

Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present, and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Washington (Mr. MAGNUSON), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER) and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 41, nays 39, as follows:

[No. 381 Leg.]  
YEAS—41

Allen	Hart	Moss
Anderson	Hartke	Muskie
Bayh	Hatfield	Nelson
Brooke	Hughes	Pastore
Burdick	Inouye	Proxmire
Byrd, W. Va.	Jackson	Ribicoff
Cannon	Javits	Schweiker
Case	Kennedy	Spong
Eagleton	Mansfield	Stevens
Fulbright	McGee	Symington
Goodell	McGovern	Williams, N.J.
Gore	McIntyre	Yarborough
Gravel	Mondale	Young, Ohio
Harris	Montoya	

NAYS—39

Aiken	Curtis	Hansen
Baker	Dole	Holland
Bellmon	Dominick	Hollings
Bennett	Eastland	Hruska
Boggs	Ervin	Jordan, N.C.
Byrd, Va.	Fannin	Jordan, Idaho
Cook	Goldwater	Long
Cotton	Griffin	McClellan

Miller	Russell	Talmadge
Murphy	Saxbe	Thurmond
Packwood	Smith, Ill.	Tower
Pearson	Sparkman	Williams, Del.
Prouty	Stennis	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Metcalf, against.  
Scott, for.

NOT VOTING—18

Allott	Ellender	Mundt
Bible	Fong	Pell
Church	Gurney	Percy
Cooper	Magnuson	Randolph
Cranston	Mathias	Smith, Maine
Dodd	McCarthy	Tydings

So the motion to table Mr. DOMINICK's amendment was agreed to.

Mr. JAVITS. Mr. President, may I inquire now from the manager of the bill and the leadership as to their further intention? I have consulted with the Senator from Colorado (Mr. DOMINICK) with respect to this matter, and I believe it should be possible to work out an agreement on time. Whether that can be done at this hour this evening I cannot guarantee, but certainly the disposition is there.

There are a considerable number of other amendments which the Senator from Colorado, myself, and others, have and I should very much like to know the intentions.

Mr. MANSFIELD. Mr. President, if I could have the attention of the Senator from Colorado and the Republican leader, would it be possible to arrive at a consent agreement to begin tomorrow, after conclusion of the morning business, and in that way give Members a chance to catch their breath overnight?

Mr. DOMINICK. I would say to the Senator from Montana, that would be fine with me.

Mr. SCOTT. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I have been assured by Senators most interested in the pending bill, those who have been doing most of the debating this afternoon, that there will be no difficulty in arriving at a time limitation at the conclusion of morning business on tomorrow. This has also been discussed with the distinguished Republican leader. Therefore, there will be no further action on this bill tonight.

There will be no further votes today,

and there will be no further business unless Senators wish to speak.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate—

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 481, as a further mark of respect for Gen. Charles de Gaulle, former President of France, that the Senate now adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, November 17, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 16, 1970:

DEPARTMENT OF JUSTICE

Robert C. Mardian, of California, to be an Assistant Attorney General, vice J. Walter Yeagley, to which office he was appointed during the last recess of the Senate.

U.S. DISTRICT COURTS

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the district of Puerto Rico, a new position created by Public Law 91-272, approved June 2, 1970.

DEPARTMENT OF COMMERCE

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce, to which office he was appointed during the last recess of the Senate; new position.

C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism, to which office he was appointed during the last recess of the Senate; new position.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The following-named persons to be members of the Board of Directors of the National Corporation for Housing Partnerships for the terms indicated:

Peter John Bertoglio, of California, for a term of 1 year commencing October 28, 1970.

Woodward Kingman, of New York, for a term of 2 years commencing October 28, 1970.

Ray A. Watt, of California, for a term of 3 years commencing October 28, 1970.

U.S. TARIFF COMMISSION

Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1976, vice Mrs. Penelope Hartland Thunberg; term expired.

ENVIRONMENTAL PROTECTION AGENCY

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency; (new position).

HOUSE OF REPRESENTATIVES—Monday, November 16, 1970

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The Lord is good, a stronghold in the day of trouble; and He knoweth them that trust in Him.* Nahum 1: 7.

Eternal Spirit, returning from our re-

cess of strenuous activity we come to Thee now as we endeavor to complete the tasks which are set before us. When the worry of work done and left undone takes its toll of our human energies help us to tap the spiritual resources which are found in Thee. Do Thou renew our

spirits and restore our souls with the joyful assurance that Thou art with us and we are with Thee.

We pray that Thy comforting grace may abide in the hearts of those who grieve over the passing of our beloved colleague, WILLIAM L. DAWSON. We re-

member his long and faithful career in Congress marked by firm convictions, rugged honesty, a readiness to cooperate and an earnest desire for liberty for all men. Bless his family with Thy presence and bless us who mourn his departure from these Halls to continue his fine work in the life beyond.

Truly, our Father, life is short. By Thy Spirit may we make the most of it while we can, through Jesus Christ, our Lord. Amen.

### THE JOURNAL

The Journal of the proceedings of Wednesday, October 14, 1970, was read and approved.

### MESSAGE FROM THE PRESIDENT

A message from the President of the United States, which was communicated to the House, informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 14, 1970:

H.R. 12943. An act to amend section 3 of the act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act;

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system;

H.R. 18104. An act to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; and

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970.

On October 15, 1970:

H.J. Res. 1388. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; and

H.J. Res. 1396. Joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

On October 16, 1970:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes; and

H.R. 18410. An act to establish the Fort

Point National Historic Site in San Francisco, Calif., and for other purposes.

On October 17, 1970:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

On October 21, 1970:

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 9548. An act to amend section 15-503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients; and

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California.

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam townsite, Umatilla County, Oreg.;

H.R. 14685. An act 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;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status;

H.R. 17575. An act 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;

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status; and

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

On October 22, 1970:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950.

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Bank of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17146. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia, and the acts amendatory or supplemental thereof; and

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.

On October 23, 1970:

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 16997. An act for the relief of Colle Lance Johnson, Jr.; and

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project.

On October 26, 1970:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve re-

search programs pursuant to such act, and for other purposes;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes;

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes;  
On October 27, 1970:

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.  
On October 30, 1970:

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes; and

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes.

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

On November 2, 1970:

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359-363, and for other purposes; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17970) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MANSFIELD, Mr. BIBLE, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. RUSSELL, Mr. BOGGS, Mr. PEARSON, Mr. FONG, Mr. YOUNG of North Dakota, Mr. SYMINGTON, and Mr. GOLDWATER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 1466. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; and

S. 1468. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE—HON. ROBERT H. STEELE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
November 13, 1970.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR SIR: A Certificate of Election in due form of law showing the election of Robert H. Steele as a Representative-elect to the Ninety-first Congress from the Second Congressional District of the State of Connecticut, to fill the vacancy caused by the death of the Honorable William L. St. Onge, is on file in this office.

Respectfully yours,

W. PAT JENNINGS, Clerk,  
U.S. House of Representatives.  
By W. RAYMOND COLLEY.

#### HON. CHARLES J. CARNEY AND HON. GEORGE W. COLLINS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio, Mr. CHARLES J. CARNEY, and the gentleman from Illinois, Mr. GEORGE W. COLLINS, be permitted to take the oath of office today. Their certificates of election have not arrived, but there is no contest, and no question has been raised with regard to their election.

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

There was no objection.

#### HON. EDWIN B. FORSYTHE AND HON. JOHN WARE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey, Mr. EDWIN B. FORSYTHE, and the gentleman from Pennsylvania, Mr. JOHN WARE, be permitted to take the oath of office today. Their certificates of election have not arrived, but there is no contest, and no question has been raised with regard to their election.

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

There was no objection.

#### SWEARING IN OF MEMBERS

Messrs. ROBERT H. STEELE,  
CHARLES J. CARNEY, GEORGE W.

COLLINS, EDWIN B. FORSYTHE, and JOHN WARE appeared at the bar of the House and took the oath of office.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
November 13, 1970.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:15 p.m. on Friday, November 13, 1970, said to contain a Message from the President wherein he transmits the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969.

With kind regards, I am

Sincerely,

W. PAT JENNINGS, Clerk,  
U.S. House of Representatives.  
By W. RAYMOND COLLEY.

#### ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, November 13, 1970.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
November 10, 1970.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:05 p.m. on Tuesday, November 10, 1970, said to contain a message from the President wherein he transmits the 4th annual report on the implementation of the Automotive Products Trade Act of 1965.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,  
Clerk, U.S. House of Representatives.  
By W. RAYMOND COLLEY.

#### FOURTH ANNUAL REPORT ON IMPLEMENTATION OF AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompany-

ing papers, referred to the Committee on Ways and Means:

*To the Congress of the United States:*

I hereby transmit the fourth annual report on the implementation of the Automotive Products Trade Act of 1965. The report contains information with respect to the United States-Canada Automotive Products Agreement, including automotive trade, production, prices, and employment in 1969. Also included is other information relating to the activities under the Act.

RICHARD NIXON.

THE WHITE HOUSE, November 10, 1970.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,

October 16, 1970.

The Honorable the SPEAKER,  
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on October 13, 1970, the Clerk received from the Secretary of the Senate the following messages:

That the Senate passed without amendment the following:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950.

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington.

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes.

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, New York.

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes.

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes.

H.R. 18298. An Act to amend the Central Valley reclamation project to include Black Butte project.

H. Con. Res. 712. Concurrent Resolution Authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91-983, Ninety-first Congress, second session.

H. Con. Res. 732. Concurrent Resolution Providing for the printing as a House document of "The Pledge of Allegiance to the Flag."

H. Con. Res. 740. Concurrent Resolution Authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970.

H. Con. Res. 748. Concurrent Resolution Authorizing the printing of additional copies of hearings entitled "Cuba and the Carib-

bean" for use of the Committee on Foreign Affairs, House of Representatives.

H. Con. Res. 753. Concurrent Resolution Authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (Eighty-fourth through Ninetieth Congresses)".

H. Con. Res. 770. Concurrent Resolution Authorizing the printing of additional copies "Anatomy of a Revolutionary Movement; 'Students for a Democratic Society'", Ninety-first Congress, second session.

H. Con. Res. 779. Concurrent Resolution To authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

That the Senate agreed to House amendments to the following:

S. 2755, entitled "An Act for the relief of Donal N. O'Callaghan."

S. 3116, entitled "An Act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes."

That the Senate agreed to the conference report on the following:

S. 2846, entitled "An Act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes."

S. 3586, entitled "An Act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes."

H.R. 17570, entitled "An Act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes."

H.R. 18583, entitled "An Act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse."

That the Senate insist on the amendment and agree to a conference asked by the House on the following:

H.R. 17809, entitled "An Act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes".

Respectfully,

W. PAT JENNINGS,

Clerk, U.S. House of Representatives.

By W. RAYMOND COLLEY.

#### ANNOUNCEMENT BY THE SPEAKER OF THE SIGNING OF SUNDRY BILLS

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him by House Concurrent Resolution 775, 91st Congress, he did, on October 15, 1970, sign the following enrolled bills of the House:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.; and

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

And on Friday, October 16, 1970, sign enrolled bills of the House, and enrolled bills of the Senate, as follows:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project;

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse;

S. 2755. An act for the relief of Donal N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provi-

sion of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER OF CERTAIN APPOINTMENTS MADE SUBSEQUENT TO ADJOURNMENT

The SPEAKER. The Chair lays before the House the following announcement with respect to certain appointments made by the Speaker subsequent to adjournment, which the Clerk will read.

The Clerk read as follows:

The Chair desires to announce that pursuant to the order of the House of October 13, 1970, empowering him to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House, he did, on October 20, pursuant to the provisions of section 104(3), Public Law 91-405, appoint as members of the Commission on the Organization of the Government of the District of Columbia the following members on the part of the House: Mr. Fuqua, Florida, and Mr. Nelsen, Minnesota; and the following members from private life: Mrs. Marjorie McKenzie Lawson, District of Columbia, and Mr. John B. Duncan, District of Columbia.

And on October 26, 1970, pursuant to the provisions of section 2(a), Public Law 91-474, appoint as members of the Plymouth-Provincetown Celebration Commission the following Members on the part of the House: Mr. Donohue, Massachusetts; Mr. Burke, Massachusetts; Mr. Keith, Massachusetts, and Mr. Conte, Massachusetts.

#### PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF MISSISSIPPI SIOUX INDIANS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359 to 363, and for other purposes, with a Senate amendment thereto, and to disagree to the Senate amendment.

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

There was no objection.

#### PERMISSION FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE PART II OF A REPORT ON H.R. 18782, TO REORGANIZE THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may file part

II of a report on H.R. 18782, to reorganize the Government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioners of the District of Columbia and the District of Columbia Council, and for other purposes.

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

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 17970, DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION APPROPRIATIONS, 1970

Mr. SIKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees, Messrs. SIKES, McFALL, PATTEN, LONG of Maryland, MAHON, CEDERBERG, JONAS, TALCOTT and BOW.

#### SYMPATHY TO PEOPLE OF PAKISTAN

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 1260.

The Clerk read the resolution as follows:

H. Res. 1260

Whereas the people of Pakistan suffered a devastating blow as a result of the cyclone and tidal waves on November 13, 1970; and

Whereas the cyclone and tidal waves caused the loss of thousands of lives and the destruction and devastation of many towns and villages rendering homeless and destitute many thousands of people; and

Whereas the Government and people of the United States in their compassion and sympathy can be expected to open their hearts and material resources to the needs of the people of Pakistan in their tragic hour of bereavement and suffering: Therefore, be it

*Resolved*, That the House of Representatives extends its deepest sympathy to the President and the people of Pakistan in this dark hour of their suffering and distress.

