribution to the world community. If because of our pique and because the Communists have been able to make political capital and use the organization as a political forum we would turn our back on it, we would just be giving up the fight. I do not think American business or American labor intends to do that.

Mr. BINGHAM. I thank the gentleman.

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

Mr. BINGHAM. I am glad to yield to the gentleman from Illinois.

Mr. MIKVA. I would like to commend the gentleman from Florida for his remarks and especially commend the gentleman from New York in the well for his zeal in bringing this matter at least into a little bit better focus than it would have been last week where but for his diligence this whole thing might have been allowed to slide through in a manner which would have made it appear that we were in fact using the back door approach in an appropriation conference report to withdraw from the only international organization which deals with the problems of organized labor and particularly which deals with the problems of the free world labor movement.

When I was a practicing lawyer I was involved in the labor movement and spent a good deal of my time representing them. I know of no large international union which would have liked to see us, as the gentleman from Florida suggested, turn our backs on the problems of our communications with other countries that do have free labor movements and are wrestling with problems with those that do not have it. And, certainly, we ought not to learn bad habits from our adversaries by using this kind of approach.

Mr. Speaker, I wish to commend the gentleman upon his approach in seeing to it that the back door is closed, because if we have anything to say about the International Labor Organization, we ought to stand up and say it directly.

Mr. BINGHAM. I appreciate the gentleman's remarks.

The proceedings in the House earlier today on the conference report on the Departments of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill for the current fiscal year were as follows: The conference report was very briefly explained by the chairman of the subcommittee concerned, Mr. ROONEY of New York; Chairman ROONEY then yielded for a question to the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a brief colloquy ensued on the elimination from the appropriation bill of the U.S. assessment for the International Labor Organization; then, although it was clear that other Members wished to discuss the ILO matter—one such Member, who had a few years ago conducted a thorough congressional investigation of the ILO, was conspicuously on his feet for that purpose—Chairman ROONEY abruptly moved the previous question on the conference report without endeavoring to ascertain whether other Members wished to ask questions or make comments upon it. The conference report was then adopted by voice vote. The entire matter, involving a multibillion-dollar appropriation bill and including controversial items, was disposed of in 9 minutes.

Members of the House and other readers of the CONGRESSIONAL RECORD would be mistaken if they were to conclude from this truncated consideration that Members on parts of the conference report. Two of the House managers, including Chairman ROONEY, themselves disagreed as to two of the items.

A considerable number of Members, including several members of the House Foreign Affairs Committee, disagreed with the action taken in deleting funds for the $3.75 million remaining unpaid of the U.S. Government's obligation for dues to the ILO. There was a widespread feeling that, if the U.S. Congress is seriously concerned about the manner in which the ILO has been conducting its business, a thorough investigation of the organization and U.S. participation in it should be conducted by the appropriate substantive committee, similar to the investigation conducted by the Subcommittee on International Organizations, chaired by Mr. FASCELL of Florida in 1963. If the decision was that the United States should withdraw from the ILO, then that decision should be implemented in an orderly way.

In his remarks, Chairman ROONEY made it clear that he did not contest the validity of the assessment levied against the United States; he did not deny that this constituted a binding international obligation; he merely restated his view that the ILO had become Communist-dominated and that the United States should not pay anything further on its assessment. Chairman ROONEY made it clear that it was his desire that the United States should terminate its membership in the organization.

The action of the House in concurring with the conference report as a whole certainly cannot be construed as in any way supporting the view of the gentleman from New York that the United States should pull out of the ILO. It would, indeed, be absurd to contend that any such far-reaching step, having implications for the future of international organizations in general, and destructive of the hopes of the peoples of the world that eventually a structure assuring world peace through law can be constructed, could be decided by the House of Representatives in 9 minutes.

It is true, as Chairman ROONEY stated on the floor, that Mr. George Meany, president of the AFL–CIO, was highly critical of the ILO in the hearings held before Mr. ROONEY's subcommittee in July, particularly because of the use by the Communists of the ILO as a propaganda forum, and because of the appointment by the new Director General of a Soviet citizen as an Assistant Director General. However, Mr. Meany did not propose that the United States stop paying its dues; instead, he stated, in reply to a question on this point—

> I think that is a decision which will have to be made a little farther down the road.

In August of this year the council of the AFL–CIO issued a statement on the ILO situation which expressed great dissatisfaction but certainly did not indicate the view that the United States should repudiate its financial obligations to the ILO or withdraw from the organization. The text of that statement follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON INTERNATIONAL LABOR ORGANIZATION

The AFL–CIO is proud of the long record of constructive support the American trade union movement has given to the International Labor Organization. Samuel Gompers, first President of the American Federation of Labor, presided over the group which 51 years ago, during the Paris Peace Conference after World War I, laid the groundwork for launching the ILO. Since the United States joined the ILO in 1934, U.S. trade union representatives have played a leading role in the work of that organization.

The AFL–CIO has supported the ILO for four basic reasons:

First, because of its unique tripartite structure, the ILO is the only international body in which trade union representatives have an equal voice with employer and government representatives in policy determination.

Second, the ILO was set up for the purpose of improving the conditions of work and life of workers all over the world. This is a goal to which the American trade union movement has always been committed.

Third, despite very modest resources, the ILO has made a significant contribution toward enhancing the welfare of workers. It has made its mark by adopting international labor standards on such matters as maximum hours of work, minimum wage-fixing machinery, occupational health and safety, social security and in a host of other areas of vital concern to workers. In recent years, ILO technical cooperation programs have aided social and economic progress in developing countries.

Fourth and most important, the ILO has espoused principles and policies dedicated to the protection of basic human rights. These are best summed up in the following excerpt from the Declaration of Philadelphia, adopted by the ILO in 1944:

"All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

"The attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy."

In line with these basic principles of human rights, the ILO has adopted international conventions on forced labor, freedom of association and the right to organize and discrimination in employment.

But the AFL–CIO has become increasingly concerned that while the ILO still pays lip-service to human rights, it has, in fact, turned a blind eye to the most blatant violations of basic freedoms in its member countries. What happened, and did not happen, at the ILO annual conference last June demonstates this dangerous trend.

A major item on the agenda of that conference was "trade union rights and civil liberties." A ringing resolution unanimously adopted resulted from discussion of that vital issue:

Asserted that the absence of civil liberties removes all meaning from the concept of trade union rights;

Expressed deep concern about repeated violations of trade union rights;

Urged efforts to strengthen machinery for securing national observance of ILO principles concerning freedom of association and trade union rights; and

Called for comprehensive ILO studies with a view to considering further action to secure full respect for trade union rights and related civil liberties.

Yet, that same conference rejected rather mild resolutions calling for restoring trade union rights under the dictatorial regimes of Spain and Greece.

Even more shockingly inconsistent with the ILO's professions of devotion to freedom and democracy was its failure even to consider the depredations against trade union rights and civil liberties under the despotic regimes in the Communist countries. Indeed, the ILO has increasingly adopted a head-in-the-sands approach to Communist violations of human rights as if to ignore them would somehow obliterate them.

The result of this inconsistency between lofty ILO principles and the completely contrary practices under Communist totalitarianism which the ILO has failed to challenge has been to weaken the forces of freedom and strengthen the undemocratic elements of all stripes in the ILO.

Moreover, the ILO's failure even to criticize government domination of the so-called "trade unions" in the Soviet Union and the other Communist countries has tended to place a false stamp of legitimacy on those compliant tools of totalitarian governments. Only U.S. trade union representatives at ILO meetings have called attention to the fact that the so-called "trade unions" of the USSR are bossed by Alexander Shelepin, one-time head of the Soviet secret police.

While the ILO has ignored the most flagrant violations of liberty and human rights in totalitarian countries, it has permitted its annual conferences to be taken over by Communists and their allies for unrestrained political attacks on Israel, a bastion of democracy and social justice in the Middle East, and the United States. Year by year, the Communist elements have been gaining greater influence and control of the ILO almost without resistance from free trade union and other democratic elements.

The AFL–CIO cannot, in good conscience, and will not complacently accept this transformation of a once worthy organization into an instrument for spreading Communist propaganda and attacks on genuine freedom and democracy. Neither in the ILO nor anywhere else will we accept a double standard involving favored treatment for one group of totalitarian countries, the Soviet Bloc.

The AFL–CIO will take whatever means available to it in order to have the ILO return to its historic mission of defending human rights and worker's freedoms everywhere in the world.

In his comments on the floor, Chairman ROONEY stressed that the Senate had voted 49 to 22 in favor of the Senate Appropriations Committee's recommendation for cutting off further payments to the ILO. It should be noted, however, that the Senate was told that Mr. Meany had urged the cutoff of funds, which was certainly not true insofar as the record of the hearings before Mr. ROONEY's subcommittee is concerned. Also, the Senate was apparently not advised during the debate that the administration had taken a firm stand against the proposed cut. The letter to that effect from Deputy Under Secretary Macomber was inserted in the RECORD for August 24, 1970, at page 29879, without being read to the Senate.

If at this time the House were debating the issue of whether the United States should withdraw from the ILO, I would point out that this would be playing right into the hands of the Communists and would leave them free and unopposed to use the organization for their own purposes.

However, this is not the issue. The issue at this point is very simply whether the United States should deliberately default on an admittedly legal financial obligation. By making such a decision, the Congress is putting the U.S. Government squarely into the category of the Soviet Union and France as deliberate defaulters on financial obligations within the U.N. system of organizations. How often have we heard Members of the House castigating those two nations for refusing to pay their assessments when the U.N. undertook a course of action they disapproved of. Yet, now the Congress is putting the United States in the position of doing precisely the same thing.

I profoundly believe that by this action U.S. influence in the ILO will be impaired, rather than increased. Our representatives at the ILO will be embarrassed and handicapped. The many member States who constitute the large majority of the ILO membership and who belong neither to the western bloc nor to the Soviet bloc will deplore and disapprove the action and will be the less likely to follow the U.S. lead on substantive issues as they arise.

I hope that the action taken by the House today will be corrected in the not too distant future. If the United States is to remain as a member of the ILO—and I am sure this is the view of the administration, of the American business and labor community, and of the great majority of this House—the assessment for the current year will eventually have to be paid.

PRESIDENT NIXON AND BLACK AMERICA

The SPEAKER pro tempore (Mr. ECKHARDT). Under a previous order of the House the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, this weekend—October 10 and 11—the executive board of the Black Silent Majority Committee will be meeting at the Washington Hilton here in Washington. Almost 50 black leaders from 30 States will be gathering for a major conference. I would like to take this opportunity to welcome this organization of black leaders to our Nation's Capital City.

I think this meeting provides an appropriate time to look at the record of the Nixon administration as it relates to black America. As I shall point out, this administration has demonstrated deeper concern than many realize for America's 22 million black citizens. President Nixon was expressing his true conviction when he stated in his inaugural address that—

> To go forward at all is to go forward together. This means black and white together as one nation, not two.

This administration is committed to racial equality in the United States, as a look at the record will show. Several areas in particular stand out. These include the number of black appointments, inauguration of the Philadelphia plan, the proposed changes in welfare and manpower training, the proposal for health insurance for poor families, the increase in food assistance programs, the increased support for black colleges, efforts at school desegregation, and support for the Equal Employment Opportunity Commission.

BLACK APPOINTMENTS

President Nixon has appointed 64 percent more nonwhites to top executive positions than the Johnson administration. Among the many prominent blacks appointed to executive positions by President Nixon are Washington Mayor Walter Washington, EEOC Chairman William Brown, Assistant Labor Secretary Arthur Fletcher, Assistant HUD Secretary Samuel Jackson, James Farmer at HEW, and many others.

The same survey shows that at the level just below that of Cabinet secretary, there are approximately 102 Presidential appointees of nonwhites. This is an increase of five over the Johnson administration.

Mr. Speaker, I noticed in last Friday's Washington Post that although the number of Government employees is falling slightly, nevertheless, the number of minority group members in the Government is increasing. During a 2-year period—November 1967 to November 1969—Federal jobs declined by 16,400 in 41 metropolitan areas. During the same 2-year period, however, minority group employment in Federal jobs rose by about 4,600.

SCHOOL DESEGREGATION

In the area of school desegregation, this has been a very significant year. The volume of school desegregation this year has been greater than that for any year since the Supreme Court ordered the end of dual school systems in 1954.

Three hundred and thirty six school districts were desegregated in 14 States this year under voluntary plans. Of these, 227 eliminated segregation completely, and 109 were taking important steps toward complete desegregation in the next school year. It should be pointed out, Mr. Speaker, that these 336 school districts compare with only 55 during the previous school year, so I think that this indicates that progress is being made.

A look at the percentage of black students in the 11 States still containing the greatest number of dual school systems show additional progress. In 1967, almost 14 percent of the black students in these States attended majority white schools. This figure rose to 20 percent in 1968, and estimates for this year range from 33 to 40 percent. This is real progress, and I think that we can all be pleased that this process is occurring with a minimum of disorder.

EQUAL EMPLOYMENT

Under the Nixon administration, the Equal Employment Opportunity Commission is taking a new policy direction. Under President Nixon, the budget for the EEOC has been more than doubled when compared to the Johnson administration. William Brown, chairman of the Commission, has pointed out that many of the EEOC's problems could be traced to the meager budgets provided during the Johnson administration. President Nixon has sought to alleviate this problem by greatly expanding the EEOC budget. In fiscal year 1968, the last full year of the Johnson administration, the EEOC had a budget of $6.6 million. In the next fiscal year, 1969, the budget was $9.1 million. In fiscal year 1970, the first full year of the Nixon administration, the EEOC had a budget of $13.5 million, more than double the amount spent during the last year of the Johnson administration.

PHILADELPHIA PLAN

The Philadelphia plan, which was developed by the Nixon administration, is designed to increase minority group employment in six higher paying construction trades in the Philadelphia metropolitan area. Because of the success of the Philadelphia plan, it is being expanded to 18 other cities in the United States. Although the problem of minority group employment is certainly a national problem, the Federal Government is encouraging hometown solutions to the problems that exist in each area. The Federal Government will only intervene when a local area is recalcitrant.

WELFARE AND MANPOWER TRAINING

Mr. Speaker, most of us are well aware of the innovative proposal for welfare reform that has been made by President Nixon. This proposal would create a national floor of income support for poor families, yet it would also contain the incentive for work. The proposal would also put an end to the incentive for families to break up, which has been a characteristic of the current system.

The President has also proposed a revision in the manpower training programs of the Federal Government. The bill supported by the President would consolidate all job training programs of the Federal Government within the Labor Department, would give States greater control in administering Federal programs, and would create a national job computer bank.

Both of these bills need to be enacted, Mr. Speaker. Whether the Democrat-controlled Congress will do so, however, is another question.

HEALTH INSURANCE FOR THE POOR

President Nixon proposed basic reforms in health care for poor families in June of 1970. The reforms will be proposed in amendments to the Family Assistance Act by mid-February of 1971. Although the proposal is still to be worked out in detail, certain objectives will be kept in mind.

First, the Nixon proposal will not discriminate against the working poor and low-income male-headed families like the present medicaid system does.

Second, the new proposal would be graduated with respect to contributions from families participating in the family assistance program.

Third, it would establish national standards for eligibility which would be uniform and would provide a reasonable Federal floor of health benefits for poor families with children.

FOOD ASSISTANCE

When President Nixon delivered his message on hunger to Congress on May 6, 1969, only 6.9 million poor Americans were participating in the food stamp program or the commodity distribution program. A year later, there were 10 million Americans participating in these two programs. The $1.25 billion budgeted for food stamps in fiscal year 1971, it should be noted, is a seven-fold increase over the $185 million spent in 1968. In addition, the administration has established a Food and Nutrition Service within the Department of Agriculture to administer nutrition programs for families and children.

SUPPORT FOR BLACK COLLEGES

I noticed last week, Mr. Speaker, that HEW Secretary Elliott Richardson announced that the Office of Education will provide more than $30 million in supplemental funds this calendar year to assist predominantly black colleges and black students.

This action came following a letter last month from President Nixon to the President of a black college in Ohio, in which he stated:

> The present financial plight of many of our small and the overwhelming majority of our predominantly black colleges clearly demonstrates to me that the Federal Government must strengthen its role in support of equal educational opportunity.

CONCLUSION

This administration has clearly shown through sound but progressive and forward-looking programs that it is concerned with black America and its problems. To charge, as one person has, that this administration can be "rightly characterized as anti-Negro" is simply foolhardy and not based in fact. This administration is making progress in the civil rights field, and it is progress that we can be proud of as Americans.

Mr. RAILSBACK. Mr. Speaker, I wish to join with my colleague from Illinois in welcoming the executive board of the Black Silent Majority Committee to Washington, and I also want to commend him for pointing out the progressive record of the Nixon administration with regards to black America. This group of black leaders from all over America is a real credit to our country. As Clay Claiborne, the national director of this committee, has said:

> We believe that black revolutionaries and militants, upon whom some segments of the news media seem to dote, are not dedicated to progress for our people.

I was particularly pleased to read their statement of beliefs, which says in part:

> There are millions of black Americans who work every day, keep their kids in school, have never been to jail, pay their taxes, shop for bargains, have never participated in a riot—but are being shouted down by a handful of black militants. We have organized to raise the voice of patriotism and responsibility for the black silent majority and to demand the rightful share of national attention due us as a majority within the black minority.

Mr. Speaker, I believe that this group of black Americans more truly represents the spirit of black America than revolutionary groups like the black panthers. Although they may get more publicity in the long run, it is groups like the Black Silent Majority Committee which make the lasting contribution to America.

Mrs. MAY. Mr. Speaker, I wish to join with my distinguished colleagues from Illinois in welcoming the Black Silent Majority Committee's Executive Board to our Nation's Capital this weekend. I too noticed their statement of beliefs, and I was particularly pleased to note that section which said:

> We organize to urge blacks to participate in the electoral process and to develop a strong two-party system within black voting districts, supporting only candidates who adhere to the principles of constitutional government, law, order, and justice.

Mr. Speaker, I ask for unanimous consent to include in the RECORD the complete text of the statement of beliefs issued by the Black Silent Majority Committee. Statement of beliefs follows:

A STATEMENT OF BELIEFS OF THE BLACK SILENT MAJORITY COMMITTEE

We believe that progressive, upstanding but silent citizens—by the millions—are being shouted down by a handful of militants who do not represent us. Therefore, we organize to help raise the voice of patriotism and responsibility and demand the rightful share of national attention due us as the majority within the black minority.