Sec. 2. Copies of the present resolution shall be distributed through appropriate channels to the President of Pakistan.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### SYMPATHY TO PEOPLE OF PAKISTAN

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

Mr. SIKES. Mr. Speaker, House Resolution 1260, which is sponsored by the majority leader, the distinguished gen-

tleman from Oklahoma (Mr. ALBERT); by the minority leader, the distinguished gentleman from Michigan (Mr. GERALD R. FORD), and myself, expresses the very genuine interest and sympathy of the House of Representatives and of the American people for our good friends in the Republic of Pakistan who have suffered so grievously in the disaster which has recently struck their country. The great heart of the people of the United States and the sympathy of our Government historically have gone out to those of whatever nation which suffered from tragedy, and our long friendship with Pakistan deepens our interest and sympathy.

The people of Pakistan have suffered a very devastating blow as the result of a cyclone and tidal wave, which many claim has cost as many as 100,000 lives and which has caused incomparable suffering and done untold damage.

Therefore, Mr. Speaker, I feel it very appropriate that the House of Representatives go on record today to express its sympathy and understanding to those who have been so adversely affected. I am confident that our Government through its appropriate agencies will speedily take steps to demonstrate further our country's interest to the Government of Pakistan and our desire as a nation to be of help to the people of that country.

#### ECONOMIC CONDITIONS DEMAND MORE RAPID ROLLBACK OF INTEREST RATES

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

Mr. PATMAN. Mr. Speaker, last week, the Federal Reserve System and the commercial banks announced one-quarter of 1-percent decreases in interest rates.

On Tuesday, the Federal Reserve cut the discount rate from 6 to 5¾ percent. Two days later, the big banks in New York and other places across the country lowered the prime rate from 7½ to 7¼ percent.

Mr. Speaker, I welcome these decreases, but they are much too small to have real meaning in this economy. We are faced with rising unemployment and a generally deteriorating economy and we need bolder steps if we are to reverse the trend.

A one-quarter of 1-percent decrease in interest rates will not filter down to the consumer, the farmer, the small businessman and others who really are hurt by high interest rates and tight money. We need a dramatic rollback of interest rates if we are to put the jobless back to work and if we are to stabilize the economy.

The Federal Reserve must also consider a sharp increase in the money supply as well as a further reduction of the discount rate. The big banks should lower the prime rate to 6 percent and start making loans to credit-starved sectors of the economy. The President and his economic advisers must step forward and use moral suasion to encourage such steps.

#### A 4-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

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

Mr. HOWARD. Mr. Speaker, today we are pleased to welcome back the Members of Congress after a long, expensive, and time-consuming campaign; and after much too long an absence from the important matters facing the Congress which affect the people of this Nation.

I believe it appropriate at this time to suggest that it would be much better if we did not have to contemplate running for reelection again until 1974. This would better enable us to meet the needs of the Nation, and our constituents.

Mr. Speaker, our people are asking why we have not made provision to provide them with our full attention to their needs. I will, therefore, introduce legislation to this effect at the beginning of the new Congress. If it appears that no hearings will be held on the subject, I will then file a discharge petition to bring the matter to the floor for our consideration.

Mr. Speaker, I do not believe this is a question of the people giving the Members of the House of Representatives a 4-year term, but rather, the Members of the House giving the people at least 3 years of undivided attention. The problems that face the Nation in these complicated and difficult times deserve no less than our full and undivided attention, and they make a 2-year term of office inadequate to meet these needs.

#### THE DEMAGOGUERY OF REPRESENTATIVE WRIGHT PATMAN

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

Mr. WILLIAMS. Mr. Speaker, the final prelection weekend brought false news reports that the Bank Political Action Committee made bipartisan contributions to several congressional incumbents, including myself and 20 others of the 35-member Banking and Currency Committee.

It was shocking that journalism possessed persons content with printing such a report without checking its accuracy with the Congressmen named and affected. It was more shocking that Banking and Currency Committee chairman, WRIGHT PATMAN, had demanded a Justice Department investigation and was quoted as charging that the alleged contributions were intended "to weaken the holding company bill."

It is a dark shadow on the U.S. House of Representatives that our colleague from Texas, Mr. WRIGHT PATMAN, would seek headlines through such demagoguery as failing to check facts with such colleagues as those named in the Bank Political Action Committee's contribution report; colleagues including Congresswoman LEONOR SULLIVAN, third-ranking Democrat on Mr. PATMAN'S committee.

We have enough people sniping at

Congress and attempting to embarrass its Members without their efforts being aided and abetted by the irresponsible conduct of a colleague.

Today, more than 3 weeks after the original false report, I still have received no contribution from the Bank Political Action Committee; and I have received an apology from a member of the American Bankers Association who has stated that I have never been contacted by, nor been sent a contribution from, the Bank Political Action Committee.

Meanwhile, I have filed with Chairman THOMAS P. O'NEILL, JR., of the Special Committee to Investigate Campaign Expenditures, my formal complaint and demand for a full investigation and report. I am particularly concerned over the legislative loophole which permits false statements filed with the Clerk of the House to be hurled, sans verification, into the public domain.

#### TRADE LEGISLATION NOW A MUST

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

Mr. WYMAN. Mr. Speaker, this lame duck session of Congress is a great opportunity to respond to public demand that we pass laws to help people where it counts—with their take-home pay. We should waste no time doing just this, and the first meaningful opportunity will come this week when the trade bill is on the floor day after tomorrow.

The jobs of thousands upon thousands of American working men and women depend on the prompt passage of this legislation. The survival of dozens of employers is in the same boat.

It is important that it be clearly understood that the passage of this legislation will neither raise consumer prices at home nor result in retaliation from abroad. Both of these bogeymen are the creatures of invention of devotees of free trade. This is because the Mills bill is a quota bill, not a tariff bill—and because the President is authorized by the legislation to negotiate a voluntary agreement with foreign nations on the subject of imports into the United States, which if consummated neutralizes the bill which does not, in that event, take effect by its own terms.

True, this may result in a lowering of planned imports into U.S. markets, but it will not shut off imports nor will it close bargain counters. The alternative is unrestricted "dumping" of goods made at virtual "slave labor" wages to compete with American made products on an ever-increasing scale at the expense of the livelihood of tens of thousands of Americans. This the Congress cannot and must not tolerate, for we have been considered "saps" for not having enacted such a law long ago. I urge prompt passage of the Mills bill and its signing into law by the President.

#### EXORBITANT CRUDE OIL PRICE INCREASE

(Mr. BOLAND asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, the exorbitant crude oil price increase by two major American oil companies will force New Englanders to bear an unconscionable cost this winter for vitally needed fuel oil and gasoline.

The 25 cents a barrel price hike announced by Gulf Oil Corp. and Atlantic Richfield Co. last week for crude oil comes on top of a 15 cents a barrel price rise last year by domestic oil companies.

This 40 cents a barrel increase has forced crude oil prices from \$2.95 to \$3.35 a barrel in less than 2 years. The Government should be as alarmed as the New England consumer who is bearing the burden of this excessive cost.

While I applaud the administration's proposed investigation of the latest crude oil price increase, I hope that it will not be merely perfunctory, but sweeping enough to produce solid recommendations to force down the cost of domestically produced oil.

Price reductions can be accomplished by liberalizing the oil import quotas to allow more foreign crude oil into this country.

Along with other Members of the Massachusetts congressional delegation, I have been urging an investigation of oil price increases and pressing for a relaxation of the oil import quotas.

#### CONSENT CALENDAR

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

#### U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, concerning U.S. participation in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. 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 Iowa? There was no objection.

#### RELEASING CONDITIONS IN A DEED WITH RESPECT TO LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

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.

#### PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

The Clerk called the Joint Resolution (H.J. Res. 1077) to amend the joint reso-

lution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

There being no objection, the Clerk read the joint resolution as follows:

H.J. RES. 1077

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 80-794, Eightieth Congress, approved June 28, 1948, is amended by striking out "\$5,000" and inserting in lieu thereof "\$15,000" in section 2(a).*

The joint resolution 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.

#### STATE OF HAWAII

The Clerk called the bill (H.R. 14684) for the relief of the State of Hawaii.

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

H.R. 14684

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

SECTION 1. Notwithstanding any prior judgment and notwithstanding the limitations of section 5 of the Suits in Admiralty Act (41 Stat. 525, 526; 46 U.S.C. 745) or any other statute of limitations, lapse of time, or bars of laches, jurisdiction is hereby conferred on the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claim of the State of Hawaii against the United States for damages to the State pier in Kewalo Basin, Honolulu, Hawaii, allegedly caused by the United States Bureau of Commercial Fisheries' vessel, the motor vessel Townsend Cromwell, on or about January 15, 1964.

SEC. 2. The jurisdiction conferred by section 1 shall be withdrawn unless suit on the claim is instituted within one year after the date of enactment of this Act. Except as otherwise provided in this Act, the determination of such claim, and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under the Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (62 Stat. 496; 46 U.S.C. 740).

SEC. 3. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States.

Mr. MATSUNAGA. Mr. Speaker, as the introducer of H.R. 14684, I rise in support of the pending bill. This legislation would simply remove the bar of the applicable statute of limitations to permit the State of Hawaii to bring a suit in admiralty against the United States for damages to a State pier caused by a U.S. vessel in 1964.

On or about January 15, 1964, at approximately 2 o'clock in the afternoon, the *Townsend Cromwell*, a vessel operated by the Bureau of Commercial Fisheries, was approaching its mooring space in Kewalo Basin, Honolulu, Hawaii, when a failure occurred in its propulsion system. Because of this breakdown, the *Townsend Cromwell* was unable to check its headway and collided with another U.S. vessel which was docked alongside the State-owned pier, forcing that vessel into the adjacent concrete

catwalk. The collision caused the catwalk, property of the State of Hawaii, to collapse. The catwalk was damaged beyond economical repair and, because the resultant debris constituted a menace to navigation, it was completely removed following the incident.

In the ensuing meetings regarding the filing of a claim against the Bureau of Commercial Fisheries, officials in the Harbors division of the State department of transportation were informed by the Federal agency that the State claim could be administratively settled under the Federal Tort Claims Act. On September 17, 1965, relying upon such representations of the Bureau of Commercial Fisheries, the Harbors division of the State department of transportation filed an administrative claim for \$6,597 under the Federal Tort Claims Act for the damage to and loss of the pier catwalk. The claim was prepared on standard U.S. Government form 95, entitled "Claim for Damage or Injury," which had been supplied for that purpose by the Bureau of Commercial Fisheries. The claim was filed with the Federal agency well within the 2-year period of the statute of limitations under the Federal Tort Claims Act.

Eleven months after the claim was submitted, the State of Hawaii was informed by the Solicitor's Office of the Department of Interior that the claim could not be settled under the Federal Tort Claims Act and, had the 2-year period of the statute of limitations not expired in the meantime, that it was cognizable under the Suits in Admiralty Act.

Mr. Speaker, the Department of the Interior and the Department of Justice are agreed that the State of Hawaii was misled as to its rights to assert its claim under the proper statutory authority. The Department of Justice noted in its report to the House Committee on the Judiciary that the Federal Tort Claims Act expressly claims against the United States for which a remedy is provided by the Suits in Admiralty Act.

The committee report on this bill states that the State of Hawaii was diligent in asserting its claim and should be granted the opportunity for a full and fair consideration of the claim. It should be noted that the proposed legislation, besides waiving the applicable limitations of the Suits in Admiralty Act and any bar of laches, also specifically provides that nothing therein shall be construed as an inference or admission of liability on the part of the United States.

Mr. Speaker, I strongly urge that this bill be passed unanimously.

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.

#### RELATING TO STATE JURISDICTION OVER OFFENSES COMMITTED BY OR AGAINST INDIANS IN THE INDIAN COUNTRY

The Clerk called the bill (S. 902) to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country.

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

S. 902

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1162 of title 18, United States Code, is amended by deleting the following:*

"Alaska-----All Indian country within the Territory"

and inserting in lieu thereof the following:

"Alaska-----All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not yet been extended."

SEC. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: "(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction."

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

Mr. DONOHUE. Mr. Speaker, this bill would amend section 1162 of title 18, United States Code, by adding language permitting the Metlakatla Indian community on the Annette Islands in Alaska to exercise jurisdiction over minor offenses concurrent with the State of Alaska.

The Department of the Interior in its report on the bill recommended the enactment of the bill with an amendment and the bill as it passed the Senate is based on that recommendation.

A similar bill, H.R. 6782, was the subject of a subcommittee hearing before Subcommittee No. 2 of this committee on September 16, 1970. At that hearing Commissioner Louis R. Bruce, of the Bureau of Indian Affairs of the Department of the Interior, testified in support of the legislation. He pointed out that the Metlakatla community is not a part of the Alaska mainland, but is located offshore on one of the Annette Islands. He further stated that the island's location creates a serious isolation problem, resulting in the lack of adequate law and order services for members of the Indian community especially as such service relates to minor crimes.

The committee is advised that this bill, which is aimed at resolving this serious law and order problem, is sought by both the Alaska Legislature and the Metlakatla Community Council. In this connection, as is observed in the Interior Department report, the Alaska Legislature in 1968 enacted Joint Resolution No. 72 which requested that the Congress amend the 1958 law to provide the Metlakatla Indian community with concurrent criminal jurisdiction with Alaska as is provided in this bill. As has been noted, it would enable the Metlakatla Indian community of the Annette Islands Reservation in Alaska to exercise jurisdiction over minor crimes committed by members of the community on Annette Islands.

The Metlakatla Indian community was established in 1887 by a group of Indians under the leadership of a missionary, Father Duncan. Father Duncan and his group had come to Alaska at the invitation of President Cleveland and had been assured that such areas as they might choose for themselves would be set aside for their use and occupancy. The Indians chose the Annette Islands in southeast Alaska and under the act of March 3, 1891, 26 Stat. 101, 48 United States Code, section 358, the Annette Islands were "set apart as a reservation for the use of the Metlakatla Indians—and such other Alaskan Natives as may join them." This law had the legal effect of creating on the Annette Islands an Indian reservation similar to the reservations in other States of the Union. To this date, no other statutory reservation has been set up in Alaska.

The Metlakatians created a model community and a model government on the Annette Islands. They set up rules for the election of a mayor and council. They arranged for their own community to furnish governmental services, including education. They laid out their streets and planned systematically for the growth of their town. They also enforced law and order as far as misdemeanor offenses were concerned. Major offenses were the responsibility of the Federal Government.

In 1934 Congress, by enacting the Indian Reorganization Act, 48 Stat. 984, 25 United States Code, section 476, provided a system by which Indian tribes could organize themselves and could have their organization recognized under Federal law. Pursuant to that law the Metlakatla Indian community adopted a constitution and bylaws which codified its preexisting governmental structure. The constitution and bylaws were approved by the Department of the Interior on August 23, 1944, and therefore brought Metlakatla's well-established system of government within the framework of the Indian Reorganization Act. The Indian community had jurisdiction over minor criminal offenses under its federally recognized government. However, when the act of August 8, 1958, was passed giving Alaska jurisdiction over offenses by or against Indians in all Indian country within the territory of Alaska, it had the effect of eliminating the legal basis for the jurisdiction exercised by the community over minor offenses. As Commissioner Bruce stated at the hearing, enactment of the bill would reinvest the Metlakatla Community Council with local legislative authority and police powers to enforce its laws over minor criminal offenses concurrently with the State. Authority over major criminal offenses in the Indian community would remain exclusively with the State of Alaska.

It was emphasized at the hearing that while the State authorities would be required to handle major offenses under the proposed amendment just as it does now, this legislation would meet a very real need concerning a problem as to law enforcement in the community.

Metlakatla wants and needs a local police presence 24 hours a day, 365 days

a year. It needs that presence to keep minor offenders in line, whose violation of local ordinances are leading to a breakdown of order in the community. This legislation will enable the community to hire a number of local policemen who will maintain law and order and a magistrate who can quickly dispense justice. It needs to have conditions restored to where they were prior to 1958. This can be done through enactment of S. 902, which would give Metlakatla status similar to that enjoyed by the Warm Springs Indians of Oregon and the Red Lake Indians of Minnesota.

At the hearing, one of the witnesses appearing in behalf of the Indian community stated that it was not until several years had elapsed that the community became aware of this effect of the 1958 law. At the hearing, it was pointed out that had there been a recognition of the situation, an exception could have been written into the law just as was done in the case of reservations in Oregon and Minnesota. In those cases, the affected Indian reservation was given the option to continue its own law enforcement system.

I would like to point out that in the report accompanying the bill in the 85th Congress—House Report 2043, 85th Congress—which was enacted as Public Law 85-615 in 1968, the discussion centered on the fact that native villages in Alaska could be regarded as Indian country and most such villages did not have machinery for enforcing law and order. As is obvious from the history I have outlined, this was not the case as to Metlakatla. It is apparent that this community which had been operating a perfectly satisfactory law enforcement system for over half a century was simply forgotten. The committee was advised that none of the officers of the Metlakatla Indian community were contacted before enactment of Public Law 85-615 concerning the proposed law. Strangely enough, neither the territorial nor the Federal Government notified Metlakatla after enactment of the new statute to inform the community that its court and police had lost their authority to function. In the mid-sixties, when this fact became known, the community discontinued its practice of employing a magistrate and police. It tried to make arrangements with the State of Alaska for the enforcement of law and order on the Annette Islands and also began to pursue seriously the possibility of getting the law amended so as to have local jurisdiction restored to it.

The bill S. 902 incorporates, in substance, the language recommended by the Department of the Interior. This language will make it possible for the Metlakatla Indian community to exercise jurisdiction over minor offenses while the State of Alaska will continue to have concurrent jurisdiction. I would like to note that the Senate bill also provides for a clarifying amendment to subsection (c) of section 1162 of title 18. The existing language provides an exception which states that the provisions of section 1152 and 1153 of title 18 having to do with

certain crimes are not to be applicable within areas of Indian country listed in subsection (a). The clarifying amendment is that the areas referred to are those "over which the several States have exclusive jurisdiction." We have discussed this language with the Senate and we are satisfied that the language does not change the intent of the existing language of subsection (c), but merely clarifies its meaning. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). We understand from the Senate that it was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under State jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The additional language is not intended to have any bearing on actual or potential arrangements between States and the tribes with respect to the allocation of law enforcement responsibility between them nor to affect whatever inherent jurisdiction particular tribes may have retained.

This legislation provides for a practical and realistic resolution of the problems faced by this community in connection with minor criminal offenses within that community. It is recommended that the bill be considered favorably.

Mr. Speaker, I include at this point in my remarks two letters addressed to the chairman of the Committee on the Judiciary concerning S. 902, which I believe supply helpful comments on the purport of the legislation. The first, dated October 14, is a joint communication signed by Senators ERVIN, STEVENS, and GRAVEL; the second, dated November 10, was submitted by the Assistant Secretary, Department of the Interior.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C., October 14, 1970.

HON. EMANUEL CELLER,  
Chairman, House Judiciary Committee, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that the Department of the Interior has raised a small question over the meaning of certain words in S. 902, which is designed to permit the Metlakatla Indians of the Annette Islands to have responsibility for maintaining law and order in their own community. This question concerns the meaning of the words "as areas over which the several states have exclusive jurisdiction," in section 2 of the bill.

This phrase adds new language to 18 United States Code 1162(c), which excludes the application of federal criminal provisions, sections 1152 and 1153, from those areas over which the states have jurisdiction. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). It was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under state jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The additional language is not intended to have any bearing on actual or potential arrangements between states and the tribes with respect to the allocation of law enforcement responsibility between them.

While the additional language is perhaps unnecessary, it was added for purposes of clarity. We believe it would be more confusing if the words were deleted at this late

date in the legislative process. We hope that this letter of explanation will obviate any problems which might further delay the passage of the bill.

With best regards,

TED STEVENS, Senator.  
MIKE GRAVEL, Senator.  
SAM J. ERVIN, Jr.,

Chairman, Subcommittee on Constitutional Rights.

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, D.C., November 10, 1970.

HON. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: On June 2, 1970, this Department's report on H.R. 6782, a bill "To amend the law with respect to criminal jurisdiction on the Annette Island Indian Reservation" was forwarded to your Committee. On the same date an identical report was sent to the Senate Judiciary Committee on S. 902, a companion bill.

Both reports recommended that the legislation be amended by deleting all the language after the semicolon on line 5 of the Senate bill and line 6 of the House bill and substituting in lieu thereof the following:

"Alaska-----All Indian country within the State, except that on the Annette Island the Metlakatla Indian Community may exercise jurisdiction over the offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended and subject to the provisions of Title II of the Act of April 11, 1968."

Your Subcommittee No. 2 held hearings on H.R. 6782 on September 16, 1970.

On September 18, 1970, the Senate passed S. 902 with the Department's amendment, except that the last clause of that amendment, "and subject to the provisions of Title II of the Act of April 11, 1968," was deleted by the Senate Judiciary Committee as being redundant. It was the opinion of the Committee and the Senate that the phrase, "... in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended," and the wording of the Act of April 11, 1968, itself, would subject the Metlakatla Indian Community to the provisions of that Act.

We are inclined to agree with that interpretation and would have no objection to House passage of the Senate modification of the Department's recommended amendment.

We also note that S. 902 as passed by the Senate contains a Section 2 which was not included in H.R. 6782 and which reads:

"Sec. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: '(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction.'"

The italicized language is new. It is not discussed in the reports on the bill submitted by this Department and by the Department of Justice, nor in the reports of the House and Senate Committees on the Judiciary, nor in any of the testimony, floor action, or elsewhere in the background of the Senate passage or House Committee consideration of S. 902. This Department's report had, at least inferentially, recommended that Section 2 be deleted from the bill.

As a result of discussions between representatives of this Department and the staffs of your committee and the corresponding Senate Committee, a letter was addressed to you on October 14, 1970, by Senators Ervin, Stevens and Gravel, the principal sponsors and managers of S. 902. The letter explains

that the new language of 18 U.S.C. § 1162(c) which would be added by Section 2 of S. 902 was descriptive only, and was not intended to change the meaning of § 1162(c) "nor to have any bearing on actual or potential arrangements between states and the tribes which respect to the allocation of law enforcement responsibility between them."

With this understanding, which we interpret to mean that the amendatory language will have no effect on whatever inherent jurisdiction particular Indian tribes may have retained in states which were given or have assumed jurisdiction pursuant to the Act of August 8, 1958, 72 Stat. 545, as amended and supplemented by Title II of the Act of April 11, 1968, 82 Stat. 77, we would not object to House passage of S. 902.

We believe, however, that this construction would be enhanced and strengthened by a supplemental committee report and an appropriate explanation on the floor of the House and its inclusion in the *Record*, and we recommend that this be done. Although such a course is perhaps not as persuasive as explanations which might have been included earlier in the legislative process, we believe it is important to do all that can be done to support our interpretation of the language by expressions of contemporary understanding by the Congress.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,  
Assistant Secretary of the Interior.

Mr. POLLOCK. Mr. Speaker, I rise in strong support of S. 902, to permit the Metlakatla Indian community of southeastern Alaska to exercise concurrent jurisdiction with the State of Alaska over minor criminal offenses committed on the Annette Islands Indian Reservation.

Since 1958, the State of Alaska has been responsible for providing law and order services on the Annette Islands. Before that date, the Metlakatla Community Council was invested with local legislative and police authority to enact and enforce laws respecting minor criminal offenses. However, in 1958, the community council's jurisdiction over petty offenses was transferred to the State through an oversight in the enactment of Public Law 85-615, which extended State criminal jurisdiction to all of the "Indian country" previously governed by territorial law.

As a result of this transfer of authority, a serious law and order problem has developed on Metlakatla. The community is not a part of the Alaska mainland, but is located offshore of one of the Annette Islands. The isolation of this island from the Alaska mainland has made it extremely difficult for the State to provide the law and order services necessary to deter and punish minor criminal offenders. As a consequence, the incidence of simple assaults, curfew violations, disorderly conduct, and violations of the liquor laws has greatly increased in recent years.

To combat the rising crime rate, the Metlakatla Community Council has made certain stop-gap arrangements. However, these measures have been only partially effective, and the people of Metlakatla justifiably feel that the only way to restore a proper atmosphere of law and order on the reservation is to reinvest the community council with con-

current jurisdiction over minor crimes. In 1968, this view was endorsed by the Alaska State legislature, which enacted a joint resolution pointing out that the limited manpower of the State police severely restricts the ability of this organization "to deal effectively with minor criminal offenses in the somewhat isolated community of Metlakatla" and calling for the Congress to amend Public Law 85-615 to give Metlakatla concurrent jurisdiction over minor crimes. The necessity for legislation altering the present law and order situation on Metlakatla has also been recognized by the Department of the Interior, which has recommended the enactment of S. 902 and by Alaskan Senators STEVENS and GRAVEL, both of whom co-sponsored this legislation.

Mr. Speaker, one of the chief characteristics of civilized society is the ability to provide a proper atmosphere of law and order. The State of Alaska has maintained such an atmosphere with respect to major crimes committed on Metlakatla; however, because of the factors enumerated above, the State has encountered severe difficulties in deterring and punishing minor offenders. For many years, the community of Metlakatla, which has a long and outstanding tradition of efficient and responsible local government, performed this law and order function for itself. The community now asks that it be reinvested with the authority to punish minor crimes, an authority which it exercised with wisdom and with excellent results prior to 1958. As my introduction of a bill similar to S. 902 indicates, I strongly endorse Metlakatla's request and respectfully ask you, my distinguished colleagues, to act favorably on the legislation to accomplish this worthy purpose.

I should add in closing that, according to the Interior Department report, the enactment of S. 902 will not generate any immediate need for Federal monetary assistance since prior to 1958, Metlakatla was able to finance its law and order program exclusively from local funds.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C., October 14, 1970.

HON. EMANUEL CELLER,  
Chairman, House Judiciary Committee,  
Rayburn Building,  
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that the Department of the Interior has raised a small question over the meaning of certain words in S. 902, which is designed to permit the Metlakatla Indians of the Annette Islands to have responsibility for maintaining law and order in their own community. This question concerns the meaning of the words "as areas over which the several states have exclusive jurisdiction," in section 2 of the bill.

This phrase adds new language to 18 United States Code 1162(c), which excludes the application of federal criminal provisions, sections 1152 and 1153, from those areas over which the states have jurisdiction. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). It was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under state jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The

additional language is not intended to have any bearing on actual or potential arrangements between states and the tribes with respect to the allocation of law enforcement responsibility between them.

While the additional language is perhaps unnecessary, it was added for purposes of clarity. We believe it would be more confusing if the words were deleted at this late date in the legislative process. We hope that this letter of explanation will obviate any problems which might further delay the passage of the bill.

With best regards.

MIKE GRAVEL,

Senator.

SAM J. ERVIN, Jr.,

Chairman, Subcommittee on  
Constitutional Rights.

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.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a real pleasure to welcome to the U.S. Congress, Congressman JOHN WARE of the Ninth Congressional District of the Commonwealth of Pennsylvania.

JOHN WARE has been an outstanding Pennsylvania citizen, as well as one of the civic leaders of his congressional district. The success of JOHN WARE in being elected to Congress in the election of Tuesday, November 3, 1970, is well merited and shows in what high regard the people of his district hold JOHN WARE.

JOHN WARE served as mayor of Oxford, Pa., for 4 years. In 1960 he was elected to the Senate of the Commonwealth of Pennsylvania where he has served the people of his district until his election to the U.S. Congress. JOHN WARE has also served on the executive committee of the Pennsylvania Republican State Committee and the Republican National Finance Committee.