We believe that revolutionaries and militants—upon whom the news media seem to dote—are not dedicated to progress for our people but their own aggrandizement and to violent overthrow of the American way of life. Therefore, we organize, as all patriotic Americans are learning they must, to speak out, using the press, television, radio, newsletters and all other means available in this bountiful land.

We believe that the principles of constitutional government should be taught and instilled in black communities by black citizens and that this is the only way to break the "welfare-liberalism" stranglehold that has bound too many blacks for too long.

Therefore, we organize to urge blacks to participate in the electoral process and to develop a strong two-party system within black voting districts, supporting only candidates who adhere to the principles of constitutional government, law, order and justice.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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. Charles Gould, the publisher of the San Francisco Examiner, has noted the following facts about America:

More than 196 million of our people will not be arrested. More than 89 million married persons will not file for divorce. More than 115 million individuals will maintain a formal affiliation with some religious group. More than 49 million students will not riot or petition to destroy our system. More than nine million of our young men will not burn their draft cards.

TOWARD PEACE IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON. Mr. Speaker, it may be useless to speculate concerning the specifics of any new peace initiative for Vietnam the President may announce tomorrow night. However, there is no harm done in stating what someone in my position might like to see included in any new Nixon effort to get the stalled Paris peace talks off dead center.

I do not think there can be any doubt about the President's desire to end this long and difficult war at the earliest possible date. There are some who do not think it matters how the conflict ends—they would end it now, or even have had it end on yesterday if that were possible, in effect letting whatever might then happen in Southeast Asia just plain happen.

The President sees things differently, and I do, too.

Perhaps we should never have gotten into this war—I would not argue that question on the affirmative side—but I do think it important, now, how we get out of it.

What is the present situation?

The President is pursuing his program of "Vietnamization"—that being a program of gradual withdrawal of the U.S. military presence in Vietnam, the pace thereof being geared to the growing military capabilities of the South Vietnamese, themselves. As I saw for myself, on my visit to Vietnam earlier this year as a member of the House Select Committee on United States Involvement in Southeast Asia, this program is going well; so well, indeed, that as I have said before it was probably the judgment of a majority of the members of that select committee that the pace of our withdrawal could, and should, be accelerated. Unfortunately, that judgment was not made a matter of record in our report and remains, at the moment, largely an unspoken one except insofar as some of us have alluded separately thereto.

On August 3 of this year, I went into this question in some detail in a major House speech aimed at developing congressional support for the President's policy. On the same day, I introduced House Concurrent Resolution 698—later reintroduced with some additional cosponsors as House Concurrent Resolution 703—the thrust of which was to have Congress enact, as it has never yet done, what amounted to a national policy for terminating this war via the "Vietnamization" route without, at the same time, putting the President as Commander in Chief into a straitjacket by mandating withdrawal deadlines upon him, through a cutoff of funds or otherwise, that would require him to complete our withdrawal under any and all circumstances.

The attempt to legislate such a mandated deadline was, as I saw it, the fatal defect in the so-called McGovern-Hatfield amendment that eventually garnered only 39 votes in the other body. And House Resolution 1000—which may or may not be offered later this week as an amendment to the forthcoming Defense appropriation bill—has the same defect and, if so offered, will be defeated for basically the same reason.

By contrast, what I proposed was congressional approval of "Vietnamization" on an irreversible basis—even as various administration spokesmen have described the President's policy—so that Congress would share with the President the burden of the failure of that policy should it go sour, which is by no means a remote possibility. And, going further, I suggested that we should set forth—if we could find a consensus as to applicable dates—the sense of Congress as to the timeframe within which we thought the President might try to complete our withdrawal. This, you see, is far from mandating a comparable time frame but would, instead, leave the President the flexibility most of us feel he needs under the circumstances while yet, at the same time, giving him new leverage to put on the Saigon government—by providing it with a clearer understanding of our intentions than it now seems to have, so it can no longer avoid the hard decisions that are essential to a future for South Vietnam without American manpower for its defense.

There were two parts to the timeframe I suggested—as reference to my proposal will disclose. First, I urged a sense-of-Congress endorsement of May 1, 1971—next year—as the terminal date for any and all participation by U.S. forces, anywhere in former Indochina, in ground combat activities. This is a wholly reasonable and, in my view, fully attainable goal, in light of the marked progress made by South Vietnamese ground forces. Second, I suggested a sense-of-Congress endorsement of July 1, 1972, as the tentative terminal date for all other U.S. combat-support activities anywhere in former Indochina. Again, this is a reasonable—and attainable—goal in my view, though I recognize full well that it is too long a time in the eyes of some, too short a time in the eyes of others.

For present purposes, however, I believe the President would do well tomorrow night to announce his determination—absent any escalation of the conflict by the enemy in South Vietnam or elsewhere in Indochina—to withdraw all U.S. ground forces from the area by July 1, 1971. I would prefer a May 1, 1971, date for reasons already mentioned, but Mr. Nixon may feel an additional 2 months is indicated, in order to be on what he considers the safe side.

But the importance of the July 1, 1971, date is that the same would constitute a partial, affirmative response to that portion of the Vietcong's recently revised peace proposals—now on the table at Paris—which now demand a total, unconditional withdrawal of all allied troops from Vietnam by July 1, 1971, in return only for a Vietcong promise not to attack during such withdrawal period.

That proposal is manifestly unacceptable—the current U.S. position, as I understand it, being one of offering a gradual withdrawal of all U.S. and allied forces over a 12-month period following some sort of settlement of the basic issues in dispute, the rate of our withdrawal being paced to North Vietnam's own troop withdrawals.

To complete the picture, the prior Vietcong demand was simply for an unconditional withdrawal of all foreign forces from South Vietnam, with no date being set.

So, withdrawal dates are now separately important to the Communist side in this struggle—and, if the President would go at least as far as I suggest in this connection it might be the key needed to further open the door to meaningful negotiations toward a cease-fire that would seem to be the logical, next-step in any settlement process.

Surely, a standstill cease-fire by all forces in Vietnam would seem to be a desirable thing, and I would thus also hope to see such a proposal made by the President tomorrow night. As we also know, the idea of a cease-fire has strong public and editorial support around the Nation, and was recently endorsed by about a dozen Members of the other body

which grouping included—if one has to use the terms—"hawks" as well as "doves" over Vietnam.

In point of fact, in my aforementioned proposal I urged Presidential initiatives to achieve a negotiated settlement, including efforts to arrange a cease-fire, precisely because—as I pointed out on August 3—our mere withdrawal, via "Vietnamization" or any other route, is not a satisfactory policy in and of itself. This is because, while it forecasts the end of participating in the conflict directly on our part, it forecasts an ongoing war for the Vietnamese on both sides of this tragic struggle, and would demand of us—unless we were no longer willing to bear it—a continuing, heavy burden of providing armaments and logistical support to whatever free government may survive in Saigon.

So, a settlement of the central, political issues underlying this war is our major necessity—and should be our prime goal—for that is the only way it will truly be ended.

If a cease-fire moves us in that direction—and, for the first time in their revised proposals, the Vietcong now seem interested in such a proposition—then let us move, if we can, that way. But, in attempting to do so, let us also fully understand exactly what it is we are talking about when we say "cease-fire." Are we talking "cease-fire" or are we talking "settlement"? There is a difference—to which difference I should think the President will have to address himself tomorrow night—and that difference is well spelled out in the following editorial from the September 14 issue of the Washington Post, which I now set forth as the concluding item in these remarks:

VIETNAM: "CEASE-FIRE" OR "SETTLEMENT?"

Any number of thoughtful (and not so thoughtful) people have decided that the best way to end the war is not Vietnamization, which only ends American participation, and still less victory or an abrupt and arbitrary withdrawal, but a standstill cease-fire. Some dozen senators of almost every political persuasion have pressed that proposition upon the President, prompted by some old Vietnam hands now out of the government and some prestigious voices in the press. Notwithstanding recent experience with this sort of thing in the Middle East, where the boundary lines are clearly fixed and violations readily detectable, the idea is earnestly put forward as the answer to everything: it would stop the shooting and therefore the bloodshed; it would jar loose the impasse at Paris and lead inexorably to substantive talks about a real solution. It would do all this, it is argued by the more serious proponents, because it would oblige both sides, in working out the terms of a cease-fire and a standstill, to face up to the realities of the current balance of force and effective control in South Vietnam. And this would lead logically to a realistic discussion of how political power should be parcelled out in a final settlement.

So what the serious advocates are really proposing are not just means but ends as well and that, of course, is the rub. For you have only to look down the list of those senators who have endorsed the idea in a letter to President Nixon to know that Senators Mansfield and Goldwater and Jackson and Dole and Prouty and Scott could not possibly agree on the settlement they want in Vietnam, leaving aside whether the Nixon administration and the Thieu government and the North Vietnamese could all agree. This is precisely why the public discussion of a cease-fire in Vietnam has gotten nowhere: none of the participants is prepared to admit that when he is talking cease-fire he is really talking settlement. The proponents simply go on demanding that the administration try it, and the administration goes on saying that it has tried it—and they are talking about entirely different things. So the first step perhaps is to define what people mean when they say "cease-fire."

What the Nixon administration and the Thieu government mean is a cessation of hostilities, a kind of freeze in position, which means freezing Mr. Thieu in his position as President, and accepting, at least by implication, the writ of his government throughout the country until free elections establish some other regime. This is what has been "tried" and it should surprise nobody that it does not interest Hanoi very much. What other advocates of a cease-fire have in mind is something quite different; it too would freeze the situation but it would acknowledge Communist control of those areas which were in fact beyond the effective control of the Saigon government. It would begin the process of parcelling out ultimate power, and the sponsors of this approach make no secret of their belief that it would lead inevitably to some measure of Communist participation in the central government in Saigon, coalition if you will.

Needless to say, not all the Senators who signed the letter to Mr. Nixon would concede for a moment that they are proposing anything that could lead to a coalition government in Saigon, and their letter doesn't even suggest this. But the fact remains that this is what many backers of this move, including the men who drafted the letter, think would probably result from a standstill cease-fire of the sort they have in mind. It is what makes the idea appealing to such men as Cyrus Vance, to name one who had a hand in shaping it; the whole point is that it would force a realistic acknowledgement of the actual state of affairs on the ground in South Vietnam.

So when you boil it all down, there is not much magic in this catch-all word "cease-fire" unless it comes accompanied by some explanation of what one is prepared to settle for in the end. This is not to say that it shouldn't be tried—only that it shouldn't be tried in a dishonest way since it could be dangerous to initiate negotiations on the terms of a cease-fire without having to come to grips with the question of terms for a settlement. It is hard enough to envisage a cease-fire, even if both sides could accept the principle.

There are no front lines in this war; a heavy proportion of the casualties are inflicted by mines and booby traps; a large part of the conflict is psychological—and how do you enforce a cessation of terroristic threats designed to condition men's minds? If you can somehow cool the conflict in Vietnam, what about Cambodia? And what of the areas in that middle category which are controlled neither by Saigon or the Vietcong, or are controlled by one during the day and the other at night. Finally, consider the possible impact on the war of merely negotiating over a standstill cease-fire based on actual conditions in specific hamlets, villages, districts and provinces. The incentive could be all the greater upon both sides to intensify the war in an effort to show who has the upper had in Village X or District Y. Thus a proposition advanced in the interest of lowering the level of violence might well raise it, with all that this could mean for the pace of Vietnamization and American withdrawal.

The first question to be answered by those who would press this proposition on President Nixon, therefore, if they are really serious about it, is what they are prepared to accept in the way of final settlement terms that North Vietnam could reasonably be expected to accept.

For our part, it is hard to see a settlement which does not accept some variation on a coalition regime, some sharing of power, some achievement by both sides of some part of their original objectives. So there is much to be said for a standstill cease-fire, if the Saigon government can be persuaded to accept the idea and the Nixon administration can be persuaded to take the risks involved. The alternative, is to proceed at a steady rate with Vietnamization and American withdrawal from the war. There is a limit to what we can do for the Thieu government and, as we have repeatedly argued, we have about reached that limit. If the Saigon regime wants to push on alone it is welcome to try. The worst course of all would be to tie ourselves tightly to the unrealistic settlement terms of a Saigon government which rejects the notion of a compromise settlement and expects us to hang around for as long as it takes to make sure that it won't have to compromise at all.

NATURAL GAS SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce a bill to deregulate the price of natural gas at the wellhead. I believe such a step to be a necessary prerequisite to the effective revitalization of the domestic natural gas industry and the elimination of the serious natural gas shortage that presently faces our country.

The magnitude of this shortage has only recently been brought to the public eye. Last April, Columbia Gas System Inc., the Nation's largest gas utility, announced it could not meet all the demands of either the utilities supplied by its pipeline subsidiary or the customers of its own retail companies. Since then utility after utility has announced restrictions despite some near-frantic efforts to contract for gas from Canadian pipelines and for liquefied natural gas which can be shipped by tanker from Algeria and Venezuela. This has shocked the public into awareness of a problem the petroleum industry and concerned parties have been predicting for some time.

It seems that until quite recently it was assumed that because the United States had large reserves of fuel in the form of coal and oil shales and nuclear fuels—provided the breeder reactor could be perfected—there was little prospective shortage of available, useful energy. Recent warnings, however, have been heard that the United States may be passing from a situation of energy abundance into one of energy scarcity. If so, this would have grave prospects for this Nation's future ability to further increase the standard of American living and to further increase the productivity of the American economy.

As for electricity, some local shortages occurred during peakload periods in the summer and winter of 1969. The pattern repeated itself this past summer; in fact, the Washington area was hit by brownouts just last week. The forecast for this winter is grim, particularly in the heavily industrial Midwest and Northeast. Many utilities in those areas have already notified long-standing industrial customers that they may get less gas this year than they did last

year, a year when many of them were already being shorted.

Most experts in industry and Government agree that a shortage of major proportions seems all but unavoidable this winter when home heating demands put a heavy strain on resources. Shortages are likely to be aggravated in those densely populated parts of the country that use large amounts of electricity but where land is not readily available for either large new powerplants or transmission lines. Some shortages may also occur because of shortfalls in the supply of coal and because of changes from coal to oil or gas occasioned by increasingly severe limitations upon the permissible amount of sulfur in coal burned in powerplants.

In the wake of these shortages, many experts foresee temporarily closed factories and laid-off workers, the burning of more expensive and more polluting fuels like coal and heavy industrial fuel oil, more fuel imports, and lost profits for gas pipelines and utilities.

Mr. Speaker, the full burdens of the shortage in natural gas has yet to fall. Present conditions will get worse for at least three reasons:

First, a 4- to 6-year leadtime will be required to develop new gas reserves.

Second, consumer demand for natural gas is growing faster than our population, because more and more people are turning to natural gas for thier energy requirements. From 1960 to 1968, the population increased 11 percent, while our energy requirements increased 41 percent, and this trend is still continuing. Since natural gas presently supplies 35 percent of our energy requirements, it seems inevitable that as our population increases during the next 4 to 6 years, the consumer demand for gas should increase at an even faster rate.

The third reason why the natural gas shortage promises to become more severe is that new antipollution laws will serve to widen the gap between the supply and demand for natural gas even further. Some States have already restricted the use of some fuels that significantly contribute to air pollution, such as coal and heavy industrial fuel oil. These laws affect natural gas the least, because it pollutes less than all presently available fuels. As a consequence of these laws, consumer demand for natural gas will be driven to even higher levels.

Perhaps the problems inherent in the natural gas shortage can best be appreciated in a historical perspective.

The natural gas shortage has not developed suddenly—the first signs became apparent about 15 years ago. They were recognized, unfortunately, by so few policymakers that virtually nothing was done to prevent the situation that exists today. The seeds of today's problems, however, were sown even further back than the middle fifties. The lingering effects of the great depression in the early thirties. A business recession in 1938, and large-scale discoveries of new reserves together caused the price of domestic crude oil to be severely depressed immediately prior to World War II. It was frozen at that depressed level during the war by price controls imposed by the Federal Government.

With the lifting of the price controls in mid-1946, the price of domestic crude oil began to advance. Between early 1946 and early 1957, the average price rose from $1.22 to $3.17 per barrel. At the same time, the demand for domestic crude oil was growing at a healthy rate of 4.3 percent a year. Together, these developments caused the wellhead value of the Nation's petroleum production to increase nearly fourfold. As a result, the industry had a rapidly expanding financial base from which to generate capital funds. And it also had the incentive to reinvest those funds in the search for more domestic oil and gas.

During this period, as gas consumption by residential and industrial users and private and commercial transportation became more and more common throughout the Nation, field prices of natural gas became a national issue rather than a merely regional concern. Political pressures for price regulation multiplied, and consumer interests focused on the goal of establishing some form of Federal control of natural gas field prices.

Economic growth and political pressures collided in the Supreme Court's landmark decision in the 1954 Phillips Petroleum case. In the Phillips case the Supreme Court interpreted certain long-disputed wording in the Natural Gas Act of 1938 to mean that the Federal Power Commission was required to regulate field prices for natural gas. As a result of that decison, thousands of individuals, independent producers and major producers of natural gas were subjected to Federal price regulation. This was the only competitively produced commodity to be so regulated by the Federal Government, except in time of war.

The Supreme Court decision startled the Congress, the Federal Power Commission, and the Nation's petroleum industry. Congress had explicitly set forth in the Natural Gas Act of 1938 that the provisions of the act were not to apply to the production and gathering of gas. The Federal Power Commission had long claimed that it had no legal jurisdiction over gas production. And the petroleum industry, an industry providing a tremendously vital and important commodity at reasonable cost to millions of Americans, found itself faced with new forms of Government control.

At the outset, it was predicted in some quarters that FPC regulation of natural gas was impractical and unworkable. These dour predictions were borne out by bitter experience. For 6 years—1954 to 1960—producer prices were regulated by the FPC on an individual cost-of-service-utility basis. This method of valuation proved inappropriate and too burdensome to practically administer. In 1960, the "area rate" approach was adopted. This approach, in effect, was based on a cost-of-service utility concept for an area rather than an individual producer. It has also proven to be impractical and burdensome. And its adverse impact is evidenced by the fact that the U.S. natural gas reserves to production ratio has fallen from 20.0 in 1960 to 13.3 in 1969.