Married, and the father of four children, JOHN WARE has long been active in the Boy Scouts, serving as a representative to the National Council. In addition, he has served as chairman of the Coatesville YMCA. He serves as a trustee of West Nottingham Academy, Lincoln University, Pennsylvania College of Optometry, and the University of Pennsylvania.

JOHN WARE will certainly be an outstanding addition to the Pennsylvania delegation and to the U.S. Congress.

The SPEAKER. This concludes the call of the Consent Calendar.

amended as follows: Strike "\$75" and insert in lieu thereof "\$100".

Sec. 2. Subsection (a) of section 105 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975d(a)), as amended, is further amended as follows: Strike "\$75" and insert in lieu thereof "\$100".

Sec. 3. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e), as amended, is further amended to read as follows:

"Sec. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, the sum of \$3,400,000, and for each fiscal year thereafter until January 31, 1973, the sum of \$3,400,000."

Sec. 4. Subsection (e) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 249) is amended by inserting the following after the last period: "If a report of the Commission tends to defame, degrade or incriminate any person, then the report shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report. Each person so defamed, degraded or incriminated in such report may file with the Commission a verified answer to the report not later than twenty days after service of the report upon him. Upon a showing of good cause, the Commission may grant the person an extension of time within which to file such answer. Each answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report. Such answer shall be published as an appendix to the report. The right to answer within these time limitations and to have the answer annexed to the Commission report shall be limited only by the Commission's power to except from the answer such matter as it determines has been inserted scandalously, prejudicially or unnecessarily."

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered. There was no objection.

#### CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 348]

Abbitt	Coughlin	Green, Oreg.
Abernethy	Crane	Halpern
Adams	de la Garza	Hansen, Idaho
Anderson, Ill.	Delaney	Hansen, Wash.
Annunzio	Dellenback	Harsha
Ashbrook	Dent	Hastings
Aspinall	Devine	Hays
Barrett	Dowdy	Hébert
Bell, Calif.	Edmondson	Helstoski
Berry	Eilberg	Henderson
Biaggi	Erlenborn	Hollifield
Blatnik	Fallon	Hosmer
Brock	Farbstein	Jones, Ala.
Brown, Mich.	Feighan	Jones, N.C.
Brown, Ohio	Flowers	Jones, Tenn.
Button	Fraser	Karth
Camp	Fulton, Tenn.	Kuykendall
Carey	Gallagher	Landgrebe
Clark	Gialmo	Landrum
Clawson, Del.	Gilbert	Langen
Clay	Goldwater	Lloyd
Colmer	Goodling	Lukens

McClory	Mills	Reid, N.Y.
McClure	Minshall	Rivers
McDade	Montgomery	Rodino
McDonald,	Murphy, Ill.	Roudebush
Mich.	Obey	Ruppe
McEwen	O'Neal, Ga.	Sandman
McKneally	Ottinger	Skubitz
Macdonald,	Pepper	Smith, N.Y.
Mass.	Pettis	Springer
MacGregor	Pickle	Stanton
Madden	Poage	Stuckey
Mann	Podell	Teague, Calif.
May	Powell	Thomson, Wis.
Mayne	Price, Tex.	Whalley
Melcher	Rurcell	Wilson, Bob
Miller, Calif.	Railsback	Wold

The SPEAKER. On this rollcall 321 Members have answered to their name, a quorum.

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

#### RESIGNATION FROM SELECT COMMITTEE ON CRIME

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,

November 4, 1970.

HON. JOHN W. McCORMACK,  
Speaker of the House of Representatives, U.S.  
Capitol, Washington, D.C.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Crime, effective today, November 4, 1970.

I am grateful for the privilege which has been mine in serving as a member of this committee since its establishment in the early days of the present Congress. This has been a most rewarding experience and an honor which I shall always cherish.

Sincerely,

ALBERT WATSON,  
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted. There was no objection.

#### APPOINTMENT TO SELECT COMMITTEE ON CRIME

The SPEAKER. Pursuant to the provisions of House Resolution 17, 91st Congress, the Chair appoints as a member of the select committee to conduct an investigation and study of all aspects of crime in the United States, the gentleman from Kansas, Mr. WINN, to fill the existing vacancy thereon.

#### MESSAGE FROM THE PRESIDENT

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

#### AUTHORIZING APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. CELLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill S. 2455 increases the annual authorization for the Commission on Civil Rights from \$2,650,000 to \$3,400,000—a total of \$750,000. It increases per diem amounts payable to Commission members and consultants—from \$75 to \$100, levels now current

#### AUTHORIZING APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2455) to authorize appropriations for the Civil Rights Commission, and for other purposes.

The Clerk read as follows:

S. 2455

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

SECTION 1. Subsection (a) of section 103 of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C. 1975b(a)), as amended, is further

throughout Government—\$100 a day is the uniform rate paid all commissioners on the various boards appointed by the President—and requires the Commission to publish as an appendix to its reports a verified answer submitted by any person whom such report tends to defame, degrade, or incriminate.

The Department of Justice has indicated its support for the legislation, in fact the Department favors the elimination of any statutory ceiling on appropriations.

In 1967 when the term of the Commission on Civil Rights was extended 5 years until January 31, 1973, a Senate amendment engrafted a \$2,650,000 ceiling on annual appropriations. This figure matched the fiscal 1968 appropriations of the Commission and was intended to limit the future activities of the Commission to the level of its 1968 operations. The statutory ceiling has been inadequate. Inadequate considering the importance of the work of the Commission, this Commission has painstakingly and effectively functioned figuratively, it is a small key that opens a large door.

The Commission has had to absorb Federal salary increases, increases for housekeeping services charged by the General Services Administration as well as other inflationary costs from its operating budget. The primary objective of the instant measure is to increase by \$750,000 per annum the Commission's annual authorization and thereby enable it to function at its 1968 operating level. It should be emphasized that this Congress has already appropriated \$3.2 million for fiscal 1971 for the Commission on Civil Rights, Public Law 91-472. This appropriation conforms with the administration's budget request and reflects a waiver by both Houses of Congress of the present statutory ceiling.

S. 2455 is reported by the Committee on the Judiciary without amendment. The measure incorporates a provision added on the floor of the Senate to require the Commission to publish as an appendix to its report a verified answer by any person whom the report tends to defame, degrade, or incriminate. This amendment amplifies section 102(e) of the Commission's enabling statute that outlines the rules of procedure applicable to Commission hearings. These provisions are described in detail in the Committee's report (H. Rept. No. 91-1339 at pp. 2-3). The committee believes that substantial rights are presently afforded by statute and Commission regulation to one who may be the subject of defamatory evidence or testimony. Existing statutory provisions appear to furnish considerable protection beyond that required by due process. In fact, it would seem that a greater degree of protection is extended by the Commission's own procedures than is present under those of any other administrative commission or legislative investigating committee. The wisdom of singling out the Commission on Civil Rights from all other legislative factfinding bodies to impose additional procedural burdens seems dubious. Nevertheless, the committee has favorably reported S. 2455 without amendment because it is convinced that the critical

financial situation of the Commission requires a prompt remedy.

As chairman of the Committee on the Judiciary I personally can testify to the valuable contributions to legislative and executive action made by the Commission on Civil Rights since its inception. Its studies, reports, and recommendations have furnished essential bases for the congressional enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and, most recently, the Extension of the Voting Rights Act of 1965.

The Civil Rights Commission is the antenna that let us see what is happening in our land anent civil rights.

It availeth us naught to pass numbers of statutes unless we know whether they are: First, being enforced properly; second, whether they should be amended or even repealed; and third, whether additional statutes are required.

Statutes are mere rhetoric without action. Statutes unenforced are as useless as an anvil without a hammer. That is why this Commission, properly financed, is so essential.

The following list sets forth the major reports and studies prepared by the Commission during the period 1957-70:

U.S. COMMISSION ON CIVIL RIGHTS, MAJOR REPORTS AND STUDIES—1957-1970

*Report of the United States Commission on Civil Rights 1959.* The first report of the Commission which made recommendations in the areas of voting, public education, housing and civil rights from a whole perspective.

*Equal Protection of the Laws in Public Higher Education, 1960.* A study of segregation and discrimination in Southern Colleges and Universities and in Northern and Western States.

*Report of the Commission on Civil Rights 1961:*

*Volume 1. Voting.* A descriptive review of civil rights in voting, status of the right to vote in eight Southern States, Federal legislation and litigation, statistics of nonvoting, gerrymandering and malapportionment, and staff report on *Civil Rights in Black Belt Counties.*

*Volume 2. Education.* Discusses Supreme Court opinions, compliance with the law of desegregation, desegregation in the South, school segregation in the North and West, problems of desegregation in schools and programs to overcome them, Southern libraries, the role of the Executive Branch. Includes findings, recommendations. Appendix tables, exhibits and selected bibliography.

*Volume 3. Employment.* Discusses emergence of Federal employment policy, Government as employer and creator of employment, training and placement services, and impact of unions on employment.

*Volume 4. Housing.* Discusses the nature and law of housing discrimination, emergence of a Federal housing policy, Federal supervision of mortgage lenders and assistance to home finance, urban renewal, other Federal programs, and State and local action.

*Volume 5. Justice.* Discusses unlawful police violence, vigilante violence, Federal criminal sanctions, State and local remedies, and jury exclusion. Includes staff report on status of American Indians.

*Interim Report of the U.S. Commission on Civil Rights, 1963.* Contains reports of allegations of denials of constitutional rights in Mississippi since October 1962 through May 1963.

*Civil Rights 1963.* Contains sections on voting, education, employment, housing, administration of justice, health facilities and

services, civil rights problems in urban areas, the Negro in the armed forces, and the Commission's State Advisory Committees. Includes statistics, findings, recommendations, and a table showing legislative action taken on Commission recommendations.

*Freedom to the Free/Century of Emancipation, 1963.* Places recent developments of civil rights within their historical context. Covers the progress of the Negro in America from the early days of slavery through the Civil War and the Reconstruction Period to 1963. Bibliography and table of cases are appended.

*Equal Opportunity in Farm Programs, 1965.* Appraises the services of the U.S. Department of Agriculture through the Cooperative Extension Service, the Farmers Home Administration, the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service emphasizing the problems of rural Negro families in respect to these programs. Includes findings and recommendations.

*Voting in Mississippi, 1965.* Analyzes findings of 1964 Commission field investigations and a Commission hearing in Mississippi in 1965. Recommends Federal voting legislation and a program to encourage all persons to exercise their constitutional right to vote.

*Law Enforcement: A Report on Equal Protection in the South, 1965.* Presents information on local law enforcement practices and procedures as they relate to Negroes and civil rights advocates in selected Southern communities gathered during Commission field investigations in four Southern States and a public hearing in Mississippi in 1965. Includes recommendations for enactment of new Federal criminal and civil legislation to protect individuals exercising constitutionally protected rights and for revision of Federal policy on the use of Federal law enforcement officers.

*The Voting Rights Act of 1965: The First Months.* Appraises the early effects of the Voting Rights Act of 1965 primarily in States in which Federal examiners have been stationed. Evaluates the administration of the Act by the Department of Justice and the Civil Service Commission. Includes recommendations.

*Survey of School Desegregation in the Southern and Border States, 1965-66.* Surveys status of school desegregation in 17 States which, prior to 1954, legally maintained dual, racially segregated school systems. Appraises degree of school desegregation achieved in these States since the passage of the Civil Rights Act of 1964. Examines the role of the Federal Government in assuring compliance with Title VI of the Act and recommends revision of Title VI guidelines by the U.S. Office of Education.

*Title VI . . . One Year After, 1965.* Evaluates the first year of operation of Title VI of the Civil Rights Act of 1964 as it relates to health and welfare services in selected communities in the South. Examines the role of the Federal Government in assuring compliance with the Title, which requires nondiscrimination in federally assisted programs. Includes findings and recommendations.

*Children in Need, 1966.* A study of a federally assisted program of aid to needy families with children in Cleveland and Cuyahoga County, Ohio.

*Racial Isolation in the Public Schools, 1967.* A two-volume comprehensive study, prepared at the request of President Lyndon B. Johnson, covering the extent of racial isolation in the Nation's public schools, evaluating its deleterious effects on young people, and assessing existing and proposed remedies.

*Racial Isolation in the Public Schools, 1967.* Appendices to Volume 1.

*Southern School Desegregation 1966-67.* An analysis of information relating to school

desegregation of students and faculty in the Southern and border States during the 1966-67 school year.

*A Time To Listen . . . A Time To Act, 1967.* A summary of testimony given at Commission hearings and statements made at open meetings in urban centers by ghetto dwellers which provide insights into what slum residents think about government, and about American society.

*Political Participation, 1968.* A study of Negro participation in the electoral and political processes in 10 Southern States since the passage of the Voting Rights Act of 1965.

*Jobs and Civil Rights, 1969.* A study done for the Commission by the Brookings Institution on the role of the Federal Government in promoting equal employment opportunity in employment and training.

*For ALL The People . . . By ALL The People, 1969.* A report on Equal Opportunity in State and Local Government Employment.

*Federal Enforcement of School Desegregation, 1969.* A report on Federal enforcement of school desegregation in light of the July 3, 1969 statement of the Attorney General and the Secretary of Health, Education and Welfare.

*The Mexican American and the Administration of Justice in the Southwest, 1970.*

*HEW and Title VI.* A report on the development of the organization, policies, and compliance procedures of the Department of Health, Education, and Welfare under Title VI of the Civil Rights Act of 1964 (1970).

*Racism in America and How to Combat It (1970).* An essay written for the Commission by Anthony Downs, former consultant to the National Advisory Commission on Civil Disorders.

*Federal Installations and Equal Housing Opportunity (1970).* A study of the impact of site location policies of the Government on equal housing opportunity and employment opportunities for minority group persons.

*Stranger In One's Land (1970).* An account of the Commission's hearing in San Antonio on denials of equal protection of the laws affecting Mexican Americans in the Southwest.