Regrettably, Mr. Speaker, the mistakes of the past tend to perpetuate themselves. Thus, although the Federal Power Commission recognizes the grave problems inherent in the natural gas shortage and is attempting to institute actions to alleviate them, there does not seem to be a clear willingness on the part of the FPC to question the feasibility of continuing the regulatory structure itself.

I think this is a basic question, indeed it is the most basic public policy question surrounding the natural gas shortage. I say most basic because the facts of the matter indicate quite persuasively that the natural gas pipeline industry has encountered adverse trends in recent years, not because prices received have been so high as to inhibit sales. Rather, it has encountered adverse trends because prices have been too low to generate the level of activity needed to maintain industry vitality. What I am referring to, of course, is that incentives for exploration, drilling, and other pipeline activities have become critically weakened.

In an effort to facilitate a resolution to this problem of revitalization I joined last August in sponsoring legislation expressing House concern for the domestic natural gas shortage, urging the Federal Power Commission to raise the price for natural gas, and expressing the belief that natural gas prices should ultimately be determined through a free market system. Senators JOHN TOWER, CLIFFORD HANSEN, and BOB DOLE, introduced the resolution in the other body and my distinguished colleague from Texas (Mr. BUSH) and I worked together on the resolution in the House. We were most gratified that almost 20 other Members from both parties asked to become a part of this effort to establish a needed equilibrium in the nautral gas industry.

At present, the FPC is attempting to respond to the natural gas shortage with the means it has at its disposal. In September the FPC approved a settlement which increases rates in the Hugoton-Anadarko area. And although this does not constitute any major breakthrough in prices paid to natural gas producers, it does represent a step in the right direction.

More significantly, the FPC based its decision on settlement terms agreed to by the producers making the sales, the purchasers, distribution companies and most of the other parties involved. The success of this approach may herald new breakthroughs in the FPC's ratemaking practices, although a test case may be filed to determine whether ratesetting by rulemaking as opposed to ratesetting by hearing is legally permissible.

Mr. Speaker, looking at the natural gas problem in perspective, it seems to me that the resolution of the problem depends on how quickly and how extensively our domestic resources can be developed. I say domestic because utilizing foreign supplies is obviously no answer. The FPC has recently approved proposals to use liquefied natural gas imported from Algeria and Venezuela to augment domestic supplies in periods of peak use this winter. Yet while there is a great deal of political flack over increasing do-

mestic prices in any amount, not much thought is being given to the fact that the delivered cost of imported liquefied natural gas is two to three times the cost of domestic natural gas. Liquefied natural gas imports from Canada or Alaska would also cost the American consumer two to three times what domestically produced natural gas would cost.

Based on the economic realities of the situation I believe that increasing domestic incentives is the most pragmatic way to fulfill both consumer and producer needs. Moreover, I believe that the best and quickest way for the gas industry to be given the proper incentives for revitalization is for the FPC to phase itself out of the regulatory market with as much dispatch as is possible. This is why I am introducing a bill to deregulate the wellhead price for natural gas. I believe this goes to the very heart of the cause of the natural gas shortage. For if the price of natural gas is established in the open market rather than by administrative decree, this single factor may well provide sufficient incentive for domestic producers to initiate a healthy amount of exploration and development of this Nation's domestic natural gas resources.

In a general sense, this bill provides that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas. More specifically, the major elements of the bill are: first, prices of new gas contracted for between the independent producer and the pipeline company would no longer be determined or approved by the Federal Power Commission. Second, all prices and escalations would be stated in definite prices per unit terms. Third, provisions of gas purchase contracts other than price would continue to be regulated by the FPC.

Mr. Speaker, I urge my colleagues to examine most carefully the terms of this proposal. While it may not be the final answer to the problems of the natural gas industry, I do believe it to be of singular value with regard to the pricing of natural gas. In my opinion, FPC regulation of natural gas prices has created more problems than it has solved. As I see it, the regulatory system should be scrapped, not face-lifted.

ABA AMENDMENT TO S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, the Organized Crime Control Act of 1970, S. 30, on September 23, 1970, was reported favorably by the Judiciary Committee, as Members know, and in all likelihood it will be taken up on the floor shortly. The bill, as amended by the Judiciary Committee, is a good and extremely important bill. I look forward with great pleasure to supporting its passage by the House. I intend, in addition, to offer an amendment which would further strengthen and improve the bill. Today, I would like to call that amendment to the attention of Members, and solicit their support for its adoption.

The amendment relates to title IX, which defines as unlawful the use of specified racketeering methods to acquire or operate commercial organizations in interstate commerce. When S. 30 was passed by the Senate on January 23, 1970, title IX provided two types of remedies for violations of its provisions: the criminal penalties of imprisonment, fine, and forfeiture, and the civil, equitable remedies brought to their fullest development under the antitrust laws. Both the criminal and the civil remedies could be invoked, under the Senate bill, only in proceedings commenced by the United States.

On June 17, 1970, I appeared as a witness in support of S. 30 during the hearings held by Subcommittee No. 5 of the Judiciary Committee. At that time, I brought forward the suggestion that there be added to title IX the additional civil remedies now provided by law for antitrust cases—see CONGRESSIONAL RECORD, page 27738, August 6, 1970. In addition to equitable relief at the instance of the Government, which title IX already authorized, those antitrust remedies include treble damage actions by private citizens who have been harmed in their businesses or property, suits for equitable relief for private citizens threatened with such injury, and actions by the United States for actual damage to its business or property.

The suggestion very rapidly attracted widespread support. The American Bar Association, for example, when it examined S. 30 in detail and adopted a resolution strongly urging its swift enactment, recommended specifically that title IX be amended "to include a provision authorizing private damage suits based upon the concept of section 4 of the Clayton Antitrust Act"—CONGRESSIONAL RECORD, pages 25190–25191, July 21, 1970. International Intelligence, Inc., commonly known as Intertel, a corporation managed by prominent organized crime experts and engaged in providing assistance to businesses in protecting themselves from racketeer infiltration, has offered its support for S. 30 and title IX in particular, and has warmly endorsed the idea of adding private civil remedies modeled on the Clayton Antitrust Act—id., page 28585, August 12, 1970.

Authorization in title IX of the entire range of civil as well as criminal remedies, private as well as public, is very important to the effectiveness of the title. The value of private treble damage and equitable suits has been amply demonstrated in the antitrust field, where they have been extremely effective in preventing and rectifying economic harm to individuals and companies, and in furthering the public purpose of preventing improper commercial practices. That entire gamut of civil remedies is still more important in title IX where corrupt and violent means are used to take over legitimate businesses, than in the antitrust laws, where the unlawful means used are less reprehensible and seldom violent. There can be no reason not to provide the individuals harmed by title IX violations, as well as the general public, with the additional protection those further remedies would provide.

I am extremely pleased, therefore, that the Judiciary Committee has approved that basic concept and added to S. 30 a provision authorizing treble damage actions by private persons injured in their businesses or property by title IX violations.

The bill reported by the committee, however, does not do the whole job. It makes the mistake of merely authorizing such suits, without resolving the many and varied procedural questions which will arise in its application, and without granting to the courts the full extent of remedial authority contained in the comparable antitrust laws.

The existing antitrust laws, for example, contain specific provisions dispensing with the monetary floor on district court jurisdiction and dealing with the statute of limitations for damage actions, suspension of the period of limitations during proceedings brought by the United States, collateral estoppel or establishment of prima facie evidence through a prior judgment, and intervention in private actions by the United States. (See 15 U.S.C. 15–33.)

Experience with the antitrust laws demonstrates the necessity of including similar provisions in title IX. Indeed, it is no overstatement to say that the civil remedies provided by title IX, although they give the appearance of strength, largely depend for their effectiveness on the clarity and contours of the title's procedural provisions. The same factors which led to the inclusion of those procedural provisions in the antitrust laws are applicable, with still more force, to title IX. The unlawful conduct which the private plaintiff must prove often involves interstate operations, which can raise problems of venue and service of process. The task of proving the unlawful conduct often is difficult and involves protracted pretrial proceedings. The relationship between proceedings brought by the United States and proceedings brought by private plaintiffs is a complex and subtle one, often requiring deferment of one proceeding or another for a period of time. Before we deny to a victim of organized crime the procedural advantages given to every antitrust plaintiff, we must recall the very difficult position in which a citizen who sues under title IX will place himself. He may be one individual suing an arm of La Cosa Nostra, and the subject of his lawsuit may be its corrupt involvement in a major industry. He will need not only courage, but every procedural and remedial advantage which the law already, as a matter of public policy, grants to plaintiffs in antitrust cases.

I hope that, if title IX were enacted with the Judiciary Committee amendment only, the courts would construe that amendment as importing into title IX all the procedural provisions of the antitrust laws which logically could be so applied. There are, however, because of the differences between the antitrust

laws and title IX, some specific provisions of the Clayton Act which might be difficult to apply under title IX unless they had been adapted or modified to an extent which is more appropriately done by the Congress than by the courts. Furthermore, even if the more easily transferred provisions were eventually held to govern proceedings under title IX as well as under the Clayton Act, judicial resolution of those procedural issues would involve extended litigation and delay, making title IX much less effective than if such procedures were provided on its face. In addition, the Judiciary Committee version of title IX fails to provide not only the necessary procedural provisions but also two important substantive remedies included in the Clayton Act: compensatory damages to the United States when it is injured in its business or property, and equitable relief in suits brought by private citizens.

The amendment to title IX which I have suggested authorizes the entire range of civil remedies and specifies the procedural rules to be followed in civil cases under title IX. The provisions of the amendment cover the specific subjects dealt with in the comparable provisions of the antitrust laws, including the period of limitations and its suspension, intervention, and several other procedural issues. There could, of course, be reasonable difference of opinion as to the exact manner in which those procedural issues should be resolved, but the provisions of my amendment were adapted from those in the Clayton Act, in light of the purposes of title IX, and I am convinced that they would serve well.

My amendment, in addition, went beyond the antitrust laws to include a witness-immunity provision authorizing the courts in private civil cases under title IX to grant immunity on request of a private litigant, if the approval of the Attorney General were granted. Authorizing immunity grants in private civil cases, on request of private litigants, goes beyond the ABA and other endorsements my proposal has received and it is not clear that it is needed to the same degree as the other provisions. I plan, therefore, to exclude that provision from the amendment which I shall offer to title IX when S. 30 comes up on the floor, in order that there need be no controversy concerning its acceptability. For the same reason, I have substantially reworked the amendment. The gentleman from Virginia (Mr. POFF) and the gentleman from Minnesota (Mr. MCGREGOR), both of the Judiciary Committee, have given their valuable support to the concept of broad equitable and damage remedies under title IX, and those gentlemen have introduced identical clean versions of S. 30 containing remedial and procedural provisions based upon my amendment but substantially refining it—CONGRESSIONAL RECORD, page 31914, September 15, 1970, Mr. POFF, H.R. 19215; id., page 32347, September 17, 1970, Mr. MCGREGOR, H.R. 19340. The provisions which they have introduced are excellent, and the amendment I shall offer to S. 30 on the floor will reflect their provisions.

It is essential, Mr. Speaker, that our establishment of private civil remedies under title IX, upon which the Judiciary Committee has agreed and with which I think every Member of the House can agree, be done comprehensively and in a manner which will make those remedies truly effective. My amendment will do exactly that, and will insure both that title IX is a powerful weapon against organized crime and that individual persons can receive the justice that they deserve in our courts. I ask the support of every Member for this amendment, and hope we can all work together to see that it is adopted.

The amendment follows:

AMENDMENT OFFERED TO S. 30 BY MR. STEIGER OF ARIZONA

On page 56, line 11, insert ", without regard to the amount in controversy," after "jurisdiction".

On page 56, lines 23 and 24, insert "subsection (a) of" after "under" each time it appears.

On page 56, line 23, strike "action" and insert in lieu thereof "proceeding".

On page 57, lines 6–16, strike subsections (c) and (d) and insert in lieu thereof:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a preliminary injunction may be issued in any action before a determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The Attorney General may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter."

On page 57, line 22, strike "action under section 1964 of" and insert in lieu thereof "civil action or proceeding under".

On page 58, lines 4 and 5, strike "instituted by the United States".

On page 58, line 14, insert "civil or criminal" before "action".

On page 58, lines 19 and 20, strike "any civil action instituted under this chapter by the United States" and insert in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party".

On page 59, lines 17 and 18, strike "prior to the institution of a civil or criminal proceeding" and insert in lieu thereof "before he institutes or intervenes in a civil or criminal action or proceeding".

On page 63, lines 6, 7, 11, 17, and 24, and in lieu thereof "civil or criminal action".

On page 63, lines 6, 7, 11, 17, and 24, and on page 64, line 2, strike "case" each time it appears and insert in lieu thereof "action".

U.S. INVOLVEMENT IN MEDITERRANEAN—U.S. ABANDONMENT IN CARIBBEAN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, our President has now completed his junket to the Mediterranean and we hope his peace, at whatever the cost, objective will prove fruitful.

Many have known for years that the imperialistic enemy we repeatedly encounter around the world has been Soviet Russia. Many feel that a victory policy in South Asia would be just as forthright a deterrent against increased Soviet aggression as can be accomplished by creating a new battlefield in the Middle East. In fact, has not the no-win policy in Vietnam induced the tensions in the Middle East by showing a soft line against communism?

With critical elections just weeks off, the American people can well expect to be barraged with solutions from the peace efforts. Yet, the President himself indicated that throughout his trip he encountered fear from large and small NATO allies that the United States would shirk its treaty agreements. Were such fears not based upon our policy and activities in Vietnam?

While many of these same European allies reject our stand against communism in the Far East, their analysis of our no-win policies in South Vietnam prompts their questioning our reliance in treaties in other areas.

The President has given assurance that we will stand firm—at least in the Middle East it seems—but European diplomats, trained to evaluate politicians' public relations statements, can be expected to minimize what we say but rather judge our credibility by what we do.

Mr. Nixon's advisers have shown great concern over the Mediterranean situation. As we hear assurances of honoring our commitments to NATO, there are those Americans who would rather hear reassurances of commitments to our people. Communist aggression and imperialism are not limited to the Middle or Far East.

We are advised that the Russian Navy is building surface and submarine facilities in Cuba. The Caribbean is far more important to us of the United States than is the Mediterranean. Yet, we see little concern and no show of force off our continental shores.

We are not advised of any treaties which obligate us to any of the countries of the Middle East. This perhaps explains the political rationalization being fed to our people that our presence is necessary to protect the oil routes to the European nations who are members of NATO and Japan.

Interestingly, the oil imports from the Middle East are only 3 percent of U.S. consumption, while the imports to Japan are 85 percent, and to the NATO countries in excess of 75 percent of their total consumption. Yet, neither Japan nor our NATO allies have made any show of force to protect their vital oil sources.

Arab States of the Middle East are the major oil producers. Israel does not produce any great amounts of oil and if the defense of the oil fields in the Middle East is regarded as the motivating influence, are we supposed to believe that our presence in the Mediterranean is to protect the Arab nations?

To the converse, the largest oil-producing States in the United States are Louisiana, Mississippi, and Texas, which produce thousands of times more oil than Israel, yet with the Russians building a naval base just off our shores, are not the oil interests, especially the offshore operations, endangered right here at home?

We hope that President Nixon's junkets may have helped relieve world tension as we continue to hear about peace through nonaggression agreements with the Soviets, but we might ask, "Mr. President, how can the American people gain by bringing peace to the world while being threatened in our own back yard?"

I include related newspaper clippings, as follows:

[From the Washington Evening Star, Oct. 5, 1970]

NIXON WARNS ON MEDITERRANEAN—VIETNAM POLICY SHIFTS HINTED WITHIN A WEEK

(By George Sherman)

DUBLIN.—President Nixon closed his eight-day European trip today after warning that he is ready to raise the American military ante in the Mediterranean.

At the same time there were hints of a fresh move on Vietnam.

The President and his wife boarded Air Force One and left for Washington early this afternoon.

* * * * *

READY FOR INCREASE

Nixon issued his warning on Mediterranean military strength in a speech to the press yesterday in Limerick.

"The 6th Fleet presently can meet its mission," he said. "We shall be prepared to increase its strength in the event that its position of over-all strength is threatened by the actions of other powers who take another position in the area than we do."

The warning was aimed directly at the Russians, whose fleet in the Mediterranean now roughly equals in numbers—if not in power—the 45 ships of the 6th Fleet.

"In the event that other forces, naval forces, should threaten the position of strength which the 6th Fleet now enjoys," repeated Nixon, "then the United States must be prepared to take action necessary to maintain that over-all strength of the 6th Fleet."

DIDN'T TALK ON VIETNAM

Although the President's 20-minute talk to the press avoided any discussion of Vietnam, there were strong feeling that something is happening.

White House Press Secretary Ronald L. Zeigler, speaking with calculated inscrutability, said Ambassador David K. E. Bruce, the chief U.S. negotiator in Paris, had new general instructions to get the peace negotiations off "dead-center."

Though the American negotiator had no "massive set of new instructions," Zeigler said, "obviously every time Ambassador Bruce and the President get together to talk about Paris, they don't stay in the same position in that discussion as they were in maybe two months ago."

From Zeigler's careful comments it appears that the U.S. negotiating team has gone back to Paris to continue probing whether the Viet Cong hints of a cease-fire and negotiations over American prisoners of war mean anything more than meets the eye.

But that is only part of the game. Almost universal suspicion exists that the President is preparing a major new peace initiative which he will present to the American public, perhaps within the week. If so, the review with Bruce was part of the preparation, and his general instructions for Paris were part of a holding action.

Experienced observers of the fine art of Vietnam policy-making find new evidence every day of an imminent move. Obviously, timing is important, if only because of the fast-approaching November elections.

The latest hint is Ziegler's word yesterday that the President has decided to hold a meeting sometime next week with the bipartisan leadership of Congress to report on his eight-day journey and the Vietnam discussions in Ireland.

* * * * *

Currently the administration is pledged to have 150,000 more troops out of Vietnam by May—50,000 of those to be out by mid-October.

What remains unknown here is whether Nixon intends to tie an accelerated troop withdrawal to a larger peace initiative proposing an immediate cease-fire.

POLICY SINCE MAY 1969

Previously the Nixon policy, enunciated first in May 1969, has been a cease-fire as part of an over-all agreement for mutual withdrawal of U.S. and North Vietnamese troops from the south.

Aides in the administration have argued that a simple cease-fire, without any over-all agreement, would simply be cosmetic. Since Vietnam is largely a guerrilla war, fought without set lines of battle; a cease-fire would be unenforceable and a boon to the Viet Cong unless tied to a mutual withdrawal of outside forces—so the argument has gone.

* * * * *

The focus of Nixon's remarks yesterday was on the Mediterranean and the Middle East, and the Nixon talks with the two elder potentates on either end of the Mediterranean—Marshal Tito in Yugoslavia and Gen. Franco in Spain.

Using carefully chosen words and speaking sternly, Nixon gave the firmest commitment yet issued to uphold the American role in NATO and U.S. military strength in the Mediterranean.

"I stated categorically to the NATO commanders," he said of his conversations in Naples last week, "and I do hereby publicly state again that the United States will under no circumstances reduce unilaterally its commitment to NATO."

Any reduction of NATO forces, he continued, would only take place through consultation and agreement with the allies and on a basis of what the forces "lined up against the NATO forces" might do. In other words reduction would be "mutual basis" with the Soviet bloc.

HITS HARD ON DOCTRINE

The President hit hard the persistent theme that this Nixon doctrine for paring unilateral American obligations is not a prescription for withdrawing from the world.

The purpose of the Nixon doctrine is to provide a policy under which the United States can meet its responsibilities more effectively by sharing those responsibilities with others, he said.

The President was reacting throughout his trip, he said, to fears among large and small NATO allies about an American retreat. Comments by political figures in the United States, Nixon said, had led to the belief "that the United States might not meet its NATO responsibilities and was on the verge of reducing its contribution to NATO."

* * * * *

TIES STRENGTH TO TURMOIL

Throughout his remarks Nixon tied this need for military strength to the threat of constant turmoil in the Middle East. He aimed harsh words at the Palestinian guerrillas and the radical regimes in Syria and Iraq. The Mideast threat came, he said, "From irresponsible radical elements which might take action which in turn would set . . . in motion . . . a train of events that would escalate into a possible confrontation between major powers in the area."

Nixon chose not to be pessimistic on the outlook for peace in the Middle East. In every country he had visited, Nixon said, there had been agreement that the Israeli-Arab cease-fire must continue. He could say "unequivocally" that neither Israel nor the Arab states could gain by breaking the cease-fire.

He said he believed that an extension of the 90-day cease-fire, now scheduled to end Nov. 6, was the "proper course and that it has considerable chance to succeed."

[From the Washington Post, September 26, 1970]

SOVIET SUB BASE REPORTED IN CUBA

(By Peter Braestrup)

The Nixon administration said yesterday that the Soviet Union may be building a strategic submarine base in Cuba and warned that any such development would be viewed "with the utmost seriousness."

A White House official, who declined to be quoted by name, was asked about reports of a permanent Soviet missile-submarine base under construction at Cienfuegos, a deep-water port on Cuba's south coast.

"We are watching it very closely," the official said. "The Soviet Union can be under no doubt that we would view the establishment of a strategic base in the Caribbean with the utmost seriousness."

He said United States policy was still that enunciated during the 1962 Cuban missile crisis by President Kennedy, who said that peace could be maintained if Soviet offensive weapons were removed from the Caribbean and kept out in the future.

"We are watching the events in Cuba," the official said. "We are not at this moment in a position to say what they mean . . . Nothing very rapid and dramatic is likely to occur."

The White House warning followed earlier reports of a visit to Cuba by a small Soviet task force, including a guided missile cruiser, a guided missile destroyer, a tanker and a submarine tender. The tender has been in Cienfuegos harbor several weeks.

Earlier yesterday, in response to newsmen's queries, Jerry W. Friedheim, deputy assistant secretary of defense for public affairs, said that Soviet ships had moved three heavy barges and other equipment into Cienfuegos harbor during the past few weeks. This, he said, "makes us feel they may be seeking sustained capabilities in the area."

Asked if the Cienfuegos installation might serve as a Caribbean base for the Soviet Yankee-class submarines (similar to U.S. Polaris submarines), Friedheim said:

"We can't rule out that possibility."

The barges brought into Cienfuegos, Friedheim said, were first transported aboard a Soviet amphibious ship across the Atlantic, then off-loaded, possibly in Havana, and towed around the island to Cienfuegos.

"We are not sure that they are building a submarine support facility," Friedheim said in part. "There are some new naval facilities in the Cienfuegos area within the past several months. Some of the Soviet support ships have visited there. There are no submarines there at present."

As Friedheim noted, Daniel Hankin, his immediate superior, said in a Monday speech that the Soviet Union was showing an "apparent intention" to be able to conduct "sustained surface and submarine operations in the Caribbean."

The administration has been worried for several weeks about Soviet activity in the Caribbean which some officials linked to Soviet testing of U.S. resolve in the Midcast crisis.

On Sept. 16, administration officials in Chicago briefed Midwest editors on foreign affairs including the latest Soviet Navy visit to Cuba. (Under the briefing ground rules, the officials could not be identified).

If the Soviet Union started operating strategic forces such as Polaris-type submarines, the officials said, the Nixon administration would study this very carefully.

If the United States put its Polaris submarines into the Black Sea (which borders on the Soviet Union), the officials said, the newspapers would describe it as provocative, although there is no legal restriction on such a U.S. move.

But both Americans and Russians, the officials said, have to decide whether they want to hold back on some legally-permissible military moves, in the interests of some longer-term settlement, or to press every advantage they have a legal right to take.

At that time 10 days ago, the administration officials reported it was not clear what the Russians were up to in the Caribbean.

According to several U.S. Navy sources, the Russians do not need a secluded base like Cienfuegos unless they plan to support a permanent naval presence or stockpile sophisticated equipment.

The U.S. Navy has such bases at Rota, Spain, and Holy Loch, Scotland.

Like the U.S. fleet, the Soviet Navy has support ships which can repair and replenish supplies at sea. Big Soviet Navy ships can stop off at Havana where some 30 well-equipped Soviet trawlers sortie forth to gather intelligence as well as fish.

The current Soviet visit to Cuba is the third reported so far. A seven-ship squadron sailed into Havana in July 1969. Shadowed by a U.S. destroyer, a seven-ship force, including a submarine tender and two Diesel-powered submarines visited Cienfuegos last May 15.

The Soviet forays into the Caribbean—long regarded by the U.S. as an American lake—have paralleled a growing Soviet naval presence in the Mediterranean and the Indian Ocean.

"Ships of the Soviet navy are systematically present in all oceans, including the areas of the NATO navies," declared Adm. Sergi Gorshkov, commander of the Soviet navy, last July. "Such a situation is undoubtedly not to the liking of imperialist hawks."

[From the Washington Evening Star, Oct. 1, 1970]

THE 6TH FLEET TO REMAIN AT INCREASED STRENGTH

(By Orr Kelly)

The U.S. 6th Fleet in the Mediterranean will remain at its present strength—the strongest since the Berlin crisis of 1960–61—for the "foreseeable future," a Pentagon spokesman said today.

Four additional destroyers, including two equipped with missiles, joined the 6th Fleet today, Pentagon press spokesman Harry W. Friedham announced.

Part of their duties will be to provide anti-submarine protection for the third carrier, the John F. Kennedy, that joined the fleet last week, he said.

The Kennedy was accompanied by two destroyers when she entered the Mediterranean. Already on duty there were the carriers Independence and the Saratoga.

Asked how long the three carriers would remain in the Mediterranean, Friedham said: "There they are and I know of no plan to divert any. On the other hand, I know of no plans to leave them there permanently."

He declined to comment on reports from newsmen traveling with President Nixon that the buildup of the 6th Fleet is designed as visible proof that the Nixon doctrine does not imply a total withdrawal of American power from the world.

Not since the Berlin Crisis of 1960–61 has the U.S. had more than two carriers assigned to the 6th Fleet on a regular basis. Occasionally there have been three in the sea while one relieved another on station.

Friedham said the destroyers that arrived today had been under way for several days and were dispatched as part of the U.S. reaction to the Jordanian crisis.

But he declined to relate their presence in the Mediterranean now to any specific event. He described their arrival as a "precautionary augmentation of our fleet to meet all contingencies."

In addition to the Kennedy and the destroyers with her, five other ships also have reached the Mediterranean in the past few days. These include a helicopter carrier, the Guam, carrying about 1,500 Marines, and smaller ships.

[From the Washington (D.C.) Evening Star, Oct. 1, 1970]

PRAVADA RAPS U.S. "FUSS" OVER SUB BASE IN CUBA

MOSCOW.—The Soviet Communist party newspaper Pravda accused the United States yesterday of raising a "racket" over alleged Soviet plans to build a strategic naval base in Cuba. Pravda charged that this is part of a campaign to create "military hysteria" among Americans.

Pravda did not deny that the base is being built, but chided Washington for organizing "too light-mindedly noisy propaganda campaigns."

The newspaper apparently was referring to a statement by a White House official last week that the United States would view "with utmost seriousness" the installation of a Soviet naval base in Cuba.

The official cited evidence that the Soviets might be building a permanent base in Cuba to service their missile-carrying submarines.

Pravda cited the "fuss" over the base as one of a series of official U.S. efforts to "artificially aggravate the international situation, create an atmosphere of military psychosis among the ordinary Americans and exert political pressure on the capitals of some other capitalist states."

[From the Manchester (N.H.) Union Leader, Oct. 5, 1970]

IMPLICATIONS IN CASTRO'S VISIT

WASHINGTON.—Cuba's Fidel Castro is coming to the U.S. later this month to engage in some anti-American brinkmanship.

The "unwelcomed" Communist dictator will be visiting New York to attend the United Nations General Assembly and to conduct a series of private meetings with Russian and Soviet Bloc leaders.

Castro's appearance at the UN will be his first since the summer of 1962 when he visited New York before the October missile crisis.

Although it was not discovered until later Castro used his 1962 UN trip as a cover for meeting with Russian officials to make final arrangements for shipment of Soviet missiles to Cuba.

The coming UN visit of Castro could be just as omnious for the U.S. Foreign diplomats in Havana have warned American Intelligence officials that Castro plans to use the UN to try to force a diplomatic confrontation with the U.S. over bases in Cuba.

Their unconfirmed report is that Castro will deliver a major address demanding that the U.S. withdraw its marine and naval forces from the big Guantanamo, Cuba, naval base.

Since even Castro knows he has little chance of getting the UN to support such a move, American authorities here believe he will use the UN maneuver to justify the establishment of a Soviet naval base at Cienfuegos on the Southern coast of Cuba.

In private conversations with foreign diplomats in Havana, Castro has flatly stated that "our ports will always be open to Soviet naval ships regardless of what the U.S. says or does. I am going to ask the UN to guarantee this."

Castro also hinted to these diplomats that a new diplomatic-military confrontation with the U.S. was brewing and that both the Soviet Union and Cuba are making preparations for it.

White House warning—Significantly, Nixon Administration officials raised the specter of a possible new Cuban missile crisis almost at the same time Castro was talking to the foreign diplomats in Havana.

In a background briefing, White House aides made it clear that a crisis could develop if construction of Soviet naval facility at Cienfuegos, Cuba, continues.

The intriguing part of this carefully planned White House warning was its timing. Construction work on the Soviet base, which began in February, was confirmed last July by U.S. Intelligence officials.

Until this week, official policy has been to say nothing publicly about the Soviet base on the grounds it was a matter of discussion in the Strategic Arms Limitations Talk (SALT) underway with the Soviet Union.

Members of the Joint Chiefs of Staff, who expressed growing concern over the Soviet base last month, were privately informed by the White House that the matter was a "diplomatic rather than military question at this time."

The Presidents' military advisers were told that the Cienfuegos base issue was included in the SALT negotiations on the recommendation of Henry Kissinger, the President's chief foreign policy adviser. Why Kissinger made the recommendation is not known.

The secrecy ban on information gathered about the Soviet base was lifted by the White House after the Defense Department reported that several members of Congress had learned about it and demanded that something be done to counter the threat.

Several members of the House Armed Service Committee headed by Representative Mendel Rivers (D–S.C.) warned the White House that they planned to reveal details of the Soviet base if the Administration did not do so.

Just what President Nixon plans to do about the new Soviet base is still not clear. Members of Congress are being told that the development is still being treated by the President as a diplomatic and not military issue.

Whether Castro's coming visit to the U.N. will change this White House position is being watched closely here. It should also indicate whether the Nixon Administration believes the strategic U.S. base at Guantanamo is negotiable.

Note: Extra security precautions will be in force during Castro's three-day visit. U.S. officials are now discussing how to handle possible demonstrations by Anti-Castro Cubans in the New York area.

Cuban fallout—American Intelligence authorities say there are no Soviet submarines in Cienfuegos now, but a submarine tender is there along with three other vessels. All of the ships are part of a Soviet naval task force, including nuclear submarines that arrived in the Caribbean late in August . . . Russia now has 13 operational Polaris-type nuclear submarines. During the 1962 Cuban missile crisis, they had none . . . Cuban refugees report that the Russians are now equipping Castro's MIG–21s with short-range missiles which could be used against U.S. ships in the Caribbean area . . . Several mysterious large boxes have been unloaded from Soviet ships recently at Casablanca, Cuba, according to eyewitness reports of Cuban refugees. Each box was more than 10 meters in length, 3 meters in width, and 4 meters in height and was taken aboard flat-bed trucks to the mountainous part of Pinar Del Rio province. The trucks were part of a Soviet military convoy.

THE CASE FOR PUBLIC SERVICE EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. O'HARA) is recognized for 30 minutes.

Mr. O'HARA. Mr. Speaker, last weekend's news of the new heights reached by the unemployment rate is not news which anyone will greet with enthusiasm. Whatever may be the alleged political effect of high unemployment, its real effect on the lives of the American people is traumatic. All of us—including those who are not actually displaced, are nonetheless affected, and affected in serious ways by high unemployment.

Unemployment statistics are soon felt in retail sales figures, in the income of farmers and service employees and professionals who still have their jobs, and in the tax revenues available to our communities. Unemployment, Mr. Speaker, is nobody's idea of good news.

It is therefore with some grim satisfaction that I am able to announce that, while these new figures were coming out, the House Education and Labor Committee was also concluding months of work on manpower legislation by reporting, with impressive bipartisan support, a bill which will, as urged by the administration, restructure the manpower service delivery systems of the Nation, but which will also, as urged on this side of the aisle, create a massive program of public service employment.

H.R. 19519, ordered reported by the committee last week enjoys, as I have said, strong bipartisan support. The distinguished chairman of the committee, the gentleman from Kentucky (Mr. PERKINS, the able ranking minority member, the gentleman from Ohio (Mr. AYRES), the gentleman from New Jersey, (Mr. DANIELS), who serves as chairman of the subcommittee which conducted weeks of extensive hearings, the gentleman from Wisconsin (Mr. STEIGER), and many of the rest of us have joined our names to this bill. Of 19 sponsors, H.R. 19519 has 10 Democrats and nine Republicans.

Furthermore, Mr. Speaker, although this bill was developed in a Democratically controlled House and committee, it enjoys the unequivocal written endorsement of the Nixon administration, expressed in a letter from Secretary of Labor Hodgson, received the day we reported the bill to the House. I ask unanimous consent, Mr. Speaker, that the letter be printed at this point in the RECORD.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 30, 1970.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR CHAIRMAN PERKINS: It gives me great pleasure to advise you that the bill entitled the Comprehensive Manpower Act, introduced today by Congressmen O'Hara, Quie, and Steiger, has the full support of the Administration. This bill is a responsible response to President Nixon's request for comprehensive manpower legislation and is consonant with the basic principles of manpower program reform he proposed.

You may be sure that this bill has my warmest personal support.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

In spite of this impressive backing—which crosses partisan lines, and the line of separation between the executive and the legislative—H.R. 19519 is going to need all the help it can get if it is going to become law now, when its impact is most needed by the growing hundreds of thousands of unemployed Americans. The other body has given its approval to a bill not wholly dissimilar to H.R. 19519 and we can, if we all make a concerted effort, still secure its approval by the House and work out whatever has to be worked out in a committee of conference before we recess later this month.

Mr. Speaker, unemployment is not a problem of a few large cities. Nor is it a scourge visited on one part of the Nation alone. Its impact is felt in urban, suburban, and rural districts. It is a problem in North and South, East and West. Common Cause, the organization chaired by the distinguished former Secretary of Health, Education, and Welfare, Hon. John Gardner, has provided every Member of this House with a chart, taken directly from U.S. Department of Labor figures, showing the unemployment rates as of June of this year, compared with those of June 1969 in over 300 congressional districts—a dismayingly high proportion of which have at least small areas of persistent unemployment reaching or exceeding 6 percent. A disturbingly high number of these 300 districts have major labor areas with unemployment rates at and over 6 percent. Some of these districts have labor markets with 10 percent or even more unemployment. The bad news is shown in these charts. He who runs, can read.

Mr. Speaker, I include the statement and charts prepared by Common Cause at this point:

COMMON CAUSE,
Washington, D.C., October 2, 1970.

Hon. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: The unemployment rate in the nation now stands at 5.1 per cent. But this is an average figure. Averages are deceptive. In many areas of the country, both rural and metropolitan, the unemployment rate is running considerably higher. It is higher for many specific areas, it is higher for certain kinds of workers, and it is higher for certain age groups—particularly youth. As disturbing as the average figures are, it's more disturbing to realize that the likelihood for significant change in the foreseeable future is remote, particularly when one looks closely at a breakdown of figures.

Common Cause, formerly the Urban Coalition Action Council, has analyzed the published unemployment figures of the Department of Labor and arranged them by state and congressional districts. The attached analysis will give you a true picture of what the unemployment rate is in your district as opposed to the national average. Figures for major labor areas are as of June, when the national average was .4 per cent below the present figure. They represent the most recent compilation by the Department.

These figures are even more disturbing when one realizes that the figures themselves may be conservatively .6 of one per cent low when compared to pre-1965 figures. In uncontested testimony before both the House and Senate, Prof. Charles Killingsworth of Michigan State University pointed out that definitions used by the Labor Department up to 1965, if used today would add at least .6 of one per cent to the present figures. The attached release of May 18 explains this point.