There is a continuing need for an independent agency objectively to appraise and report on the changing status of civil rights, to assess the progress that has been made and to indicate the areas where denial of equal rights persists. S. 2455 will provide essential financial support which the Commission requires to operate over the next 2 years without a curtailment of its activities.

I urge my colleagues to support the bill.

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

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

Mr. CELLER. Mr. Speaker, I yield myself 1 additional minute in order to respond to the inquiry of the gentleman from Iowa.

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

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

Mr. GROSS. I note on page 5 of the report, near the end of the letter from the Justice Department, that the Department makes no recommendations with respect to increasing the per diem fees of consultants, or any of those on per diem basis, from \$75 to \$100. It specifically makes no recommendation in

that respect, so apparently the Department of Justice declines to go along with the committee.

Mr. CELLER. I would state to the gentleman from Iowa that the committee knows of no objection by the Department of Justice to this measure.

Mr. GROSS. But they certainly make no recommendation in support of the committee's increase of \$25 a day to consultants and others.

Mr. CELLER. The Department of Justice letter set forth on pages 4 and 5 of the committee report reads in part as follows:

The subcommittee also added to the bill provisions which would increase to \$100 from the existing \$75 limit the daily compensation which may be paid to members of the Commission . . .

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

Mr. CELLER. Mr. Speaker, I yield myself 2 additional minutes.

If I may continue:

Which may be paid to members of the Commission, who are not otherwise in the service of the Government, and the compensation which may be paid to experts or consultants. Whether or not this increase is consistent with existing fiscal practice is a question as to which the Department of Justice makes no recommendation.

So that the Department of Justice does not object; it merely makes no recommendation.

It seems to me that we should not make a fish of one and a fowl of another. All of the other commissions get a per diem of \$100. The going per diem rate for comparable services of consultants and experts is \$100 or more in the following departments and agencies: Departments of Justice, Commerce, and Housing and Urban Development, National Labor Relations Board, Equal Employment Opportunity Commission, and Office of Economic Opportunity. So it would be unfair, considering the tremendous workload of this Commission, to discriminate against it.

Mr. GROSS. If the gentleman will yield further, I am not willing to agree with the gentleman that every agency or department of the Government is permitted by law to pay \$100 a day. I am not willing to admit that all of them do so at this time. I readily admit that they are going up, but I do not believe all of them pay \$100 a day, and the fact remains that the Justice Department did not endorse this recommendation.

Mr. McCULLOCH. Mr. Speaker, will the gentleman from New York answer this question? Is it true that the administration recommends the passage of this legislation?

Mr. CELLER. There is no question about that—they do recommend the passage of this legislation.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 2455, a bill to authorize appropriations for the U.S. Commission on Civil Rights. Since its creation in 1957, the Commission has been, in my opinion, the most important independent agency within the Federal Government. Although it has a relatively small staff of 142 employees, it has done remarkable work, work which laid the foundation for monumental progress in protecting hu-

man rights through legislation. It is no coincidence that after the Commission's creation, this country witnessed a decade of unprecedented achievement, highlighted by the acts of 1960, 1964, 1965, 1968, and 1970.

Political tides ebb and flow, but this Commission remains true to its duty. It has been objective and fair. It has shown its independence, and I commend the members of the Commission for it.

The Commission is primarily a fact-finding body investigating complaints of discrimination on the basis of race, color, or national origin. It also serves as a national clearinghouse for information with respect to equal-protection violations.

The most recent report of the Commission, "The Federal Civil Rights Enforcement Effort," issued on October 12 of this year, is another example of the invaluable service performed by the Commission. The report reviews the practices of some 40 departments and agencies and concludes that Federal civil-rights enforcement is not very effective.

I was pleased to see that in response to this investigation and report, the Director of the Office of Management and Budget, George P. Shultz, has indicated that the Bureau of the Budget will require an accounting of the civil rights enforcement effort of each agency appearing before it. I believe that procedure could be of landmark importance. I applaud Director Shultz for adopting it.

S. 2455 has three purposes. First, it would authorize an appropriation of \$3.4 million for fiscal year 1970 and each fiscal year thereafter until January 31, 1973, the end of the present term of life of the Commission. Since 1967, the Commission has operated under an authorization limitation of \$2.65 million. This limitation has forced the Commission to absorb Federal pay increases and other cost increases from its operating budget. The proposed increase of \$750,000 would allow the Commission to function at its 1968 operating level.

Second, the bill would require that the Commission publish as an appendix to any report a verified answer of any person—stating the facts and the law constituting such person's reply or defense—whom the report tends to defame, degrade, or incriminate. The amendment applies only to the official reports of the Commission and not to its other publications. The procedure and practices of the Commission have already passed constitutional muster, *Hannah v. Larche*, 363 U.S. 420 (1960). Thus the amendment is made out of an abundance of caution and not to cure any alleged constitutional defects.

Third, the bill would increase the maximum amounts payable on a per diem basis to Commission members and to consultants in accordance with what is paid throughout the Government today.

I urge the passage of S. 2455. The Commission merits our support.

Mr. RYAN. Mr. Speaker, S. 2455 authorizes appropriations for the U.S. Commission on Civil Rights in the amount of \$3,400,000 for each fiscal year until January 31, 1973. Few agencies of the Federal Government so deservedly merit our fullest support.

On October 14 I spoke on the floor in praise of the Commission, upon the occasion of its publication of a monumental study of the implementation of the equal employment opportunity program within the Federal Government and by Federal contractors—"Federal Civil Rights Enforcement Effort" and my statement then is equally applicable today:

The independence, dedication, and integrity exhibited by the Civil Rights Commission and by its staff are a commendable lesson to those who feel that Government today must necessarily be unresponsive.

The Civil Rights Commission, in its 13 years of existence as an independent agency, has been guided by its commitment to equality for all Americans—a commitment which it behooves other Government agencies to demonstrate. As a member of the Judiciary Committee, I can amply confirm the committee's statement in the report on S. 2455—House Report No. 91-1339:

The Commission on Civil Rights has performed unique and valuable functions since its establishment in 1957. Its reports and recommendations have provided an essential basis for legislation and executive action undertaken during the past decade to assure equal rights. The House Committee on the Judiciary in particular has relied heavily on the outstanding and vigorous program of fact-gathering which the Commission has performed. Its contributions in connection with the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and, most recently, the extension of the Voting Rights Act of 1965, deserve special commendation.

The bill before us today increases the annual funding for the Civil Rights Commission, removing the authorization ceiling set by the 5-year extension of the Commission's life in Public Law 90-198. This ceiling was added by the Senate to a House-passed bill and was intended to limit future activities of the Commission as the House report notes, "the present to the level of the 1968 operations. But, ceiling has been inadequate." It is essential that S. 2455 be passed, in order that this ceiling be raised to a more adequate level.

There is one provision of S. 2455 which is objectionable. Section 4 was added on the Senate floor, and requires that the Commission deliver a report 30 days before making it public to any person whom the report tends to defame, degrade, or incriminate and that such a person would have 20 days to file a verified answer which would be published as an appendix to the report. This requirement is unnecessary—the protections afforded under existing law by the Commission are already adequate. Moreover, it is a requirement imposed upon no other Government agency. But more important, it opens the door to protracted delay of the Commission's work.

However, while I would rather that section 4 were not contained in S. 2455, it is the view of the Commission in its letter to the chairman of the Judiciary Committee that it can live with this provision. And the importance of increasing the funding of the Commission mandates passage of S. 2455. The U.S. Commission on Civil Rights deserves the strong support of the Congress.

Mr. RAILSBACK. Mr. Speaker, in the Civil Rights Act of 1957, Congress established the Commission on Civil Rights. Among other duties, it was given the responsibility to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."—Public Law 85-315, title I, section 104(a)(3).

The Commission has issued over 40 major reports and studies with recommendations for legislative and administrative action in the field of civil rights. The Commission has been of significant help to the Nation in terms of helping us to understand the nature of civil rights problems and in developing legislation on the subject.

The present Chairman of the Commission is Father Theodore M. Hesburgh, president of Notre Dame University, who was appointed by President Eisenhower in 1957 and has served the Commission these many eventful years.

I have observed the activities of the Commission and have seen the great benefit of their assistance in helping prepare legislation handled by the Judiciary Committee. In these days of increased awareness of and attention to the equal protection of the laws, it is comforting to have available an independent, rational, and respected agency objectively reviewing and reporting on such matters.

The legislation before us today is identical to that which was debated and passed by the Senate earlier this year. It provides an annual increase of \$750,000 but this will only bring the Commission back to its 1968 operating level. Since 1967 the Commission has operated under an authorization of \$2,650,000 and as a result has had to absorb Federal pay increases and other increased costs without a corresponding increase in its operating budget. An itemized list of these increased costs can be found at page 4 of the Judiciary Committee report—House Report 91-1339.

The bill also provides an increase in the allowable per diem for its members and consultants to bring them into line with the standard ceiling of \$100 per day now current throughout the Government.

Finally, the bill includes an amendment which was offered in the Senate by Senator McCLELLAN and was adopted by a vote of 44 to 40. The amendment provides simply that the Commission must include in any report the verified answer of any person whom the report tends to defame, degrade, or incriminate.

I support the bill before us and I support the Commission on Civil Rights and I hope that this body will, once again express its support.

Mr. CONYERS. Mr. Speaker, I view the authorization of appropriations for the Civil Rights Commission with a sense of urgency not primarily predicated on the financial needs of the Commission, but rather, founded in the realization that this Commission, although often praised as the Government's chief defender of individual rights, has actually been powerless to bring about substantive changes in the racist attitudes that continue to prevail in America. Granted,

since its inception in 1957, the Civil Rights Commission has spearheaded the American public's increased sensitivity to issues involving discrimination during the past decade, and its reports have been instrumental in assuring the passage of the enlightened civil rights legislation of that era. But, it has been seriously curtailed in its attempts to fulfill its potential as a protector of all the civil rights, as evidenced by its lack of inquiry into social problems, particularly concerning our military and prison systems, which are in need of immediate reform.

In racism we have a social ill that has driven this country to violent confrontation time and again. We have a problem that has alienated 25 million black people to the extent that they now see themselves as men and women without a country. While the total frustration of American blacks and other minority group members becomes more evident every day, and while the extent of racism in America is revealed more fully every day, we in Congress have evidently decreed that in 1968 racism reached its highest peak. We still stubbornly adhere to the belief that investigation of this increasingly volatile social evil need not extend beyond the levels established 2 years ago. Through such decisions, Congress has successfully restricted and stymied the only Commission responsible for the alleviation of this problem to the extent that the Civil Rights Commission has now been relegated to a position of near utter futility.

In carrying out these policies, we should examine what statement Congress has consequently made regarding its conception of the Nation's No. 1 domestic problem. Note that we have evidently relegated the problem of racism to a position far below that of the preservation of birds and wildlife. For in 1970, Congress allocated \$7.5 million to the Migratory Bird Conservation Account for the purpose of investigating and purchasing wildlife preservation and protection sites. An additional \$6 million in stamp revenues was also made available to this account. Compare this total of \$13.5 million with that of the Civil Rights Commission's budget request of \$3,400,000. The Migrant Bird Conservation Account had a staff of 205 permanent employees available to research the approximately 320 wildlife refuges in existence, while the Civil Rights Commission had only 142 people at its disposal to insure the civil rights of 200 million American citizens. I, too, believe in the care of our natural habitat, but not at the sacrifice of adequate protection of the rights of the public. For if our Government wishes to emphasize one aspect of our society over another, I would hope that emphasis would be placed on the side of human dignity.

I would have Congress reexamine its priorities with the intent of placing an end to racism at the head of its list. I support S. 2455 but out of a sense of resignation. If we need a Civil Rights Commission in 1970, then it ought to have no restrictions on its budget, personnel, investigative scope, or term of existence. Therefore, I am forced to conclude that

Congress insistence on retraining its restraints on the Civil Rights Commission is indicative once more of its habit of not accompanying lofty platitudes about equality with suitably lofty appropriations.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the bill S. 2455.

The question was taken.