Common Cause has urged the Congress to federally fund a substantial job creation program for the public sector as an important addition to present national manpower policy. Such action was important even during periods of high employment and relatively low unemployment because many groups in our society were not reached by this prosperity and continued to suffer unemployment and underemployment. It is even more urgent today when unemployment is persistently high across the board.

Averages are deceptive. A man once drowned trying to walk across a lake whose average depth was only three feet. Area-by-area figures are set forth on the chart.

Sincerely,

JOHN P. LAGOMARCINO,
Deputy Executive Director.

UNEMPLOYMENT BY CONGRESSIONAL DISTRICT

The following table lists Members of the House of Representatives who represent areas with high unemployment. The table is divided into major labor areas and small labor areas. It is compiled from figures gathered by the Department of Labor and published in the Department's "Area Trends in Employment and Unemployment, August 1970."

Major Labor Areas. The Department of Labor each month classifies 150 major employment centers according to their labor supply. The following table shows the unemployment rate in the areas for June 1970 (the most recent figures) and for a year earlier. (A few areas with unemployment rates below 3.0 percent have been omitted.)

Smaller Labor Areas. The right-hand column in the table lists smaller labor areas, as classified by the Department of Labor, which have experienced persistent or substantial unemployment. Persistent unemployment means unemployment has averaged 6 percent or more of the work force in the preceding calendar year and has exceeded the national average rate by 50 to 100 percent in the preceding two to four years. Substantial unemployment means unemployment of 6 percent or more of the work force plus the expectation that the rate will remain at 6 percent or more for the following two months. Classifications are based on figures for August 1970.

Note: The labor area designations are sometimes larger and sometimes smaller than Congressional districts. Thus, some areas will appear by the names of several Congressmen; in other areas, a single Congressman will be listed with numerous labor areas.

State and Representative	Major labor area	Unemployment rate (percent) June 1970	June 1969	Smaller areas—Persistent unemployment 6 percent or more
Alabama:				
Buchanan	Birmingham	5.0	4.5	
Bevill				Cullman (Cullman County), Gadsden (Etowah County).
Edwards	Mobile	6.3	5.6	
Flowers				Eutaw (Greene County), Pell City (St. Clair County).
Jones				Florence-Sheffield (Colbert, Franklin, Lauderdale Counties), Lawrence County.
Alaska: Pollock				Aleutian Islands, Anchorage, Barrow, Bethel, Bristol Bay, Cordova-McCarthy, Fairbanks, Kenai-Cook Inlet, Ketchikan, Kobuk, Kodiak, Kuskokwim, Lynn Canal-Icy Straits, Nome Palmer-Talkeetna, Prince of Wales, Seward, Sitka, Upper Yukon, Valdez-Whittier, Wade Hampton, Wrangell-Petersburg, Yukon-Koyukuk.
Arizona:				
Rhodes	Phoenix	5.3	2.8	
Steiger				McNary (Apache County), Winslow (Navajo County).
Arkansas:				
Alexander				Pocahontas (Randolph County), Walnut Ridge (Lawrence County).
Hammerschmidt				Berryville (Carroll County), Clarksville (Johnson County), Crawford County Marshall (Searcy County), Ozark (Franklin County), Paris (Logan County).
Mills	Little Rock/North Little Rock	3.8	3.0	Batesville (Independence County), Hardy (Sharp County), Melbourne (Izard County), Mountain View (Stone County), Searcy (White County).
Pryor				Camden (Calhoun Ouachita Counties), Malvern (Hot Spring County).
California:				
Anderson	Los Angeles/Long Beach	6.1	4.5	
Bell	do	6.1	4.5	
Brown	do	6.1	4.5	
Corman	do	6.1	4.5	
Goldwater Jr	do	6.1	4.5	
Hawkins	do	6.1	4.5	
Hosmer	do	6.1	4.5	
Rousselot	do	6.1	4.5	
Rees	do	6.1	4.5	
Roybal	do	6.1	4.5	
Smith	do	6.1	4.5	
Wilson, C	do	6.1	4.5	
Hanna	do	6.1	4.5	
	Anaheim/Santa Ana/Garden Grove	6.3	4.3	
Burton	San Francisco/Oakland	5.4	4.3	
Cohelan	do	5.4	4.3	
Mailliard	do	5.4	4.3	
Miller	do	5.4	4.3	
Edwards	San Jose	5.9	4.5	
Gubser	do	5.9	4.5	Hollister (San Benito County).
Leggett	Sacramento	6.0	5.2	Lakeport (Lake County), Willows (Glenn County), Yuba City (Shutter, Yuba Counties).
Moss	do	6.0	5.2	
Schmitz	Anaheim/Santa Ana/Garden Grove	6.3	4.3	
	San Diego	6.1	3.9	
Van Deerlin	do	6.1	3.9	
Wilson, B	do	6.1	3.9	
McFall	Stockton	9.2	6.7	Modesto (Stanislaus County).
Pettis	San Bernarding/Riverside/Ontario	6.3	5.0	
Sisk	Fresno	6.9	5.8	Merced (Merced County).
Clausen, Don				Crescent City (Del Norte County), Eureka (Humboldt County), Santa Rosa (Sonoma County), Ukiah (Mendocino County).
Johnson				Alturas (Modoc County), Chico-Oroville (Butte County), Grass Valley (Nevada County), Madera (Madera County), Mariposa (Mariposa County), Placer County, Quincy (Plumas County), Red Bluff (Tehama County), Redding (Shasta County), Sonora (Tuolumne County), Susanville (Lassen County), Weaverville (Trinity County), Yreka (Siskiyou County).
Talcott				Salinas-Monterey (Monterey County), Santa Cruz (Santa Cruz County).
Teague				Oxnard (Ventura County).
Tunney				El Centro (Imperial County).
Colorado:				
Aspinall				Antonio (Conejos County), Center (Saguache County).
Evans				Blanca (Costilla County), Ordway (Crowley County), Trinidad (Las Animas County), Walsenburg (Huerfano County).
Rogers	Denver	4.5	4.2	
Connecticut:				
Daddario	Hartford	4.6	3.7	
Giaimo	New Haven	5.1	3.9	
Monagan	Waterbury	8.9	5.6	Ansonia (Towns of Ansonia, Derby, Oxford, and Seymour in New Haven County).
Meskill	New Britain	7.9	5.4	Bristol/Plymouth, Torrington/Litchfield/Winchester.
Weicker	Bridgeport	6.9	4.9	
	Stamford	4.3	3.5	
Delaware:				
Roth	Wilmington	4.0	3.6	
Florida:				
Fascell	Miami	4.7	3.4	
Pepper	do	4.7	3.4	
Fugua				Apalachicola (Franklin County).
Haley				Lakeland (Polk County).
Sikes				Bonifay (Holmes County).
Georgia:				
Brinkley	Columbus	6.2	5.0	Hawkinsville (Pulaski County).
Davis				Chatsworth (Murray County), Dallas (Paulding County), Douglasville (Douglas County).
Flynt	Macon	5.7	4.4	Manchester (Meriwether County), Zebulon (Pike County).
Hagan	Savannah	5.1	4.2	Ludowici (Long County), Pembroke (Bryan County), Soperton (Treutlen County).
Landrum				Blairsville (Union County), Cleveland (White County), Cumming (Forsyth County), McCaysville (Fannin County), Young Harris (Towns County).
O'Neal				Colquitt (Miller County), Fort Gaines (Clay County).
Stephens	Augusta	6.8	4.5	Gibson (Glascock County).
Stuckey				Blackshear (Pierce County), Eastman (Dodge County), Fitzgerald (Ben Hill County), Nahunta (Brantley County).
Thompson	Atlanta	4.0	3.2	
Hawaii:				
Matsunaga	Honolulu	3.7	3.0	
Mink	do	3.7	3.0	
Idaho:				
Hansen				Driggs (Teton County).
McClure				Grangeville (Idaho County), Horseshoe Bend (Boise County), McCall (Valley County), Orofino (Clearwater County), St. Maries (Benewah County), Sandpoint (Bonner County).
Illinois:				
Anderson	Rockford	5.9	3.9	
Annunzio	Chicago	4.2	2.7	
Collier	do	4.2	2.7	
Crane	do	4.2	2.7	
Dawson	do	4.2	2.7	
Derwinski	do	4.2	2.7	
Kluczynski	do	4.2	2.7	
Mikva	do	4.2	2.7	

State and Representative	Major labor area	Unemployment rate (percent) June 1970	June 1969	Smaller areas—Persistent unemployment 6 percent or more
Illinois—Continued				
Murphy	Chicago	4.2	2.7	
Pucinski	do	4.2	2.7	
Rostenkowski	do	4.2	2.7	
Yates	do	4.2	2.7	
Michel	Peoria	4.2	4.0	
Price				St. Clair County.
Railsback	Davenport/Rock Island/Moline	5.2	4.2	
Findley				Hardin (Calhoun County), Jerseyville (Jersey County).
Gray				Anna (Union County), Cairo (Alexander, Pulaski Counties), Carmi (White County), DuQuoin (Perry County), Golconda (Pope County), Harrisburg-West Frankfort-Herrin (Franklin, Johnson, Saline, Williamson Counties), McLeansboro (Hamilton County), Rosiclare (Hardin County), Shawneetown (Gallatin County).
Indiana:				
Adair	Fort Wayne	4.5	2.8	
Brademas	South Bend	7.2	4.7	
Bray	Indianapolis	4.6	3.1	
Hamilton				Bedford (Lawrence County), Lawrenceburg (Dearborn, Ohio Counties), Scottsburg (Scott County).
Jacobs	Indianapolis	4.6	3.1	
Landgrebe				Knox (Starke County).
Madden	Gary	5.5	3.7	
Myers	Terre Haute	5.3	3.7	Clay County, Linton (Greene County) Vermillion County.
Zion	Evansville	5.7	4.2	Marengo (Crawford County).
Iowa:				
Culver	Cedar Rapids	5.1	2.7	
Smith	Des Moines	3.7	3.1	
Schwengel	Davenport/Rock Island/Moline	5.2	4.2	
Kansas:				
Shriver	Wichita	10.9	4.8	
Skubitz				Coffeyville (Montgomery County).
Kentucky:				
Carter				Albany (Clinton County), Barbourville (Knox County), Booneville (Owsley County), Harlan (Harlan County), Hyden (Leslie County), Manchester (Clay County), Middlesboro (Bell County), Monticello (Wayne County), Russell Springs (Russell County), Stanford (Lincoln County), Whitley City (McCreary County).
Cowger	Louisville	4.6	3.6	
Natcher				Bardstown (Nelson County), Brownsville (Edmonson County), Hardinsburg (Breckinridge County), Hartford (Ohio County), Lebanon (Marion County), Leitchfield (Grayson County), Springfield (Washington County).
Perkins				Campton (Wolfe County), Flatwoods (Greenup County), Grayson (Carter, Elliot Counties), Hazard (Knott, Perry Counties), Inez (Martin County), Jackson (Breathitt County), Jenkins (Letcher County), Louisa (Lawrence County), Morehead (Bath, Menifee, Rowan Counties), Paintsville (Johnson County), Pikeville (Pike County), Prestonsburg (Flogy County), Salyersville (Magoffin County), West Liberty (Morgan County).
Stubblefield				Bardwell (Carlisle County), Cadiz (Trigg County), Dixon (Webster County), Eddyville (Lyon County), Mayfield (Graves County), McLean County, Morgantown (Butler County), Princeton (Caldwell County), Smithland (Livingston County).
Watts				Georgetown (Scott County), Lancaster (Garrard County), Nicholasville (Jessamine County), Richmond (Estill, Jackson, Madison, Rockcastle Counties), Stanton (Powell County).
Louisiana:				
Boggs	New Orleans	7.3	5.8	
Caffery				Napoleonville (Assumption Parish), Reserve (St. John the Baptist Parish), St. Martinville (St. Martin Parish).
Edwards				Abbeville (Vermilion Parish), Crowley (Acadia Parish), Jennings (Jefferson Davis Parish), Lake Charles (Calcasieu Parish), Opelousas (St. Landry Parish), Ville Platte (Evangeline Parish).
Hébert	New Orleans	7.3	5.8	
Long				Alexandria (Avoyelles, Grant, Rapides Parishes), De Ridder (Beauregard Parish), Leesville (Vernon Parish), Many (Sabine Parish), Natchitoches (Natchitoches Parish), New Roads (Pointe Coupee Parish), Oakdale (Allen Parish), Plaquemine (Iberville Parish).
Passman				Columbia (Caldwell Parish), Ferriday (Catahoula, Concordia Parishes), Greensburg (St. Helena Parish), Monroe (Ouachita Parish), Oak Grove (West Carroll Parish), Rayville (Richland Parish), St. Francisville (West Feliciana Parish), Winnsboro (Franklin Parish).
Rarick	Baton Rouge	8.3	7.5	Denham Springs (Livingston Parish), Donaldsonville (Ascension Parish), Hammond (Tangipahoa Parish).
Waggonner	Shreveport	6.3	4.3	Arcadia (Bienville Parish), Mansfield (DeSoto Parish).
Maine:				
Hathaway				Calais-Eastport (Washington County) Ellsworth (Hancock County), Fort Kent, Madawaska-Van Buren, Rockland (Knox County)/Waldoboro (Lincoln County).
Kyros	Portland	3.6	3.5	Rockland (Knox County)/Waldoboro (Lincoln County).
Maryland:				
Beall				Oakland (Garrett County).
Garmatz	Baltimore	4.8	3.3	
Fallon	Baltimore	4.8	3.3	
Friedel	Baltimore	4.8	3.3	
Morton				Cambridge (Dorchester County), Crisfield (Somerset County), Pocomoke City (Worcester County), Prince Frederick (Calvert County).
Massachusetts:				
Harrington	Lawrence-Haverhill	6.5	5.5	Gloucester/Essex/Rockport (Essex County), Newburyport/Amesbury/Ipswich/Salisbury (Essex County).
Morse	do	6.5	4.4	
Do	Lowell	9.2	6.0	
Boland	Springfield/Holyoke	7.3	5.4	Ware/Belchertown (Hampshire County).
Conte	Springfield/Holyoke	7.3	5.4	
Donohue	Worcester	5.1	4.0	Milford/Uxbridge (Worcester County).
Heckler	Fall River	6.3	5.2	
Keith	New Bedford	8.1	5.7	Bourne/Wareham (barnstable, Plymouth Counties,) Plymouth/Kingston/Plymouth/Carver (Plymouth County), Provincetown/Truro (Barnstable County).
McCormack	Boston	4.9	3.7	
O'Neill	do	4.9	3.7	
Burke	do	4.9	3.7	
Do	Brockton	7.3	4.8	
Michigan:				
Conyers	Detroit	7.5	4.6	
Diggs	do	7.5	4.6	
Dingell	do	7.5	4.6	
Griffiths	do	7.5	4.6	
Nedzi	do	7.5	4.6	
O'Hara	do	7.5	4.6	
Brown	Battle Creek	7.1	4.7	Ionia/Belding/Greenville.
Do	Kalamazoo	6.3	4.1	
Cederberg				Alma (Gratiot County), Bay City (Bay County), Clare (Clare County), East Tawas (Alcona-Iosco Counties), Grayling (Crawford County), Ionia/Belding/Greenville, Mancelona (Antrim County), Mio (Oscoda County), Roscommon (Roscommon County), Standish (Arenac County), West Branch (Ogemaw County).
Chamberlain	Lansing	6.0	3.3	Jackson.

State and Representative	Major labor area	Unemployment rate (percent) June 1970	June 1969	Smaller areas—Persistent unemployment 6 percent or more
Michigan—Continued				
Esch				Adrian (Lenawee County), Wayne County (part).
Ford, G	Grand Rapids	7.4	5.8	Ionia/Belding/Greenville.
Ford, W				Wayne County (part).
Harvey	Saginaw	7.1	4.7	Bad Axe (Huron County), Caro (Tuscola County).
Hutchinson				Coldwater (Branch County), Hillsdale (Hillsdale County).
Riegle	Flint	6.8	4.1	
Ruppe				Alger County, Alpena (Alpena County), Boyne City (Charlevoix County), Cheboygan (Cheboygan County), Escanaba (Delta County), Gaylord (Otsego County), Hancock (Houghton, Keweenaw Counties), Hillman (Montmorency County), Iron Mountain (Dickinson County), Iron River (Iron County), ronwood (Gogebic County), L'Anse (Baraga County), Manistique (Schoolcraft County), Marquette (Alger, Marquette Counties), Newberry (Luce County), Petoskey (Emmet County), Rogers City (Presque Isle County), St. Ignace (Mackinac County) Sault Ste. Marie (Chippewa County).
Vander Jagt	Muskegon	12.3	7.3	Baldwin (Lake County), Cadillac (Missaukee, Osceola, Wexford Counties), Elberta (Benzie County), Fremont (Newaygo County), Hart (Oceana County), Ludington (Mason County), Manistee (Manistee County), Traverse City (Grand Traverse, Kalkaska, Leiana Counties).
Minnesota:				
Blatnik	Duluth-Superior	5.6	4.3	Aitkin (Aitkin County), Grand Rapids (Itasca County), Pine City (Pine County).
Fraser	Minneapolis-St. Paul	4.5	2.6	
Karth	do	4.5	2.6	
McGregor	do	4.5	2.6	
Langen				Bagley (Clearwater County), Baudette (Lake of the Woods County), Bemidji (Beltrami County), Detroit Lakes (Becker County), Hallock (Kittson County), Mahnomen (Mahnomen County), Park Rapids (Hubbard County), Red Lake Falls (Red Lake County), Roseau (Roseau County), Walker (Cass County), Warren (Marshall County), Brainerd (Crow Wing County).
Zwach				Little Falls (Morrison County), Princeton (Mille Lacs County).
Mississippi:				
Abernethy				Greenville (Washington County), Kosciusko (Attala County).
Colmer				Columbia (Marion County), Leakesville (Greene County), Lucedale (George County), Lumberton (Lamar County), Richton (Perry County), Waynesboro (Wayne County).
Griffin	Jackson	5.3	4.4	
Missouri:				
Bolling	Kansas City	5.2	4.6	
Burlison				Charleston (Mississippi County), Doniphan (Ripley County), Flat River (St. Francois County), Greenville (Wayne County).
Clay	St. Louis	6.3	4.5	
Hall				Branson (Taney County), Buffalo (Dallas County), Eldon (Miller County), Eminence (Shannon County), Potosi (Washington County).
Ichord				
Randall	Kansas City	5.2	4.6	
Sullivan	St. Louis	6.3	4.5	
Montana:				
Melcher				Glasgow (Valley County).
Olsen				Butte (Silver Bow County), Philipsburg (Granite County), Sheridan (Madison County), White Sulphur Springs (Meagher County).
Nebraska:				
Cunningham	Omaha	4.1	3.3	
Nevada:				
Baring				Caliente (Lincoln County).
New Hampshire.				
New Jersey:				
Sandman	Atlantic City	5.7	4.3	Ocean City/Wildwood/Cape May (Cape May County), Vineland (Cumberland County).
Daniels	Jersey City	7.0	5.3	
Gallagher	do	7.0	5.3	
Rodino	Newark	4.9	4.2	
Patten	New Brunswick/Perth Amboy	6.8	5.3	
Roe	Paterson/Clifton/Passaic	5.9	4.4	
Thompson	Trenton	4.7	3.8	
New Mexico:				
Lujan	Albuquerque	6.8	5.6	Bernalillo (Sandoval County), Espanol (Rio Arriba County), Las Vegas (San Miguel County), Mountainair (Torrance County), Raton (Colfax County), Santa Rosa (Guadalupe County), Taos (Taos County), Wagon Mound (Mora County).
Foreman				Carlsbad (Eddy County), Farmington (San Juan County), Gallup (McKinley County), Socorro (Socorro County).
New York:				
Scheuer	New York City	4.2	3.1	
Gilbert	do			
Bingham	do			
Biaggi	do			
Celler	do			
Brasco	do			
Chisholm	do			
Podell	do			
Rooney	do			
Carey	do			
Murphy	do			
Koch	do			
Powell	do			
Farbstein	do			
Ryan	do			
Halpern	do			
Addabbo	do			
Rosenthal	do			
Delaney	do			
King	Albany/Schenectady/Troy	3.2	2.8	Gloversville (Fulton County), Speculator (Hamilton County), Ticonderoga (Essex County), Warren County.
Robison	Binghamton	4.4	3.5	
Dulski	Buffalo	5.0	3.8	
McCarthy	do	5.0	3.8	
Smith	do	5.0	3.8	
Conable	Rochester	3.8	2.7	Orleans County, Perry (Wyoming County).
Hanley	Syracuse	4.8	3.0	
Horton	Rochester	3.8	2.7	
Pirnie	Utica/Rome	5.4	3.4	
Fish				Catskill (Greene County), Cobleskill (Schoharie County).
McEwen				Ogdensburg/Massena/Malone (Franklin, St. Lawrence Counties), Oswego County, Plattsburg (Clinton County).
McKneally				Sidney (Delaware County).
Stratton				Auburn (Cayuga County), Norwich (Chenango County), Oneonta (Otsego County).
North Carolina:				
Preyer	Greensboro/Winston-Salem/High Point.	4.1	3.3	
Mizell	do	4.1	3.3	
Galifianakis	Durham	4.7	4.5	
Jonas	Charlotte	3.7	3.1	
Taylor	Asheville	4.0	2.9	Bryson City (Swain County), Hayesville (Clay County), Marshall (Madison County), Robbinsville (Graham County).
Fountain				Roxboro (Person County), Snow Hill (Greene County), Wilson (Wilson County).

State and Representative	Major labor area	Unemployment rate (percent) June 1970	June 1969	Smaller areas—Persistent unemployment 6 percent or more
North Carolina—Continued				
Jones				Ahoskie (Hertford County), Camden County, Columbia (Tyrrell County), Greenville (Pitt County), Manteo (Dare County), Moyock (Currituck County), Pamlico County, Windsor (Bertie County).
Lennon				Elizabethtown (Bladen County), Lumberton (Robeson County), Whiteville (Columbus County).
North Dakota: Andrews				Rolla (Rolette County).
Chin:				
Feighan	Cleveland	3.7	2.6	
Stokes	do	3.7	2.6	
Vanik	do	3.7	2.6	
Minshall	do	3.7	2.6	
Ashley	Toledo	3.7	2.8	
Latta	do	3.7	2.8	
Bow	Canton	3.8	2.6	
Ayres	Akron	3.4	2.4	
Taft	Cincinnati	3.2	2.6	
Clancy	do	3.2	2.6	
	Youngstown/Warren	4.6	2.9	
Lukens	Hamilton/Middletown	3.7	2.9	Warren County.
Mosher	Lorain/Elyria	3.7	2.7	
Hays	Steubenville/Weirton	3.4	2.5	Carrollton (Carroll County).
Harsha				Clermont County, Lawrence County, Manchester (Adams County), Waverly (Pike County).
Miller				Gallipolis (Gallia County), Jackson (Jackson County), New Lexington (Perry County), Pomeroy (Meigs County).
Oklahoma:				
Jarman	Oklahoma City	4.4	3.9	
Steed	do	4.4	3.9	Altus (Jackson County), Anadarko (Caddo County), Cordell (Washita County), Purcell (McClain County), Shawnee (Pottawatomie County).
Belcher	Tulsa	5.5	4.1	
Edmondson	do	5.5	4.1	Claremore (Rogers County), Jay (Delaware County), Miami (Ottawa County), Muskogee (Muskogee County), Okemah (Okfuskee County), Okmulgee-Henryetta (Okmulgee County), Pawnee (Pawnee County), Pryor Creek (Mayes County), Sequoyah County, Stilwell (Adair County), Tahlequah (Cherokee County), Wagoner (Wagoner County).
Albert				Ada (Pontotoc County), Atoka (Atoka County), Coalgate (Coal County), Holdenville (Hughes County), Hugo (Choctaw County), Idabel (McCurtain County), LeFlore County, Marietta (Love County), McAlester (Pittsburgh County), Stigler (Haskell County), Tishomingo (Johnston County), Wilburton (Latimer County).
Oregon:				
Green	Portland	6.7	3.7	
Wyatt	do	6.7	3.7	McMinnville (Yamhill County), Tillamook (Tillamook County), Toledo (Lincoln County).
Dellenback				Gold Beach (Curry County), Grants Pass (Josephine County), Medford (Jackson County), North Bend/Coos Bay (Coos Bay County), Roseburg (Douglas County).
Ullman				Condon (Gilliam County), Enterprise (Wallowa County), Fossil (Wheeler County), Hood River (Hood River County), Lakeview (Lake County), Madras (Jefferson County), Pendleton (Umatilla County), The Dalles (Sherman, Wasco Counties).
Pennsylvania:				
Barrett	Philadelphia	4.9	3.4	
Byrne	do	4.9	3.4	
Eilberg	do	4.9	3.4	
Green	do	4.9	3.4	
Nix	do	4.9	3.4	
Fulton	Pittsburgh	4.0	2.9	
Gaydos	do	4.0	2.9	
Moorhead	do	4.0	2.9	
Whalley	Altoona	4.4	3.4	Bedford (Bedford County).
Vigorito	Erie	4.4	3.7	
Saylor	Johnstown	5.6	4.3	Kitting/Ford City (Armstrong County).
McDade	Scranton	5.7	3.6	Tunkhannock (Wyoming County).
Flood	Wilkes-Barre/Hazleton	5.2	3.4	
Goodling	York	3.5	2.8	
Morgan				Uniontown/Connellsville (Fayette County).
Johnson				Bradford (McKean County), Clearfield/DuBois (Clearfield/Centre Counties), Coudersport (Potter County), Lock Haven/Renovo (Clinton County).
Rhode Island:				
St. Germain	Providence	5.5	3.6	
Tiernan	do	5.5	3.6	
South Carolina:				
Rivers	Charleston	6.6	5.5	Berkeley County.
Mann	Greenville	4.3	3.5	
Dorn				McCormick (McCormick County), Saluda (Saluda County).
Gettys				Winnsboro (Fairfield County).
McMillan				Bishopville (Lee County), Georgetown (Georgetown County), Marion (Marion County).
Watson				Barnwell (Barnwell County).
South Dakota.				
Tennessee:				
Kuykendall	Memphis	5.0	3.9	
Jones	do	5.0	3.9	Erin (Houston County).
Blanton	do	5.0	3.9	Hardin County, Lawrenceburg (Lawrence County).
Fulton	Nashville	4.3	3.2	
Brock	Chattanooga	4.8	3.5	Dayton (Rhea County), Decatur (Meigs County), Dunlap (Sequatchie County), Sweetwater (Monroe County).
Duncan	Knoxville	3.9	3.6	Maynardville (Union County), Rutledge (Grainger County).
Evins				LaFollette/Jellico (Campbell County), Morgan County, Oneida (Scott County), Sparta (White County).
Quillen				Greeneville (Greene County), Newport (Cocke County), Sevierville (Sevier County).
Texas:				
Cabell	Dallas	3.5	2.3	
Collins	do	3.5	2.3	
Purcell	do	3.5	2.3	
Teague	do	3.5	2.3	
Bush	Houston	3.5	3.3	
Eckhardt	do	3.5	3.3	
Casey	do	3.5	3.3	
Teague	Fort Worth	4.2	3.1	
Wright	do	4.2	3.1	
Gonzalez	do	6.2	4.9	
Fisher	do	6.2	4.9	Brackettville (Kinney County), Del Rio (Val Verde County), Uvalde (Uvalde County).
Kazen	do	6.2	4.9	Carrizo Springs (Dimmitt County), Cotulla (La Salle County), Crystal City (Zavala County), Eagle Pass (Maverick County), Floresville (Wilson County), Hondo (Medina County), Laredo (Webb County), Pearsall (Frio County).
Brooks	Beaumont/Port Arthur	5.5	4.6	
Young	Corpus Christi	6.3	5.3	
White	El Paso	6.0	4.8	
De la Garza				Brownsville/Harlingen/San Benito (Cameron County), Hebbronville (Jim Hogg County), Raymondville (Willacy County), Rio Grande City (Starr County), Zapata (Zapata County).
Dowdy				Newton (Newton County), San Augustine (San Augustine County).

State and Representative	Major labor area	Unemployment rate (percent) June 1970	June 1969	Smaller areas—Persistent unemployment 6 percent or more
Utah:				
Lloyd	Salt Lake City	6.2	5.4	Beaver (Beaver County), Nephi (Juab County), St. George (Washington County).
Burton				Brigham City (Box Elder County), Heber City (Wasatch County), Kanab (Kane County), Manti (Sanpete County), Moab (Grand, San Juan Counties), Panguitch (Garfield County), Park City (Summit County), Price (Carbon, Emery Counties), Provo-Orem (Utah County), Richfield (Sevier County), Roosevelt (Duchesne County).
Vermont.				
Virginia:				
Downing	Newport News/Hampton	6.0	3.8	Chincoteague (Accomack, Northampton Counties).
Whitehurst	Norfolk/Portsmouth	4.7	4.1	
Scott				Colonial Beach (Lancaster, Northumberland, Richmond, Westmoreland Counties.).
Wampler				Bristol (Washington County), Grundy (Buchanan County), Lebanon (Dickenson, Russell Counties), Norton/Big Stone Gap (Wise Counties), Richlands (Tazewell County).
Washington:				
Adams	Seattle	10.5	3.8	
Foley	Spokane	7.2	4.8	Colville (Stevens County), Newport (Pend Oreille County), Okanogan (Okanogan County), Republic (Ferry County), Wenatchee (Chelan, Douglas Counties).
Hansen				Aberdeen (Grays Harbor County), Centralia (Lewis County), Port Townsend (Jefferson County), Raymond (Pacific County), Stevenson (Skamania County).
Hicks	Tacoma	9.6	5.2	Bremerton (Kitsap County).
May				Ellensburg (Kittitas County), Goldendale (Klickitat County), Moses Lake (Grant County), Tri-City (Benton, Franklin Counties), Yakima (Yakima County).
Meeds				Anacortes (Skagit County).
Pelly	Seattle	10.5	3.8	
West Virginia:				
Hechler	Huntington-Ashland	6.1	5.0	Hamlin (Lincoln County), Logan-Madison (Boone, Logan Counties), Point Pleasant (Mason County), Wayne County.
Kee				Beckley (Raleigh County), Bluefield (Mercer County), Hinton (Summers County), Oak Hill-Montgomery (Fayette County), Welch (McDowel County), Williamson (Minco County).
Mollohan	Wheeling	5.1	5.2	Clarksburg (Doddridge, Harrison Counties), Glenville (Gilmer County), Grantsville (Calhoun County), New Martinsville (Wetzel County.).
Slack	Charleston	5.9	4.8	Clay (Clay County), Gassaway (Braxton County), Logan-Madison (Boone, Logan Counties), Richwood (Nicholas County), Spencer (Roane County).
Staggers				Berkeley Springs (Morgan County), Elkins (Randolph County), Franklin (Pendleton County) Grafton (Taylor County), Kingwood (Preston County), Marlinton (Pocahontas County), Martinsburg (Berkeley, Jefferson Counties), Mineral County, Moorefield (Hardy County), Parsons (Tucker County), Petersburg (Grant County), Romney (Hampshire County), Ronceverte-White Sulphur Springs, (Greenbrier, Monroe Counties), Webster Springs (Webster County) Weston (Lewis County).
Wisconsin:				
Zablocki	Milwaukee	4.9	3.5	
Reuss	do	4.9	3.5	
Davis	do	4.9	3.5	
Kastenmeier	Madison	4.0	2.9	
Schadeberg	Kenosha	8.2	5.0	
Do	Rachine	7.6	5.8	
Obey				Adams (Adams County) Antigo (Langlade County) Crandon (Forest County) Florence (Florence County), Medford (Taylor County), Neopit (Menominee County), Shawano (Shawano County).
O'Konski	Duluth, Minn./Superior, Wis.	5.6	4.3	Ashland (Ashland County), Bayfield (Bayfield County), Douglas County, Eagle River (Vilas County), Grantsburg (Burnett County), Hayward (Sawyer County), Hurley (Iron County), Ladysmith (Rusk County), Spooner (Washburn County).
Byrnes				Oconto (Oconto County).
Thomson				Arcadia (Trempeleau County), Black River Falls (Jackson County), Dodgeville (Iowa County), La Crosse (La Crosse County), Mauston (Juneau County), Prairie du Chien (Crawford County), Sparta (Monroe County), Viroqua (Vernon County).
Wyoming.				

Since preparation by Common Cause of the list showing unemployment by congressional districts, the Labor Department has announced that four additional major labor areas and 10 smaller areas have been added to those with substantial or persistant unemployment.

The four major labor areas are:

Anaheim-Santa Ana-Garden Grove, Calif., Mr. HANNA, Mr. SCHMITZ.

Flint, Mich., Mr. RIEGLE.

Saginaw, Mich., Mr. HARVEY.

Albuquerque, N. Mex., Mr. LUJAN.

The 10 smaller areas are:

Center, Ala., Mr. BEVILL.

Pagosa Springs, Colo., Mr. ASPINALL.

Cedarton, Ga., Mr. DAVIS.

Jerome, Idaho, Mr. HANSEN.

Council, Idaho, Mr. MCCLURE.

Waterloo, Iowa, Mr. GROSS.

Wellington, Kans., Mr. SKUBITZ.

North Adams, Mass., Mr. CONTE.

Owosso, Mich., Mr. CHAMBERLAIN.

Wellsboro, Pa., Mr. MCDADE.

PRESIDENT SHOULD NOT VETO POLITICAL BROADCASTING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Oklahoma (Mr. ALBERT) is recognized for 5 minutes.

Mr. ALBERT. Mr. Speaker, I have read with considerable dismay reports suggesting that President Nixon is planning to veto the legislation that would limit expenditures for television and radio in future political campaigns.

I hope these reports are unfounded. The legislation that recently passed in Congress had strong bipartisan support. Republicans and Democrats alike recognized that some spending limitation was essential to protect our electoral process from the dangers of a saturation TV and radio campaign. Our democratic system cannot tolerate the possibility that any candidate or either party can buy an election through a TV blitz. The legislation now on President Nixon's desk can effectively prevent this from happening.

More than this, however, this act will permanently suspend section 315(a) of the Communications Act for the presidential and vice-presidential election. This means that the television networks in 1972 will be able to sponsor debates between major candidates for President and Vice President, similar to the ones that were held in 1960. These types of programs clearly will contribute to a more informed electorate and generally raise the level of all future presidential campaigns. It would be exceedingly unfortunate for President Nixon to deny the American voters this opportunity to compare and evaluate the major candidates for the Presidency in open debate.

We recognize that this legislation is only the first step in a more comprehensive reform of our entire electoral process. President Nixon has stressed many times his concern for the reform and modernization of our political and governmental institutions. Given this fact it is inconceivable that he would veto this legislation that would begin the creation of a more equitable system of political broadcasting in the United States.

DAY OF BREAD

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

Mr. MIZE. Mr. Speaker, President Nixon has issued a proclamation which designates today, October 6, 1970, as a Day of Bread, and this week as a period of Harvest Festival.

We should pause for a moment to consider the awesome significance of this celebration. We should reflect on the role of bread—the staff of life—in our national development.

Through the middle part of the 19th century, the vast heartland of this Nation was called the great American desert. Considered fit only for primitive peoples anad buffaloes, the high plains were virtually undeveloped.

But a hardy breed of people began to settle the heartland. They came from Central Europe and Russia, and they brought hard winter wheat with them. They understood the high plains, its discipline and its potential. Soon, the great American desert became the breadbasket of a nation.

Twice in this century U.S. wheat has saved a war-ravaged Europe from serious food shortages and possibly starvation. On countless occasions, the United States has rushed shipments of wheat to countries suffering from crop failure, flood, or other natural disaster. Quite clearly, there would have been famine in India in 1966–67, had it not been for the American shipments of wheat for bread.

Americans are a most fortunate people. Blessed with a rich land, a dedicated and competent farm population, and the industrial capacity to process and distribute vast quantities of nutritious food at low cost, Americans can rest assured they will never suffer from the haunting specter of shortage or famine.