Mr. RARICK. 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 272, nays 59, not voting 103, as follows:

[Roll No. 349]

YEAS—272

Adair	Downing	Latta
Addabbo	Dulski	Leggett
Albert	Duncan	Lloyd
Alexander	Dwyer	Long, Md.
Anderson, Calif.	Eckhardt	Lowenstein
Anderson, Tenn.	Edwards, Calif.	Lujan
Andrews, N. Dak.	Erlenborn	McCarthy
Arends	Esch	McCloskey
Ashley	Eshleman	McCulloch
Ayres	Evans, Colo.	McEwen
Beall, Md.	Evins, Tenn.	McFall
Betts	Fascell	Madden
Blester	Findley	Mailliard
Bingham	Fish	Marsh
Blanton	Foley	Martin
Boggs	Ford, Gerald R.	Mathias
Boland	Ford,	Matsumaga
Bolling	William D.	Meeds
Bow	Foreman	Melcher
Brademas	Forsythe	Meskill
Brasco	Fraser	Michel
Bray	Frelinghuysen	Mikva
Brock	Frey	Miller, Ohio
Brooks	Friedel	Minish
Broomfield	Fulton, Pa.	Mink
Brotzman	Galifianakis	Mize
Brown, Calif.	Garmatz	Mollohan
Burke, Mass.	Gaydos	Monagan
Burlison, Mo.	Gibbons	Moorhead
Burton, Calif.	Gilbert	Morgan
Burton, Utah	Gonzalez	Morse
Bush	Green, Pa.	Morton
Byrne, Pa.	Griffiths	Mosher
Byrnes, Wis.	Grover	Moss
Cabell	Gubser	Murphy, N.Y.
Carey	Gude	Myers
Carney	Hamilton	Natcher
Carter	Hanley	Nedzi
Casey	Hanna	Nelsen
Cederberg	Hansen, Idaho	Nix
Celler	Harrington	O'Hara
Chamberlain	Harvey	Olsen
Chisholm	Hathaway	O'Neill, Mass.
Clancy	Hawkins	Ottinger
Clausen, Don H.	Hechler, W. Va.	Patten
Clay	Heckler, Mass.	Pelly
Cleveland	Helstoski	Perkins
Cohelan	Hicks	Philbin
Collier	Hogan	Pickle
Collins, Ill.	Holifield	Pike
Conable	Horton	Pirnie
Conte	Howard	Poff
Conyers	Hull	Pollock
Corbett	Hungate	Preyer, N.C.
Corman	Hunt	Price, Ill.
Cowger	Hutchinson	Pryor, Ark.
Culver	Ichord	Pucinski
Cunningham	Jacobs	Quie
Daddario	Jarman	Quillen
Daniels, N.J.	Johnson, Calif.	Randall
Davis, Wis.	Johnson, Pa.	Rees
Denny	Kastenmeier	Reid, Ill.
Dennis	Kazen	Reifel
Derwinski	Kee	Reuss
Diggs	Keith	Rhodes
Dingell	King	Riegle
Donohue	Kleppe	Robison
	Kluczynski	Rogers, Colo.
	Koch	Rooney, N.Y.
	Kyl	Rooney, Pa.
	Kyros	Rosenthal

Rostenkowski	Steiger, Ariz.	Weicker
Roth	Steiger, Wis.	Whalen
Roybal	Stokes	White
Ryan	Stratton	Whitehurst
St Germain	Stubblefield	Widnall
Saylor	Sullivan	Wiggins
Schadeberg	Symington	Williams
Scheuer	Taft	Wilson,
Schneebeli	Talcott	Charles H.
Schwengel	Thompson, N.J.	Winn
Sebelius	Tiernan	Wolf
Shibley	Tunney	Wright
Shriver	Udall	Wyatt
Sisk	Ullman	Wydler
Slack	Van Deerlin	Wylie
Smith, Calif.	Vander Jagt	Wyman
Smith, Iowa	Vanik	Yates
Snyder	Vigorito	Yatron
Stafford	Waldie	Zablocki
Staggers	Wampler	Zion
Steed	Ware	Zwach
Steele	Watts	

NAYS—59

Andrews, Ala.	Fisher	Rarick
Baring	Flynt	Roberts
Belcher	Fountain	Rogers, Fla.
Bennett	Fuqua	Rousselot
Bevill	Gettys	Ruth
Blackburn	Griffin	Satterfield
Brinkley	Gross	Scherle
Broyhill, N.C.	Hagan	Schmitz
Broyhill, Va.	Haley	Scott
Buchanan	Hall	Sikes
Burke, Fla.	Hammer-	Stevens
Burleson, Tex.	schmidt	Stuckey
Caffery	Jonas	Taylor
Chappell	Jones, N.C.	Teague, Tex.
Cramer	Lennon	Thompson, Ga.
Daniel, Va.	Long, La.	Waggonner
Davis, Ga.	McMillan	Watson
Dickinson	Mizell	Whitten
Dorn	Nichols	
Edwards, Ala.	O'Konski	
Edwards, La.	Passman	

NOT VOTING—103

Abbitt	Gallagher	Millis
Abernethy	Gaiimo	Minshall
Adams	Goldwater	Montgomery
Anderson, Ill.	Goodling	Murphy, Ill.
Annunzio	Gray	Obey
Ashbrook	Green, Ore.	O'Neal, Ga.
Aspinall	Halpern	Patman
Barrett	Hansen, Wash.	Pepper
Bell, Calif.	Harsha	Pettis
Berry	Hastings	Poage
Biaggi	Hays	Podell
Blatnik	Hébert	Powell
Brown, Mich.	Henderson	Price, Tex.
Brown, Ohio	Hosmer	Purcell
Button	Jones, Ala.	Railsback
Camp	Jones, Tenn.	Reid, N.Y.
Clark	Karth	Rivers
Clawson, Del	Kuykendall	Rodino
Collins, Tex.	Landgrebe	Roe
Colmer	Landrum	Roudebush
Coughlin	Langen	Ruppe
Crane	Lukens	Sandman
de la Garza	McClory	Skubitz
Delaney	McClure	Smith, N.Y.
Dellenback	McDade	Springer
Dent	McDonald,	Stanton
Devine	Mich.	Teague, Calif.
Dowdy	McKneally	Thomson, Wis.
Edmondson	Macdonald,	Whalley
Eilberg	Mass.	Wilson, Bob
Fallon	MacGregor	Wold
Farbstein	Mahon	Young
Feighan	Mann	
Flood	May	
Flowers	Mayne	
Fulton, Tenn.	Miller, Calif.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Abbitt.
Mr. Annunzio with Mr. Anderson of Illinois.
Mr. Miller of California with Mr. Del Clawson.
Mr. Dent with Mr. Button.
Mr. Eilberg with Mr. Coughlin.
Mr. Fulton of Tennessee with Mr. Ashbrook.
Mr. Hays with Mr. Dellenback.
Mr. Pepper with Mr. Camp.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Montgomery with Mr. Crane.

Mr. Abernethy with Mr. MacGregor.
Mr. Aspinall with Mr. Devine.
Mr. Murphy of Illinois with Mr. Bell of California.

Mr. Delaney with Mr. Halpern.
Mr. Dowdy with Mr. Goodling.
Mr. Podell with Mr. Brown of Michigan.
Mr. Rivers with Mr. Kuykendall.
Mr. Purcell with Mr. Brown of Ohio.
Mr. Gaiimo with Mr. Harsha.
Mrs. Hansen of Washington with Mr. Goldwater.

Mr. Patman with Mr. Hastings.
Mr. Mills with Mr. McKneally.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Jones of Tennessee with Mr. Hosmer.
Mr. Biaggi with Mr. Langen.
Mr. Adams with Mr. Lukens.
Mr. Blatnik with Mr. McClory.
Mr. Fallon with Mr. McDade.
Mr. Feighan with Mr. McClure.
Mr. Gallagher with Mr. McDonald of Michigan.

Mrs. Green of Oregon with Mrs. May.
Mr. Mann with Mr. Mayne.
Mr. Macdonald of Massachusetts with Mr. Minshall.

Mr. Landrum with Mr. Price of Texas.
Mr. Roe with Mr. Pettis.
Mr. de la Garza with Mr. Railsback.
Mr. Gray with Mr. Springer.
Mr. Obey with Mr. Collins.
Mr. Clark with Mr. Skubitz.
Mr. Barrett with Mr. Reid of New York.
Mr. Henderson with Mr. Wold.
Mr. Karth with Mr. Stanton.
Mr. Mahon with Mr. Teague of California.
Mr. Colmer with Mr. Roudebush.
Mr. Edmondson with Mr. Smith of New York.

Mr. Flood with Mr. Thomson of Wisconsin.
Mr. Rodstein with Mr. Ruppe.
Mr. Rodino with Mr. Sandman.
Mr. Flowers with Mr. Whalley.

Mr. THOMPSON of Georgia changed his vote 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. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered. There was no objection.

FOURTH ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-407)

The SPEAKER (Mr. ALBERT) laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, was referred to the Committee on Education and Labor and ordered to be printed: *To the Congress of the United States:*

I herewith transmit the Fourth Annual Report of the National Advisory Council on Extension and Continuing Education.

This Council, established under Public Law 89-329, is required to report annually on the administration and effectiveness of the Community Service and Continuing Education Programs under

Title I of the Higher Education Act and of all federally supported extension and continuing education programs.

Although the Council's report expresses its concern over the fact that the Administration did not request any funds for the Title I program in its fiscal year 1971 budget submission, I believe it should be made clear that there is no dispute about the purpose of the program. This Administration shares the objective of solving community problems by employing the resources of our institutions of higher education.

However, there is a question as to whether the Title I program, as presently constituted, provides the most effective vehicle for achieving this purpose.

This Administration is committed to curbing the proliferation of Federal grant programs. Only through such actions can we assure that the citizens of this country actually receive the benefits promised—but too often not delivered—by our present array of Federal programs of financial assistance.

In my March 19 Message on Higher Education, I proposed to apply this principle to community services and university extension programs. I noted that "the time has come for the Federal Government to help academic communities to pursue excellence and reform in fields of their own choosing . . . and by means of their own choice."

Accordingly, I proposed that Congress establish a National Foundation for Higher Education. This Federal agency would provide funds for institutions of higher education to assist them in encouraging reform and innovation, and thereby aid them in responding more effectively to their internal and external missions.

My legislative proposal would give the Foundation authority for support of activities to achieve the purposes of the present Title I program. I believe the Foundation offers a new, creative and more promising means of developing effective programs to solve community problems than does the existing Title I program.

RICHARD NIXON.

THE WHITE HOUSE, November 16, 1970.

**EDUCATIONAL ASSISTANCE TO WIVES AND CHILDREN, AND HOME LOAN BENEFITS TO WIVES, OF MEMBERS OF ARMED FORCES MISSING IN ACTION, CAPTURED BY A HOSTILE FORCE, OR INTERNED BY A FOREIGN GOVERNMENT OR POWER**

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, as amended.

The Clerk read as follows:

S. 3785

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

1701 (a) (1) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of subclause (i) of clause (A);

(2) inserting "or" after the comma at the end of subclause (ii) of clause (A);

(3) inserting a new subclause (iii) at the end of clause (A) to read as follows:

"(iii) at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power,";

(4) striking out the word "or" at the end of clause "(B)";

(5) redesignating clause "(C)" as clause "(D)"; and

(6) inserting a new clause "(C)" to read as follows:

"(C) the wife of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or"

Sec. 2. Section 1711(b) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of paragraph (1);

(2) redesignating paragraph "(2)" as paragraph "(3)"; and

(3) inserting a new paragraph (2) to read as follows:

"(2) the parent or spouse from whom eligibility is derived based upon the provisions of section 1701(a) (1) (A) (iii) or 1701(a) (1) (C) of this title is no longer listed in one of the categories specified therein, or"; and

(4) striking out "1701(a) (1) (C)" in redesignated paragraph (3) and inserting in lieu thereof "1701(a) (1) (D)".

Sec. 3. Section 1712 of title 38, United States Code, is amended by—

(1) striking out "1701(a) (1) (B) or (C)" in subsection (b) and inserting in lieu thereof "1701(a) (1) (D)";

"(f) No person made eligible by section 1701(a) (1) (C) of this title may be afforded educational assistance under this chapter beyond eight years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

"(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a) (1) (A) (iii) or 1701(a) (1) (C) of this title shall be deducted from any entitlement to which he may subsequently become entitled under the provisions of this chapter."

Sec. 4. Section 1720(b) of title 38, United States Code, is amended by striking out "section 1701(a) (1) (B) or (C)" and inserting in lieu thereof "section 1701(a) (1) (B), (C), or (D)".

Sec. 5. (a) Section 1801(a) of title 38, United States Code, is amended by adding a new paragraph as follows:

"(3) the term 'veteran' also includes, for purposes of home loans, the wife of any member of the Armed Forces serving on active duty who is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for

a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power. The active duty of her husband shall be deemed to have been active by such wife for the purposes of this chapter. The loan eligibility of such wife under this paragraph shall be limited to one loan guaranteed or made for the acquisition of a home, and entitlement to such loan shall terminate automatically, if not used, upon receipt by such wife of official notice that her husband is no longer listed in one of the categories specified in the first sentence of this paragraph."

(b) Section 1802 of such title is amended by adding at the end thereof a new subsection as follows:

"(g) A veteran's entitlement under this chapter shall not be reduced by any entitlement used by his wife which was based upon the provisions of paragraph (3) of section 1801(a) of this title."

Sec. 6. Section 1681(b) (2) of title 38, United States Code, is amended by inserting immediately after "degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title)."

Sec. 7. Section 1683(b) of title 38, United States Code, is amended by—

(1) striking out "(b)" and inserting in lieu thereof "(b) (1)"; and

(2) adding a new paragraph (2) to read as follows:

"(2) In any month in which an eligible veteran pursuing a program of apprenticeship or a program of other on-job training falls to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b) (1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours."

Sec. 8. Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (3);

(2) striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new clause (5) to read as follows:

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining."

Sec. 9. Paragraph (1) of section 1682(c) of title 38, United States Code, is amended by inserting immediately before the last sentence thereof the following: "The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency."

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BROWN of California. Mr. Speaker, I am handling this legislation today due to the fact that the distin-

guished and able chairman of the committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE), is in the hospital undergoing certain tests which we hope will soon be completed and will permit him to resume his normal activities at an early date and to continue the role of leadership which he has always exercised in this body. I am sure that all of us who know about Mr. TEAGUE's illness wish him a full and prompt recovery, so we may have the pleasure of his insight, ability and friendship once more here in the House.

The first five sections of this bill provide for education and training assistance and home loan benefits to the wives and children of Armed Forces personnel who are missing in action, captured by a hostile force, or detained or interned by a foreign government or power. The home loan benefits would be both guaranteed and direct. These first five sections are identical in purpose as passed by the Senate on September 25, 1970.

The total number of dependents of those missing in action is approximately 1,842. Statistics on this matter are shown in the table which follows:

ARMED SERVICES MEMBERS AND THEIR DEPENDENTS WHO ARE ELIGIBLE FOR VETERANS BENEFITS UNDER S. 3785 AS OF SEPT. 14, 1970

Service	Missing in action	Captured	Detained or interned	Total
Air Force.....	543	231	3	777
Army.....	266	58	0	324
Marines.....	93	22	0	115
Navy.....	111	144	1	256
<b>Total.....</b>	<b>1,013</b>	<b>455</b>	<b>4</b>	<b>1,472</b>
<b>Wives of members:</b>				
Air Force.....	412	196	3	611
Army.....	113	20	0	133
Marines.....	42	12	0	54
Navy.....	76	99	1	176
<b>Total wives.....</b>	<b>643</b>	<b>327</b>	<b>4</b>	<b>974</b>
<b>Children of members:</b>				
Air Force.....	877	379	10	1,266
Army.....	122	38	0	160
Marines.....	82	26	0	108
Navy.....	118	232	1	351
<b>Total children.....</b>	<b>1,199</b>	<b>675</b>	<b>11</b>	<b>1,885</b>
<b>Total dependents.....</b>	<b>1,842</b>	<b>1,002</b>	<b>15</b>	<b>2,859</b>

The monthly educational benefits to which these wives and children would be entitled are those currently set forth in section 1732 of title 38, United States Code, as follows: institutional training: \$175 per month if pursued on a full-time basis; \$128 per month if pursued on a three-quarter-time basis; and \$81 per month if pursued on a half-time basis. If pursued on a less than half-time basis, the rate would be computed at the rate of the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or \$175 per month for a full-time course, whichever is the lesser. Cooperative training: \$141 per month.

This bill would authorize 36 calendar months of educational assistance with training to be completed within 8 years upon the passage of this act.

Home loans may be guaranteed up to 60 percent of the amount of the loan, but not more than \$12,500. Direct loans may

be made, within limits of available funds, by the Veterans' Administration for the purchase, construction or repair of housing in certain areas where GI loans from private lenders are not available—maximum loan generally, \$17,500, but may be as much as \$25,000 where the Administrator finds need due to higher housing costs. The current rate of interest on such loans is 8½ percent.

Sections 6, 7, and 8, introduced as H.R. 17960, exclude apprenticeship and on-the-job training from absence counting provisions for courses leading to college degrees; establishes 120 hours per month as full-time attendance for such training with proration of training allowance based upon said 120 hours; and would adopt the number of hours of the standard workweek of the training establishment as constituting a full-time program of apprenticeship or on-job training.

Section 9, which originated as H.R. 17887, would redefine "established charge" for computing educational allowance for correspondence courses by using as a basis for the charge the institution's lowest extended time payment plan as approved by the State approving agency rather than the charge before addition of interest as now defined in VA regulations.

The cost of this legislation the first year is estimated at \$6,300,000;

Sections 1 to 5, \$500,000 each year; Sections 6, 7, and 8 are set at \$1,200,000 the first year rising to \$2.8 million the fifth year;

Section 9 is estimated to cost \$4,100,000 plus \$500,000 for general operating expenses and a benefit cost rising to \$9 million in 1972.

Hearings were held on S. 3785 and related bills by the Subcommittee on Education and Training on September 29 and September 30, 1970.

Mr. Speaker, many, if not most, of the Members of Congress have expressed their deep concern over the plight of those brave American servicemen who are missing in action or held as prisoners of war in Vietnam. While the action we take on this bill today will not relieve their tragic plight, I and the members of the Committee on Veterans' Affairs feel privileged to be able to favorably report a piece of legislation which will provide direct, immediate and important benefits to the wives and children of these brave men.

I yield to the distinguished gentleman from West Virginia (Mr. HECHLER) who has demonstrated his own concern for the problems of the POWs by sponsoring legislation similar to the bill we are considering today, H.R. 19613.

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

Mr. BROWN of California. I yield to the gentleman from West Virginia, Mr. HECHLER, who is a cosponsor of a bill having similar provisions to the bill which we are considering. I know the gentleman has been very interested in the problems of the wives and dependents of prisoners of war, and he has demonstrated this by his keen interest in this legislation.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the gentleman from

California (Mr. Brown) for bringing this bill to the attention of the House.

Mr. Speaker, I trust this bill will receive the widespread and overwhelming support of the Members. I have long been working for measures to assist American prisoners of war, those missing in action, and their wives and families. I have introduced H.R. 19613, which embodies the provisions of the pending legislation which extend GI bill assistance in education and home loan benefits to the wives and families of prisoners of war and those missing in action in Vietnam.

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

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, at what point would the benefits set forth under this bill end?

Mr. BROWN of California. They would end as far as the individual recipient is concerned as soon as the missing husband returns to status under the control of the U.S. Armed Forces.

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

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 3785. This bill will authorize educational benefits for wives and children of service personnel who for at least 90 days have been missing in action or prisoners of war. It will also provide home loan benefits for this group of wives.

These benefits are similar to those already provided for widows and children of service-connected deceased veterans and wives and children of service-connected totally disabled veterans. The bill authorizes 36 months of educational assistance at \$175 per month for full-time education or training. Home loans up to 60 percent of the amount of the loan up to a maximum of \$12,500 may be guaranteed.

At the present time, there are about 1,700 U.S. servicemen listed as missing in action, captured, or interred in Southeast Asia. Hopefully, all of these men are alive. Should this be the case, of course, these benefits will terminate. Simple equity, Mr. Speaker, dictates that these benefits should be extended to these dependents who have courageously waited for some word as to whether their husbands and fathers are dead or alive.

The bill also contains provisions that relate to the existing educational benefit program. One provision will revise the measurement of full-time training for apprenticeship or other on-job training. At the present time, payments of educational allowances are not authorized for any day of absence in excess of 30 days in a 12-month period. Under the provisions of this bill, the number of hours recognized as constituting full-time training for apprenticeship or on-job training shall be the standard workweek of the training establishment, but not less than 30 hours, unless a lesser number is established through collective bargaining. However, 120 hours per month that are creditable toward the requirements of the trainee's occupational objective shall be considered full-time training for payment purposes.

Training on the job is subject to the

peculiarities of the individual establishment. There may be periods during a month when full utilization of the work force is not had, and other months when the normal work hours are exceeded. The reduction of the standard measurement of full-time apprenticeship training would permit allowances to be made for absences because of illness, weather, job conditions and other types of reduced operations. The trainee's normal progression is not adversely affected by these changes. The recognition of 120 hours as the standard monthly requirement would protect the veteran against loss of his monthly educational allowance when the establishment may be required to deviate from a higher standard workweek.

Finally, the bill will revise the present method of computing educational assistance allowances in the case of courses pursued exclusively by correspondence. Under existing law and regulation, the term "established charge" is defined as the established charge paid by nonveteran trainees before the addition of interest, or the actual cost to the veteran, whichever is lesser.

Tuition for correspondence courses is generally made either by a total lump sum payment in advance or by a downpayment with the balance payable in monthly installments. If the veteran is unable to make the lump sum payment in advance, his course of study then costs considerably more than his Veterans' Administration allowance, because the interest charges on the installment contract have not been taken into account. The bill now being considered will define "established charge" as the charge for the course determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State Approving Agency.

The principal thrust of this legislation, Mr. Speaker, is to provide a measure of assistance to the wives and children of men who are prisoners of war or are listed as missing in action. The amendments that have been added by our committee are designed to perfect the provisions of existing law. It is good legislation and I urge that it be passed.

Mr. BROOMFIELD. Mr. Speaker, the plight of our soldiers held prisoner by the North Vietnamese and the Vietcong should be of the utmost concern to all Americans. Yet, I have noticed over the past month a considerable slackening of attention on the part of citizens and legislators alike to the tragic conditions of their imprisonment. I must urge once again, Mr. Speaker, that our commitment to these brave soldiers be continually strengthened and reaffirmed.

Futile our efforts must seem in the face of the enemy's silent intransigence. Time and again, they have refused to acknowledge that our soldiers are beaten and tortured, that they are denied mail, that they are denied the barest of medical services. Time and again they have ignored the requests of humane organizations to inspect their prison facilities. Time and again they have refused to recognize the conventions of international law.

Our efforts have been substantial; our frustration has been great. I can under-

stand the Americans who have given up hope; I cannot forgive them. It is all too easy for us to despair: to say, "Yes, this is a great problem, but there is nothing we can do about it." It is all too easy for us to leave the wives and families of these men to fight alone for their freedom.

One way we can reaffirm our commitment to the captured American soldiers is by insuring the well-being of their families. The anxiety of the wives and children of these servicemen must be awful to bear, for they cannot know whether they are widows or wives, sons or orphans.

The bill before us today would ease the situation of these families by authorizing educational assistance and home loan benefits to the wives and children of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government. Previous law guaranteed educations to the children of deceased servicemen; educations they would have received had the serviceman survived. This bill would grant educational assistance and home loan benefits in cases where it has not yet been established that the serviceman is deceased or disabled and, therefore, unable to provide for his wife and children. The brave families of these soldiers deserve no less.

We must learn a lesson in courage from these men and their families, for neither have given up in the face of seemingly hopeless odds. This is the mark of a great nation just as it is the mark of a fine people: a willingness to take on the most difficult challenge. Are we too proud, too sophisticated, too hardened to scrape for even the slightest improvement, and hope for even the faintest chance of success? I think not. I believe the Republic has strengths we have not yet tapped.

Mr. Speaker, our obligation is to these fine men imprisoned in North Vietnam; we cannot leave them for lost; we cannot desert them or their families in their time of greatest need. I strongly recommend passage of this bill.

Mr. DORN. Mr. Speaker, I want to join with my distinguished and illustrious colleague, the gentleman from California (Mr. BROWN) in urging passage of this vital piece of legislation.

As the chairman of the Subcommittee on Education and Training of the Committee on Veterans' Affairs, the gentleman from California acted very promptly after the Senate passed this bill on September 25. His subcommittee was convened for the purpose of hearings on this and similar legislation 4 days thereafter. The subcommittee subsequently reported unanimously this bill and the full committee unanimously reported the bill on October 14.

We have heard much in recent months and, in fact, recent years about the plight of the wives and children of the individuals who are interned in North Vietnam. I know of no right thinking American who is not concerned about their situation and who wishes with all the strength at his command that it could be corrected, and at once. This legislation, however, is a substantial action which will permit a wife and children to get an education under the terms of the veter-

ans assistance program, similar to the GI bill which has educated millions of veterans of World War II and Korea. It also authorizes home loan benefits to wives and children of members of the Armed Forces who are missing in action on the same basis as veterans today. While there are comparatively few individuals involved, this will be of great assistance to all those coming within the purview of this act.

It is indeed important, Mr. Speaker, that the last legislative action that the gentleman from California will take before his retirement from Congress is to handle this important and valuable piece of legislation. It is a fitting climax to an important career and we shall miss the gentleman from California and his wise counsel in the field of veterans affairs. He has always conducted his hearings with the utmost fairness and has been diligent and persistent in safeguarding the veterans' interest and the dependent's interest. Anyone who has served with the gentleman wishes him extremely well.

Mr. Speaker, there has been some question raised by the Veterans' Administration about section 9 of S. 3785 as presented to the House today, and I think that the record should be very clear on this point.

The amendment added by section 9 clarifies the method for reimbursing veterans for correspondence courses. During the World War II and Korea programs, veterans were reimbursed on the basis of the established charge of the school which was interpreted to be the lowest extended time payment plan offered by the institution. The Veterans' Administration changed this provision about 2 years ago and now reimburses on the basis of the cash payment price even though less than 5 percent of the veterans actually obtaining correspondence courses make advance cash payment.

The Veterans' Administration took this action on the basis that it could not pay interest charges. Eighteen States have truth and lending laws and carrying charges for time payment plans are called interest under these laws. However, the Bureau of Internal Revenue has not recognized these charges as interest. Regardless of how they are treated, it is a charge that the veteran must pay as a part of the course, and this amendment insures that the veteran will be reimbursed for the cost of the course based on the lowest extended time payment plan.

Mr. HALPERN. Mr. Speaker, the tragic situation of the Americans missing or held prisoner in Southeast Asia and the unfortunate position of their families has been brought to the attention of this body on numerous occasions. Many of us have urged that North Vietnam think of the anguish of the families here in the United States and reconsider their refusal to provide any information about the men they hold. It would be a welcome gesture of humanity and good faith for Hanoi to give the wives and mothers of these men the simple knowledge of whether or not their sons and husbands are alive or dead. In the present circumstances, these women and

their children are unable to make plans for their future, but must wait day after day as the whim of Hanoi baits them into desperate action in the hope of learning about their men. Thus we saw many women traveling to Paris last year in the futile hope that Hanoi would give them promised information; others went to Laos, Moscow, and Sweden, also with the false lure of possible knowledge to be gained. But travel was in vain, and once again they are in the hopeless limbo of not knowing whether they are wives or widows, and with no imminent hope of learning the answer.

Mr. Speaker, this Congress, at least, can take action to ease their plight somewhat. We can supplement our speeches of sympathy by removing some of the legal restrictions placed on them in this country, making it possible for them to gain the benefits and legal rights to which they should be entitled. A significant step in this direction would be the passage of S. 3785.

At the present time, many families are unable to obtain Government loans because in cases where there is no evidence of death, the signatures of both parties are required. This restriction applies to the wives of those men missing in Southeast Asia, even though such men were lost in the course of Government service. Today, the children of missing men do not even qualify for educational benefits under the War Orphans Act, again because there is no evidence of death of the father. But some of these men have been missing for as long as 6 years, and their children may have reached the age when they desperately need such benefits in order to afford a college education. The major provisions of S. 3785 would remove these injustices by giving the families of men who have been missing for a year or more the same rights as widows or orphans. Thus they would be able to buy homes with Government loans and would be able to proceed with their education in a normal manner despite their unfortunate plight. It seems woefully unfair to force these families, who must constantly endure the mental anguish of not knowing the fate of their men, to undergo additional hardships imposed by unintentionally unjust laws, particularly when some of the missing men are undoubtedly dead or disabled.

Mr. Speaker, there is little enough that we can do to comfort these families. Hanoi appears as yet unshaken in its intransigence, unmoved by our numerous pleas and by those of leaders around the world. This bill passed the Senate on September 25, and I urge immediate passage in this body as well. Let the families know that we are sincere in our promises to do all we can to aid them and to lighten their burdens.