In the Soviet Union, 45 percent of the work force is committed to food production. In the United States, less than 8 percent of the work force is required to provide all the food needs of this country, as well as the critical food needs of millions overseas. One U.S. farmworker provides enough for himself and 44 others. No comparable achievement has ever been recorded in the history of the human struggle.

As a Member from Kansas, proud to represent one of the greatest wheat-producing districts in the country, I wish to congratulate those who have worked to make this day of celebration and rededication a memorable one.

Members of the National Day of Bread Committee include the American Bakers Association, the Associated Retail Bakers of America, the Great Plains Wheat, the Miller's National Federation, the Western Wheat Associates, the Wheat and Wheat Foods Foundation, and the National Association of Wheat Growers.

Everyone connected with the production of wheat, the processing of flour, and the baking and distribution of bread is committed to providing Americans with the highest quality product at the lowest possible cost. There is perhaps no industry that so consistently serves the public interest so well.

Today, we pause to pay tribute to bread—a product which, for 5,000 years, has been of supreme importance in the development of a healthy and vigorous people.

A REASONED APPROACH

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, with the preoccupation in certain segments of the press for the sensational, scant notice is given, unfortunately, to those responsible efforts to resolve our country's problems on a prudent and objective basis. Disrupters in our high schools and higher institutions of learning can many times count on some degree of publicity while positive efforts by positive-thinking students go largely unnoticed.

The valedictorian address given at Triway High School of the Triway Local School District in Wayne County, Ohio, was given this year by Jerri Lynn Miller. I believe her approach to current problems typifies the sentiments of an overwhelming majority of American students who want to see necessary changes made based on objective and forthright analyses. The reports of extremist activities by radical students should be viewed against the background of the vast collective effort of our young people across the Nation who pursue their educational goals quietly and unreported.

I insert, at this point, the address "The Bridge Over Troubled Water" by Jerri Lynn Miller in the CONGRESSIONAL RECORD:

THE BRIDGE OVER TROUBLED WATER

Parents, friends, faculty, and fellow members of the class of 1970:

People in the world today are engaged in one great mass of ironical situations. Some nations are blessed with great material wealth, while others exist in dire poverty. Some areas of the world maintain an agricultural surplus, yet many other people are dying of starvation every day. Some people live with the ease of modern conveniences, while others are fortunate if they can even find shelter and the bare necessities for existence. Citizens of some nations are free to speak out with dissent, while others have no freedom of speech at all.

We people in the United States are extremely fortunate. In all of the situations I have mentioned, our country is on the better side. We have the wealth, the surplus, the access to modern conveniences, and the freedom of speech.

Lately, this freedom of speech has been exercised extensively. A wave of dissent has seemed to cover the United States and has quite noticeably appeared on our college campuses. Why? Why would anyone want to dissent in a nation which has the many fine attributes I have described?

The reason is—our nation is not perfect. Complete perfection is impossible. And whenever there are imperfections, there are complaints. All of these imperfections are the troubles which exist in our nation and throughout the world. We have the domestic troubles, such as pollution and problems in the slums. And we also have the world troubles such as the population explosion, the threat of nuclear war, the fear of Communism, and the Viet Nam and Cambodian situations. These are some of the problems the world must face today. And we members of the class of 70 upon our graduation tonight must also face these problems. These troubles involve each and every individual. No one can be completely free from them. No one can actually escape—because these troubles are part of reality. And reality cannot be avoided; it must be faced. We're all involved and we're all caught in a current of troubles. This current is a strong one, but it can be overcome. Let us symbolize our world situation as a stream of troubled water, which contains this strong current.

Today we have the dissenters, those who are dissatisfied with our approach to domestic problems, those who openly disagree with our foreign policy. Yes, they are trying to be heard; they have the right to voice their own opinions. But many of these dissenters are caught in the downcurrent of the stream of troubled water, because too often they don't propose any other solution to the problem. They complain about the status quo, but offer no other way in which it may be handled.

Then we have the silent majority. These people stand still and watch the stream of troubled water flow by. They don't want to become involved; they don't want to get their feet wet in the stream. This apathetic majority can be our hope for the future, if they will only begin to act. Many members of this graduating class will attend college this fall. It is up to us to make our own decisions. We must not let ourselves be ruled by the minority. We must act pro-American instead of anti-American. The anti-Americans have been heard; now it's about time the pro-Americans make themselves heard also.

It is obvious that some of the very radical dissenters actually want a revolution. And I ask them, "A revolution for what? For something better?" The citizens of the United States have more freedom than those in any other country in the world. If these dissenters find it difficult to put up with a few flaws in our great democracy, how would they like to live under Communist rule—where the government controls everything, there is no freedom of speech, and the people live in fear?

The American people are always looking for something better—but we do have something better—democracy. Our forefathers worked hard to obtain this democracy, and we must work hard to preserve it, not to destroy it. We have a strong nation. We are a world power. And if the United States of America ever falls, it will not fall to a stronger outside force. It will fall to internal destruction, inflicted upon it by its own people.

You know, too often, after everything else has failed, we turn to God to help us through. But this should be reversed. First we should pray for the determination to somehow cross this stream of troubles. Then, upon this foundation, with ambition and hard work, we can build our bridge—The Bridge Over Troubled Water.

—Jerri Lynn Miller

THE LATE ROBERT WATKINS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, few men passed through these Halls who was any more liked than my beloved friend, Bob Watkins of Pennsylvania. His passing created void which is impossible to fill. I was happy to be included in a small circle of his close friends here in the Capitol and I can honestly say that I liked him better than any other legislator who has come along in the 14 years I have been in politics.

He was an excellent story teller. His stories always had a moral, like an Aesop fable. He was a self-made man, devoted to his ideals and his country. That he should be struck down in life before he had a chance to retire and enjoy the fruits of his life's work must count as a tragedy. Yet, Bob would be philosophic about that. He never got upset and never had an unkind word to say about his fellow man.

This world would be a much better place, Mr. Speaker, if there were more

men like G. Robert Watkins of Pennsylvania. Sadly, there are very few.

Perhaps one statement, in Bob's own words, tells it all about his philosophy and his life. Tucked away in almost 200 pages of impressive biographies of Members of Congress are these words: "First business, when 9 years of age, was selling newspapers to the crews of vessels anchored in the harbor." The personal initiative and responsibility which motivated Bob Watkins at such an early age carried through his adult life, and his approach to problems whether in business life, politics, or elsewhere was studied, direct, and forceful.

Bob Watkins first saw the light of day around the turn of this century in Hampton, Va. He left high school and learned the trade of shipfitter in Newport News and moved to Chester, Pa., at the age of 18. At a comparatively early age he formed and headed the Chester Stevedoring Co., the first of his two successful business ventures. Later, in 1932, he organized, with a partner, the Blue Line Transfer Co., which was to blossom into an operation serving all points in the East with hundreds of trucks. Despite his lack of an extensive educational background—he often referred to himself as "a high school put-out"—his personal qualities gained public attention and his first public service to the community came in the form of a 4-year term as sheriff of Delaware County.

He was later to serve in the Pennsylvania State Senate for 12 years and for 4 years as county commissioner. Bob's service on the national level began with his election to the 89th Congress in November 1964, followed by his reelection to succeeding Congresses.

Like others of a robust nature, Bob found release from life's daily problems in his love of horses, and from 1937 his avocation was the breeding of thoroughbreds for racing. He liked people, Mr. Speaker, and I count it as an accomplishment in life that I was one of those he chose to like. I dearly loved him and extend my sincere sympathies to his family.

THE GAME PLAN AT HALFTIME

(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, we are constantly being bombarded with statistics and statements, accusations and accounts, graphs and graphics on the state of the economy—too many of these are attempts on the part of the Democrats to shift blame to the present administration and to confuse the issue. What we really need is a clear statement of position—where we are, what is being done, and what has been accomplished.

Herbert Stein, a member of the Council of Economic Advisers, admirably met this need in the wrap-up of the administration's overall economic policy and present status which formed the basis of his remarks before the Citizens Research Council of Michigan on September 22. He explained that the administration has a plan—to curb the inflation without causing a recession and to do this by first steadily slowing and then steadily reviving the growth of demand, through exercise of the Government's monetary and fiscal policies, without recourse to hard or soft price-wage controls. Stein maintains that the administration is succeeding in its goal of full employment during the year July 1, 1971, to June 30, 1972, without reviving inflation.

There are some things that are known now that were not known for sure when the historic effort to slow down inflation without recession began. Stein pointed out:

We now know that this Administration will in fact pursue anti-inflationary policies and so will the Federal Reserve Board. We know that such policies will in fact slow down the economy. We know that if the policies are moderate they need not cause a sharp contraction which will force the government to shift gears too rapidly, pump up the economy again and revive the inflation. We know that persistence in the anti-inflationary policy will end the rise in the rate of inflation, although that point took a long time to reach.

We now see some signs of an actual reduction in the rate of inflation. We also see evidence of a sustainable pickup in economic activity. If our grimmer commentators will excuse the expression, the game is not over but we enter the second half in a strong position.

Mr. Stein's complete address, "The Game Plan at Halftime," follows:

THE GAME PLAN AT HALFTIME

(By Herbert Stein)

The Administration's overall economic policy has come to be called a game plan, which is natural enough since the Chairman of the Council of Economic Advisers spent much of his life in Ann Arbor. There are some people who find this term offensive, or claim to do so. They think it connotes frivolity in approaching a serious problem. However, this only shows lack of familiarity with American culture. When the coach of one of our professional football teams, or university teams for that matter, gets his men together to give them the game plan what happens is not frivolous. He is giving them a carefully thought-out approach to dealing with a problem which they all recognize to be very important. The Nixon Administration's economic game plan is no less serious.

The term "game plan" does suggest something that is missing from the term "plan" alone. An essential feature of a game is uncertainty, about both the best course of play and the outcome. That is why the coach cannot give the quarterback a list of the precise plays to be called in sequence during the game. The game plan is a strategy of general objectives to be sought, instruments to be used and techniques to be followed. But the decision on what specifically should be done has to remain open for adaptation to unforeseen developments. That is certainly true of the economic game plan. There is no black book spelling out what policy actions are to be taken and precisely where the economy is to stand at any particular moment. There are principles of policy and approach and general expectations about the directions of the economy's movement.

The goal of the game is clear enough. It is to end the rapid inflation that was accelerating at the beginning of 1969 and to accomplish this without a recession. The standards of performance would be more rigorous than in the past. Whereas on earlier occasions the abatement of inflation had been accompanied by unemployment rates as high as 6 or 7 percent, it would be important to do better this time. The Republicans have, unjustly, the image of being Number 2 on the maintenance of prosperity, and they would have to try harder. More important, the society has become more tense and more demanding about performance in many fields, including the economic.

The Administration's strategy for achieving the goal had and has three distinctive elements:

1. *Steadiness.* The Administration was willing to see a slowdown of the economy partly in order to reduce the risk of a spontaneous collapse. It did not propose to produce a collapse by its own policy. The inflationary pressure would be reduced steadily, so as to minimize the rise of unemployment; thereafter the economy would be allowed or made to expand steadily, to avoid setting inflation off again.

The virtue of steadiness and persistence is a clear lesson of the recent past. The inflation of 1955–56 began to subside at the beginning of 1957 when the rate of economic expansion slowed only moderately, but the possibility of approaching price stability and high employment simultaneously was lost when the economy fell over the edge into a recession. From 1962 to 1965 the economy moved slowly up towards full employment while the rate of inflation remained low. There was much hope that we would ease into full employment without reviving inflation. However, the possibility was not tested; instead, with the acceleration of the Vietnam war the economy raced up to full employment and beyond, setting off a wave of inflation. Even that wave showed signs of abating with the very moderate slowdown of 1966–67. But moderate restraint had inadequate time to work before the combination of expansive fiscal and monetary policy rekindled inflation. This time the key was to be continuity, moderation, or, as it came to be called, gradualism.

For a while, this "gradualism" was taken with some disbelief, especially in financial circles, where it was understood to mean that nothing would be done or allowed to happen. This skepticism largely disappeared as the effects of a persistent squeeze on the economy appeared.

2. *Monetarism.* More than any of its predecessors, the Administration counted on monetary policy to manage the overall behavior of the economy, bringing about the desired restraint and revival. This did not mean that the Government or the economy could safely be run on the principle that only monetary policy mattered. Prudence required avoiding extremes of other policies—like the $25 billion deficit that occured in 1967–68. But hardly anything the Government could do would be likely to offset the effects of aberrations in monetary policy. The Administration, while not controlling monetary policy, would be especially concerned to cooperate with the managers of monetary policy, by the management of fiscal policy as well as by discussion with the Federal Reserve. In the weight it placed on monetary policy the Administration was recognizing a twenty-year trend in the thinking of economists, reinforced by experience during the 1965–68 inflation.

3. *Free Markets and Free Collective Bargaining.* The Administration decided not to invoke price and wage controls directly and with the force of law, or indirectly and covertly by jawboning in support of "guideline" wage and price standards laid down by the President without legislative authority.

This was probably the most controversial aspect of the game plan. There is a natural yearning for an escape from the difficult choice between more inflation and more unemployment and this yearning often gives

rise to the belief that there "must" be such an escape. The most eligible candidate for the escape route is price and wage controls or, more commonly, "some" (usually unspecified) form of voluntary guideline policy or "incomes policy."

The Administration's reluctance to go down this route is often, but mistakenly, ascribed to ideology or theology, especially on the part of President Nixon's economists. Surely the Administration had sufficient motivation to override ideological objections if there was any strong reason to think that such controls, of the hard or soft kind, would work. But price and wage controls, even of the soft variety, were not born yesterday. They have a history all over the world, including the United States, and as recent as President Johnson's futile confrontation with the airline mechanics in 1966. There was nothing in the record to suggest that controls could make an important contribution to solving the economic problems of 1970. If "theology" prevailed it did not prevail against any strong empirical demonstration.

This, then, was the game plan—to curb the inflation without causing a recession and to do this by first steadily slowing and then steadily reviving the growth of demand, through exercise of the Government's monetary and fiscal policies and without recourse to hard or soft price-wage controls.

How is the plan working? Of course, the game is not over, and one must admit that the outcome is not completely certain. Still, there are things that can be said at this stage, after the first half.

Probably the most important thing that can now be seen is that the economy can be slowed without being put into a tailspin. The popular analogy to an airplane is often used to suggest the contrary: the economy, it is said, has to go at a certain minimum speed to keep going at all. Underlying this is the false idea that when the economy is prosperous certain kinds of economic activity, investment especially, depend on the expectation of continued rapid economic growth. If the expectation is disappointed, and the economy levels out, these kinds of activity will actually decline and drag the rest of the economy down with them.

From the beginning of the effort to restrain the economy, there was fear that the restraint could not be kept gradual. Nervousness about this became intense in April and May when reports were being received of cutbacks in business investment plans, the stock market was in a disturbing decline and the unemployment rate was rising without interruption to 5%.

But this nervousness has now passed. We have learned that the economy is not an airplane or a bicycle; it can slow down without falling over. Total output, as measured by the real GNP, declined slightly in the fourth quarter of 1969 and more in the first quarter of 1970 but then leveled out in the second quarter. The total decline of output was eight-tenths of one percent over this period. We expect total output to be higher in the current quarter despite the strike at General Motors. Industrial production, which declined 3.2 percent from July to May, has since levelled out, with the index going 169.0, 168.8, 169.2 and 169.0. The rate of unemployment rose sharply to 5.0 percent in May but then declined to a 4.7 percent in June before returning to 5.0 percent in July. We have now had five successive months showing 4.8%, 5.0%, 4.7%, 5.0%, and 5.1% unemployment rates—a fairly flat picture.

This interruption of the decline in the economy does not rule out the possibility that the decline will be resumed. However, we consider this extremely unlikely. The interruption of the decline at least tends to confirm the validity of the strategy of careful restraint. And it allows us to think about what will happen next more coolly than we could while the economy was falling. This is important, because it is what comes next that will determine the success of the policy.

The expectation underlying the policy is that from about the present point production will begin to rise again, slowly at first but more rapidly later. The rise of production would not at first be fast enough to prevent some further rise of unemployment, as the number of people of working age increases and output per worker grows. However, unemployment would not rise for long or far above the 5 percent rate before it began to decline.

At the beginning of 1970 there were several reasons for expecting the upturn of production around the middle of the year:

1. The slowdown of the economy had been brought about in part by extreme monetary restraint, which left individuals and businesses short of cash, made credit hard to get and raised interest rates temporarily. It was believed that this monetary restraint would be relaxed early in 1970 and would support a rise of spending by individuals, businesses, and state and local governments by mid-year.

2. There was a big backlog of need for housing which would be translated into rising housing expenditures when, or shortly after, other demands on the economy, like business investment expenditures, began to decline.

3. Consumers would receive a big infusion of available income when the tax surcharge expired in two steps, January 1 and July 1, 1970, and when Social Security benefits were increased in April. This was expected to assure strongly rising consumption expenditures.

The expected conditions for the expected upturn all exist. Since the beginning of the year the rate of monetary expansion, which had been zero in the second half of 1969 has risen to about 5 percent. The flow of money into the chief sources of residential mortgage loans, like the savings and loan associations, has increased and the number of building permits issued and houses started has risen sharply. Average housing starts in July and August were 17 percent above the second quarter average. Business investment plans have been fairly resistant to declines in output, profits, and the stock market, State, and local financing has increased. Personal income has been fattened not only by the tax and social security changes but also by a big increase on the wage scale of the country's largest employer—the U.S. government.

Still, as always, uncertainties remain. The most important now visible is the behavior of consumers. In the second quarter of 1970 their available incomes rose by an extraordinary amount, and were at the highest real level per capita in history. They did not increase their expenditures by nearly the amount of their increased incomes, but instead raised their savings substantially. If this reflected only a delay in consumers' reaction to their increased incomes, a strong rise of consumers' spending would contribute to the recovery in this quarter. But if it reflected a more persistent disinclination to spend, the recovery may come more slowly, though these higher savings would be beneficial to housing and state and local construction.

While uncertainties remain, their nature continues to change. During the first half of 1969 the chief uncertainty was whether the government would actually carry through on its anti-inflationary policy. By the second half of the year the uncertainty had shifted to whether the policies would in fact slow down the economy. When evidence of the slowdown became unmistakable the uncertainty focused on how deep it would go and how long it would last. Uncertainty still remains on that score, but its range seems fairly narrow. If the slowdown has not already reached its bottom, few expect it to continue much further or for much longer. The present uncertainty is about how rapidly production will rise and how soon full employment will be regained. And since the future is not to be passively forecast but will be influenced by policy decisions still to be made, this raises another question. How fast *should* production rise, if we are going to carry out the strategy for reducing the rate of inflation?

There are several views of the probable and desirable pace of the economy as it moves back to full employment. One is the "spontaneous snap-back" theory—which sees the economy getting back to full employment in 1971 without any governmental push.

According to this view we have all been unduly impressed, and depressed, by the fact that it took almost five years for the economy to return to full employment under the Kennedy-Johnson Administration. In fact, after unemployment reached its maximum on four separate occasions in the postwar period, it declined by one percentage point or more in two quarters three times and in three quarters once. Such a pattern could easily bring us back to full employment in 1971.

On the other hand, some analysts foresee a long, slow climb back to full employment. They look at a declining trend of defense spending and weak business investment and do not see any other sector rising strongly enough to give the economy a vigorous boost. There are still others who believe that a rapid return to full employment—whether occurring spontaneously or engineered by policy—should be avoided. This view is represented by the recent statement in the Monthly Economic Letter of First National City Bank that "living with a gap between potential and actual output may be a small price to pay for liquidating inflation—especially if the cost can be spread by beefing up unemployment compensation and manpower training and by passing the President's welfare reform package."

The Administration's expectations and plan differs from all of these. It does not count on a spontaneous snap-back of the unemployment rate. The quick reductions of 1949, '54, '58, and '61 were all from recessions, in which production fell well below sales and businesses ran down their inventories. The move to rebuilding inventories by itself gave a sharp stimulus to output and employment. In 1970, however, businesses have slowed down the rate at which they add to inventories but have not actually been reducing their goods on hand. The steep initial rebound of the earlier episodes is, therefore, unlikely to be repeated. Moreover, the plan calls for avoiding a rebound so steep as to start the rate of inflation rising again.

On the other hand, to say that we cannot get back to full employment for several years—or should not—is unduly pessimistic. The underlying desire of the American people for the output of the American economy—for consumers goods and services, for housing, for the services of government and for investments to meet future needs—is great. This can be translated into the purchase of goods and services, into full production and into full employment if the necessary fiscal and monetary conditions are met. The government must not take so much

out of private incomes in taxes—relative to what it puts back by spending—that the people are unable to buy enough to achieve full employment. Also the government must provide enough money to permit people to carry on their business and to borrow for financing housing purchases and other activity usually conducted with borrowed money.

It is beyond the capacity of the present state of economics, to say nothing of the present state of politics, to manage our fiscal and monetary affairs so precisely that the total demand for output is always just right. The optimism many once had about "fine-tuning" the economy has vanished. The long bull market in economics ended even before the bull market in stocks. But even though policy is not very precise it is powerful enough to prevent a deficiency of demand from persisting over a period of several years. The Administration's confidence on this score underlies the President's statement that his goal is to achieve full employment during the year July 1, 1971 to June 30, 1972.

The President's establishment of that goal also reflects the belief that full employment can be reached during the year ending June 30, 1972 without reviving inflation. To say this is to invite the question, "Why talk about the problem of reviving inflation when the inflation is not only alive but in fact more worrisome than ever?" Certainly the inflation has persisted in a degree which has amazed almost everyone. Yet signs are now also present of a change in the inflationary trend. Two items are most important:

1. Until 1969 the rate of inflation was rising. It was not only that prices were rising but that they were rising faster and faster. That has now stopped. If we remove from the price indexes the effects of irregular and random factors, like the behavior of farm prices, used car prices and government wage increases, the levelling out of the rate of price increase is evident. Probably the cleanest case is the index of industrial prices at wholesale. From May to August the annual rate of increase of this index (seasonally adjusted), was 2.7%, compared to 3.9% in the previous year. In June and July the Consumer Price Index rose at an annual rate of 3.8%, compared to 6.1% in the previous year.

These may seem small figures, but it is of such small monthly figures that large inflations are made, and apparently small reductions will spell victory against inflation. What has happened is a decline of almost 40 percent in the rate of increase of the Consumer Price Index.

2. There are now signs that labor costs per unit of output are rising less rapidly than they were. This is in sharp contrasts to the impression given by accounts of some spectacular wage increases. The contrast is partly due to the difference between the spectacular cases and the average. There have been many wage increases of 15 percent or more this year. But these have applied to relatively few workers. In fact, labor compensation per man-hour in the whole private economy was about 7 percent higher in the second quarter of 1970 than a year earlier.

More important for the trend, what counts for prices is not the cost of an hour's labor but the cost of the product. This depends not only on the wage rate but on "productivity"—how much is produced per hour of work. During 1969 productivity rose very little—actually declining between the first quarter of 1969 and the first quarter of 1970. But in the second quarter of this year output per man-hour rose again, at a rate of 3.1 percent, about its long-run average rate. This has reduced the rate of increase of unit labor costs substantially.

We are now entering a period in which productivity will probably rise at least as fast as the long-run average rate. We should expect a lower rate of increase of unit labor costs than last year, even if wage rates continue to rise as rapidly as before. This will make a big difference for the rise of prices. And when prices begin to rise less rapidly, more of the wage increases labor gets will be real and less will be eaten up in higher prices. Workers and employers will then be able to settle for smaller wage increases and the unwinding of the inflationary spiral will be under way. This will not be an easy process. The confrontation of past disappointments and future hopes with present realities will be cruel. But in time, which we hope will not be too long, expectations and realities will come into line and we can proceed.

Hopes and promises of a slower rate of inflation have been disappointed since the temporary "anti-inflationary" tax increase was enacted in mid-1968. This has contributed to skepticism about the inflation ever subsiding. There was a wave of similar feeling, although not so widespread, in 1957 and 1958. The inflation of 1955–56, our first "peacetime" inflation in many years, gave rise to the idea that rapid inflation might be the normal characteristic of our economic system—perhaps especially because it could not easily be blamed on loose policy by the Administration. This fear of persistent inflation was one obstacle to taking vigorous measures against the recession in 1958. It also gave rise to appeals by President Eisenhower for voluntary self-restraint by business and labor to hold prices and wages down. But the inflation had already begun to abate by early 1957, before the recession started and probably would have continued to subside if we had had a period of steady moderate growth instead of the recession. The idea that something fundamental had changed in the economy to make permanent inflation inevitable was simply a mistake—another example of our propensity for regarding every ripple as a trend.

At this time and in this city it is necessary to say a word about the consequences of the present automobile strike. These consequences will depend, of course, on the duration of the strike. Even without knowing that, some things can be said about the magnitudes involved. We are dealing with an industry whose gross product—including the product of its suppliers and distributors—is around $35 billion a year, or about 3½ percent of the gross national product. The current strike may stop about 40 percent of that output, or about 1½ percent of the gross national product. This direct output loss would be at a rate equal to about one-half of the output lost because the unemployment rate is 5 percent rather than 4 percent. If the strike continues for very long secondary consequences are likely to appear, as workers on strike cut down on their expenditures.

However, our past experience has been that overall production losses from even fairly prolonged strikes in this or other major industries are made up afterwards in a relatively brief time—say three or four months. This catch-up will not make whole every individual who suffered from the strike. The combination of strike and catch-up is not an efficient way to produce the nation's output. Moreover, what I have said implies nothing about the wage and benefit agreements achieved or averted by the strike. My only point is that we do not expect the strike to divert the general economy very much from the part of revival plus disinflation that we seek.

* * * * *

What have we learned from this historic effort to slow down inflation without recession? Some things are known that were not known for sure when the effort began. We now know that this Administration will in fact pursue anti-inflationary policies and so will the Federal Reserve Board. We know that such policies will in fact slow down the economy. We know that if the policies are moderate they need not cause a sharp contraction which will force the government to shift gears too rapidly, pump up the economy again and revive the inflation. We know that persistence in the anti-inflationary policy will end the rise in the rate of inflation, although that point took a long time to reach.

We now see some signs of an actual reduction in the rate of inflation. We also see evidence of a sustainable pickup in economic activity. If our grimmer commentators will excuse the expression, the game is not over but we enter the second half in a strong position.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of Tennessee (at the request of Mr. ALBERT), for today, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. NIX), for Tuesday, October 6, 1970, on account of illness.

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. BINGHAM, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FISH) and to revise and extend their remarks and include extraneous matter:)

Mr. ANDERSON of Illinois, for 30 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ROBISON, for 15 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mr. BRAY, for 15 minutes, on October 7.

Mr. BRAY, for 15 minutes, on October 8.

Mr. STEIGER of Arizona, for 10 minutes, today.

(The following Members (at the request of Mr. MIKVA), to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 15 minutes, today.

Mr. O'HARA, for 30 minutes, today.

Mr. ALBERT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL in three instances and to include extraneous matter.

Mr. POFF during general debate on the bill S. 30 and to include extraneous material.

Mr. BINGHAM, and to include extraneous matter with remarks made during general debate on S. 30.

All Members (at the request of Mr. FISH) to extend their remarks during

the special order by Mr. ANDERSON of Illinois, today.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. TALCOTT.
Mr. ROBISON in two instances.
Mr. FINDLEY.
Mr. HALL.
Mr. ERLENBORN.
Mr. SEBELIUS in four instances.
Mr. SCHERLE in two instances.
Mr. HUNT.
Mr. STEIGER of Wisconsin.
Mr. SCHWENGEL.
Mr. HOSMER in two instances.
Mr. RAILSBACK.
Mr. WYMAN in two instances.
Mr. HARVEY in two instances.
Mr. FULTON of Pennsylvania in 10 instances.
Mr. SCHMITZ in two instances.
Mr. DUNCAN.
Mr. MINSHALL in two instances.
Mr. WOLD.
Mr. COLLINS in five instances.
Mr. BROTZMAN.
Mr. GERALD R. FORD.

(The following Members (at the request of Mr. MIKVA) and to include extraneous matter:)

Mr. DENT in three instances.
Mr. PURCELL in two instances.
Mr. RIVERS.
Mr. FOLEY.
Mr. HARRINGTON in two instances.
Mr. GARMATZ.
Mr. BURKE of Massachusetts in two instances.
Mr. BRINKLEY.
Mr. RARICK in three instances.
Mr. PATMAN.
Mr. EVINS of Tennessee in two instances.
Mr. MCFALL in six instances.
Mr. PIKE.
Mr. CHARLES H. WILSON.
Mr. FRIEDEL in three instances.
Mr. ANNUNZIO in two instances.
Mr. MURPHY of Illinois.
Mr. STOKES in two instances.
Mr. BENNETT in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mr. CULVER.
Mr. BOLAND.
Mr. VANIK in two instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 7, 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:

2428. A communication from the President of the United States, transmitting a request for early action on the proposed Emergency Public Interest Protection Act of 1970; the Committee on Interstate and Foreign Commerce.

2429. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 26, 1970, submitting a report, together with accompanying papers and an illustration, on Humboldt Harbor at Sand Point, Alaska, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 30, 1960 (H. Doc. 91–393); to the Committee on Public Works and ordered to be printed with an illustration.

2430. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 3, 1970, submitting a report, together with accompanying papers and illustrations, on central and southern Florida, small-boat navigation, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted November 15, 1954, October 18, 1961, and May 10, 1962 (H. Doc. 91–394); to the Committee on Public Works and ordered to be printed with illustrations.

2431. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 21, 1970, submitting a report, together with accompanying papers and an illustration, on Lee County, Fla., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 23, 1964 (H. Doc. 91–395); to the Committee on Public Works and ordered to be printed with an illustration.

2432. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 2, 1970, submitting a report, together with accompanying papers and an illustration, on Ottawa River Harbor, Michigan and Ohio, requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 15, 1961. It is also in partial response to an item in the River and Harbor Act approved March 2, 1945 (H. Doc. 91–396); to the Committee on Public Works and ordered to be printed with an illustration.

2433. A letter from the Acting Commissioner of Education, Department of Health, Education, and Welfare, transmitting a report on research related to school finance, pursuant to the Elementary and Secondary Education Amendments of 1969; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ICHORD: Committee on Internal Security. Anatomy of a Revolutionary Movement: "Students for a Democratic Society" (Report No. 91–1565). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1235. Resolution for consideration of S. 30, an act relating to the control of organized crime in the United States (Rept. No. 91–1566). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1236. Resolution for consideration of H.R. 959, a bill, to amend the Internal Security Act of 1950 (Rept. No. 91–1567). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1099. Resolution providing for an annual reception day for former Members of the House of Representatives (Rept. No. 91–1568). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1237. Resolution for consideration of H.R. 19590, a bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1569). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. H.R. 19590. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes. (Rept. No. 91–1570). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts: Special committee to investigate campaign expenditures. Interim report on the complaint of Byron G. Rogers regarding the September 8, 1970, primary election in the First Congressional District of Colorado (Rept. No. 91–1571). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13182. A bill for the relief of Frank E. Dart; with an amendment (Rept. No. 91–1558). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 14703. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L Thayer; with an amendment (Rept. No. 91–1559). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15270. A bill for the relief of Thaddeus J. Pawlak; with an amendment (Rept. No. 91–1560). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 15505. A bill for the relief of Jack B. Smith and Charles N. Martin, Jr.; with an amendment (Rept. No. 91–1561). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15805. A bill for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid; with amendments (Rept. No. 91–1562). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 16965. A bill for the relief of Richard N. Stanford; with amendments (Rept. No. 91–1563). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 1785. An act for the relief of Irene Sadowska Sullivan. (Rept. No. 91–1564). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON of Texas:

H.R. 19583. A bill to amend section 403(b) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 19584. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering,

and related services for the Federal Government; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 19585. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 19586. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 19587. A bill to amend the act of September 27, 1944 (58 Stat. 746), an act to authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KYROS:

H.R. 19588. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland:

H.R. 19589. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.R. 19590. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. MATSUNAGA (for himself and Mr. PETTIS):

H.R. 19591. A bill to amend title 5, United States Code, with respect to the relocation expenses of employees transferred or reemployed; to the Committee on Government Operations.

By Mr. MINSHALL:

H.R. 19592. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. MAILLIARD, Mr. ROYBAL, Mr. DEL CLAWSON, Mr. BROWN of California, Mr. TUNNEY, Mr. EDWARDS of California, and Mr. OTTINGER):

H.R. 19593. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H.R. 19594. A bill to extend retirement benefits to National Guard technicians and former National Guard technicians who now are in the civilian service of the Government; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 19595. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

By Mr. PURCELL:

H.R. 19596. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 19597. A bill to increase annuities paid under the Railroad Retirement Act 5 percent and provide cost of living adjustments in benefits; to the Committee on Interstate and Foreign Commerce.

H.R. 19598. A bill to protect air passengers through a federally assisted program of development, acquisition, and installation of antihijacking detection systems; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, Mr. FRIEDEL, Mr. KUYKENDALL, and Mr. MURPHY of New York):

H.R. 19599. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 19600. A bill to amend title 23, United States Code, relating to the use of American materials in highway projects; to the Committee on Public Works.

By Mr. STAGGERS:

H.R. 19601. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 19602. A bill to designate as wilderness the Cranberry, Otter Creek, and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 19603. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. BRADEMAS, Mr. BURTON of California, Mr. HOLSTOSKI, Mr. JACOBS, Mr. LEGGETT, Mr. MINISH, Mr. MORGAN, Mr. O'NEILL of Massachusetts, Mr. ROYBAL, Mrs. SULLIVAN, Mr. WALDIE, and Mr. YATES):

H.R. 19604. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 19605. A bill to authorize the Secretary of Commerce to provide subsidy for the construction of a river passenger vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE of Texas:

H.R. 19606. A bill to amend the Natural Gas Act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H.R. 19607. A bill to authorize the Secretary of Commerce to provide subsidy for the construction of a river passenger vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. MACGREGOR:

H.J. Res. 1391. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. ANDERSON of California, Mr. BELL of California, Mr. BROWN of California, Mr. BURTON of California, Mr. EDWARDS of California, Mr. HANNA, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MOSS, Mr. PETTIS, Mr. REES, Mr. ROYBAL, Mr. SISK, Mr. TUNNEY, Mr. VAN DEERLIN, Mr. WIGGINS, and Mr. CHARLES H. WILSON):

H.J. Res. 1392. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 21, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; to the Committee on the Judiciary.

By Mr. HUNGATE (for himself, Mr. ADDABBO, Mr. BURLISON of Missouri, Mr. CLARK, Mr. CÓRDOVA, Mr. DONOHUE, Mr. EDMONDSON, Mr. EDWARDS of California, Mr. EILBERG, Mr. ERLENBORN, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HELSTOSKI, Mr. HARRINGTON, Mr. MANN, Mr. MATSUNAGA, Mr. MCCULLOCH, Mr. MCDADE, Mr. MCKNEALLY, Mr. QUIE, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SIKES, Mr. WHITE, and Mr. WILLIAMS):

H. Con. Res. 769. Concurrent resolution for review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Con. Res. 770. Concurrent resolution authorizing the printing of additional copies of Anatomy of a Revolutionary Movement: "Students for a Democratic Society," 91st Congress, second session; to the Committee on House Administration.

By Mr. REUSS:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report; to the Committee on House Administration.

By Mr. WATSON:

H. Con. Res. 772. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H. Res. 1238. Resolution relating to the Speaker of the House of Representatives in the 91st Congress; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 1239. Resoiuton to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192; to the Committee on House Administration.

By Mr. ROGERS of Colorado:

H. Res. 1240. Resolution resolving the contest in the primary election of September 8, 1970, as to the nominee of the Democrat Party for candidate in the general election for U.S. Representative to Congress from Colorado's First Congressional District; to the Committee on House Administration.

By Mr. WAGGONNER:

H. Res. 1241. Resolution relating to the compensation of the Clerks to the Official Reporters of Debates; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANNA:

H.R. 19608. A bill for the relief of Manuela Bonito; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 19609. A bill for the relief of James Fletcher McAndrew; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19610. A bill for the relief of Josephine Dumpit; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H. Res. 1242. Resolution commemorating the 100th anniversary of Elmhurst College of Elmhurst, Ill.; to the Committee on the Judiciary.