Mr. AYRES. Mr. Speaker, I rise in support of S. 3785. This bill, extending as it does education and home loan benefits to wives of prisoners of war and those servicemen who are missing in action and educational benefits to the children of these unfortunate servicemen, is long overdue.

The Congress, of course, has already made these benefits available to the wid-

ows and children of men who were killed in action and to the wives and children of those who were totally disabled from service-connected causes. It appears to be a logical move to extend these benefits to this deserving group of women and children who have for several years been uncertain of the fate of their husbands and fathers. The benefit, of course, would be terminated upon the release from captivity of the servicemen.

Mr. Speaker, as a member of the Education Subcommittee of the Committee on Veterans' Affairs, I am pleased to have participated in the committee's deliberations on this important subject. The bill has merit and I shall vote for it. I urge my colleagues to do the same.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of S. 3785. This bill will authorize educational benefits for the wives of children of servicemen who have been prisoners of war or missing in action for a period of 90 days or more. The bill will also extend the home loan benefits of the GI bill to the wives of these servicemen.

Mr. Speaker, I can well appreciate the plight of these wives. Many of their husbands have been missing or captured for more than 3 years, in some cases more than 4 years. This is longer than any U.S. serviceman was held prisoner during World War II. Despite the efforts of our Government and international agencies and the wives themselves, the North Vietnamese Government has refused to provide information on these persons whom they hold as prisoners. The uncertainty of the fate of their husbands for such a long period is a form of mental torture. Yet, these women carry on bravely, raising their families despite the uncertainties that the future holds for them.

In providing educational benefits for this deserving group, we are not only recognizing their painful struggle, but we are providing the means for continuing their education so that they will be better equipped to share the economic burden of raising a family alone.

Mr. Speaker, this bill is long overdue and I urge that it be passed.

Mr. BROYHILL of North Carolina. Mr. Speaker, I would like to recommend the passage today of S. 3785, to provide GI bill benefits to families of servicemen who are missing in action or prisoners of war in Vietnam. This measure, which has already been passed by the Senate, would extend both educational and home-loan benefits to these families who are bearing such a great burden of uncertainty.

The present program of educational benefits for children and wives of deceased or totally disabled veterans would be extended to include children and wives of men listed as missing in action or presumed to be prisoners of war. In addition, the bill would provide eligibility for both direct and guaranteed home loans for their wives.

In my view, this is a most worthwhile extension of these present programs. It is only right that families of men who are missing in action or prisoners of war should be accorded the same benefits under the law as families of veterans who

have sacrificed their lives or suffered permanent and total disabilities in the service of their country.

Our Government is pursuing every possible course to obtain humane treatment and release of our servicemen being held as prisoners of war. In the meantime, however, we should take this action to provide direct benefits to their wives and children to assist with educational and housing expenses. This is the least that we owe these brave American families.

Mr. MINISH. Mr. Speaker, it is estimated that the total number of dependents of servicemen missing, captured, or interned totaled 2,959 in mid-September. These families, who are experiencing the suffering and problems relating to the loss of their fathers and husbands are entitled to the strong support of the Congress. S. 3785 goes in this direction by providing education and training assistance as well as home loan benefits to these families.

Congress has already provided educational opportunities for those children whose education would be impeded or interrupted by the death of a parent as well as disease or injury incurred during our wars. S. 3785 would create a new basis on which to grant educational assistance, and one that is obviously necessary. While missing and interned servicemen cannot provide for their children, nonetheless since the veteran is not deceased or disabled, his children do not qualify under existing law.

Moreover, in the absence of the husband, the wife is required to assume the position as head of the family. If training is required in order to qualify the mother for a second career, she is entitled to training benefits which would be accorded her under S. 3785.

Under section 2 of the bill, home loan benefits would be granted wives of servicemen missing in action for more than 1 year, prisoners of war, or detained by a foreign government. Under existing law, the wives of these servicemen would have no eligibility in their own right, and they are in an uncertain position since their husband's indefinite status could continue for several more years.

I believe that there is little enough that we can do to assist families of servicemen who are missing or captured. It is my hope that we will soon return POW's to their families, so that they can once again lead normal familial lives.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from California (Mr. BROWN) that the House suspend the rules and pass the bill S. 3785, as amended.

The question was taken.

Mr. SAYLOR. 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 331, nays 0, not voting 103, as follows:

[Roll No. 350]

**YEAS—331**

Adair  
Addabbo  
Albert  
Alexander  
Anderson, Calif.  
Anderson, Tenn.  
Andrews, Ala.  
Andrews, N. Dak.  
Arends  
Ashley  
Ayres  
Baring  
Beall, Md.  
Belcher  
Bennett  
Betts  
Bevill  
Biester  
Bingham  
Blackburn  
Blanton  
Boggs  
Boland  
Bolling  
Bow  
Brademas  
Brasco  
Bray  
Brinkley  
Brock  
Brooks  
Brookfield  
Brotzman  
Brown, Calif.  
Broyhill, N.C.  
Broyhill, Va.  
Buchanan  
Burke, Fla.  
Burke, Mass.  
Burlison, Tex.  
Burlison, Mo.  
Burton, Calif.  
Burton, Utah  
Bush  
Byrne, Pa.  
Byrnes, Wis.  
Cabell  
Caffery  
Carney  
Carter  
Casey  
Cederberg  
Chamberlain  
Chappell  
Chisholm  
Clancy  
Clausen, Don H.  
Clay  
Cleveland  
Cohelan  
Collier  
Collins, Ill.  
Collins, Tex.  
Conable  
Conte  
Conyers  
Corbett  
Corman  
Cowger  
Cramer  
Culver  
Cunningham  
Daniel, Va.  
Daniels, N.J.  
Davis, Ga.  
Davis, Wis.  
Denney  
Dennis  
Derwinski  
Dickinson  
Digs  
Dingell  
Donohue  
Dorn  
Downing  
Dulski  
Duncan  
Dwyer  
Eckhardt  
Edwards, Ala.  
Edwards, Calif.  
Edwards, La.  
Erlenborn  
Esch  
Eshleman

Evins, Tenn.  
Fascell  
Findley  
Fish  
Fisher  
Flood  
Flynt  
Foley  
Ford, Gerald R.  
Ford,  
William D.  
Foreman  
Forsythe  
Fraser  
Frelinghuysen  
Frey  
Friedel  
Fulton, Pa.  
Fuqua  
Galifianakis  
Garmatz  
Gaydos  
Gettys  
Gibbons  
Gonzalez  
Green, Pa.  
Griffin  
Griffiths  
Gross  
Grover  
Gubser  
Gude  
Hagan  
Haley  
Hall  
Hamilton  
Hammer- schmidt  
Hanley  
Hanna  
Hansen, Idaho  
Harrington  
Harvey  
Hastings  
Hathaway  
Hawkins  
Hechler, W. Va.  
Heckler, Mass.  
Helstoski  
Hicks  
Hogan  
Holifield  
Horton  
Howard  
Hull  
Hungate  
Hunt  
Hutchinson  
Ichord  
Jacobs  
Jarman  
Johnson, Calif.  
Johnson, Pa.  
Jonas  
Jones, N.C.  
Kastenmeier  
Kazen  
Kee  
Keith  
King  
Kleppe  
Kluczynski  
Koch  
Kuykendall  
Kyl  
Kyros  
Latta  
Leggett  
Lennon  
Lloyd  
Long, La.  
Long, Md.  
Lowenstein  
Lujan  
McCarthy  
McCloskey  
McCulloch  
McEwen  
McFall  
McMillan  
Madden  
Mahon  
Mailliard  
Marsh  
Martin  
Mathias  
Matsunaga  
Meeds  
Melcher

Meskill  
Michel  
Mikva  
Miller, Ohio  
Minish  
Mink  
Mize  
Mizell  
Mollohan  
Monagan  
Moorhead  
Morgan  
Morse  
Morton  
Mosher  
Moss  
Murphy, N.Y.  
Myers  
Natcher  
Nedzi  
Nelsen  
Nichols  
Nix  
O'Hara  
O'Konski  
O'Neill, Mass.  
Ottinger  
Passman  
Pattman  
Patten  
Pepper  
Perkins  
Philbin  
Pickle  
Pike  
Pirnie  
Poff  
Pollock  
Preyer, N.C.  
Price, Ill.  
Pryor, Ark.  
Pucinski  
Purcell  
Quile  
Quillen  
Randall  
Rarick  
Rees  
Reid, Ill.  
Reifel  
Reuss  
Rhodes  
Riegle  
Roberts  
Robison  
Rogers, Colo.  
Rogers, Fla.  
Rooney, N.Y.  
Rooney, Pa.  
Rosenthal  
Rostenkowski  
Roth  
Rousselot  
Roybal  
Ruth  
Ryan  
St Germain  
Satterfield  
Saylor  
Schadeberg  
Scherle  
Scheuer  
Schmitz  
Schneebeli  
Schwengel  
Scott  
Sebellius  
Shipley  
Shriver  
Sikes  
Sisk  
Slack  
Smith, Calif.  
Smith, Iowa  
Snyder  
Stafford  
Staggers  
Steed  
Steele  
Steiger, Ariz.  
Steiger, Wis.  
Stephens  
Stokes  
Stratton  
Stubblefield  
Stuckey  
Sullivan  
Symington

Taft  
Talcott  
Taylor  
Teague, Tex.  
Thompson, Ga.  
Thompson, N.J.  
Tiernan  
Tunney  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Vigorito

Waggonner  
Waldie  
Wampler  
Watson  
Watts  
Weicker  
Whalen  
White  
Whitehurst  
Whitten  
Widnall  
Williams  
Wilson,  
Charles H.

Winn  
Wolf  
Wright  
Wyatt  
Wydler  
Wylie  
Wyman  
Yates  
Yatron  
Young  
Zablocki  
Zion  
Zwach

Mr. Landrum with Mr. Price of Texas.  
Mr. Roe with Mr. Pettis.  
Mr. de la Garza with Mr. Railsback.  
Mr. Barrett with Mr. Wiggins.  
Mr. Colmer with Mr. Roudebush.  
Mr. Daddario with Mr. Stanton.  
Mr. Karth with Mr. Wold.  
Mr. Henderson with Mr. Skubitz.  
Mr. Obey with Mr. Whalley.  
Mr. Edmondson with Mr. Thomson of Wisconsin.

Mr. Fountain with Mr. Teague of Colorado.

Mr. Rodino with Mr. Sandman.  
Mr. Flowers with Mr. Ruppe.  
Mr. Olsen with Mr. Smith of New York.  
Mr. Abbitt with Mr. Springer.  
Mr. Evans of Colorado with Mr. Gilbert.  
Mr. Farbstein with Mr. Powell.

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

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government of power; and to further amend certain educational section of title 38, United States Code."

A motion to reconsider was laid on the table.

**GENERAL LEAVE TO EXTEND**

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

**APPOINTMENT AS MEMBERS OF COMMISSION ON MARIHUANA AND DRUG ABUSE**

The SPEAKER. Pursuant to the provisions of section 601(a), Public Law 91-513, the Chair appoints as members of the Commission on Marihuana and Drug Abuse the following members on the part of the House: Mr. ROGERS of Florida and Mr. CARTER of Kentucky.

**FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970**

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19318) to amend the Public Health Service Act to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19318

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

**SHORT TITLE**

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

**NAYS—0**

**NOT VOTING—103**

Abbitt  
Abernethy  
Adams  
Anderson, Ill.  
Annunzio  
Ashbrook  
Aspinall  
Barrett  
Bell, Calif.  
Berry  
Biaggi  
Blatnik  
Brown, Mich.  
Brown, Ohio  
Button  
Camp  
Carey  
Celler  
Clark  
Clawson, Del.  
Colmer  
Coughlin  
Crane  
Daddario  
de la Garza  
Delaney  
Dellenback  
Dent  
Devine  
Dowdy  
Edmondson  
Eilberg  
Evans, Colo.  
Fallon  
Farbstein

Feighan  
Flowers  
Fountain  
Fulton, Tenn.  
Gallagher  
Gialmo  
Gilbert  
Goldwater  
Goodling  
Gray  
Green, Oreg.  
Halpern  
Hansen, Wash.  
Harsha  
Hays  
Hébert  
Henderson  
Hosmer  
Jones, Ala.  
Jones, Tenn.  
Karth  
Landgrebe  
Landrum  
Langen  
Lukens  
McClory  
McClure  
McDade  
McDonald,  
Mich.  
McKneally  
Macdonald,  
Mass.  
MacGregor  
Mann

May  
Mayne  
Miller, Calif.  
Mills  
Minshall  
Montgomery  
Murphy, Ill.  
Obey  
Olsen  
O'Neal, Ga.  
Pettis  
Poage  
Podell  
Powell  
Price, Tex.  
Railsback  
Reid, N.Y.  
Rivers  
Rodino  
Roe  
Roudebush  
Ruppe  
Sandman  
Skubitz  
Smith, N.Y.  
Springer  
Stanton  
Teague, Calif.  
Thomson, Wis.  
Ware  
Whalley  
Wiggins  
Wilson, Bob  
Wold

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.  
Mr. Annunzio with Mr. Anderson of Illinois.  
Mr. Miller of California with Mr. Del Clawson.  
Mr. Dent with Mr. Button.  
Mr. Eilberg with Mr. Coughlin.  
Mr. Fulton of Tennessee with Mr. Ashbrook.  
Mr. Hays with Mr. Dellenback.  
Mr. Celler with Mr. Camp.  
Mr. O'Neal of Georgia with Mr. Berry.  
Mr. Montgomery with Mr. Crane.  
Mr. Abernethy with Mr. MacGregor.  
Mr. Aspinall with Mr. Devine.  
Mr. Murphy of Illinois with Mr. Bell of California.  
Mr. Delaney with Mr. Halpern.  
Mr. Dowdy with Mr. Goodling.  
Mr. Podell with Mr. Brown of Michigan.  
Mr. Rivers with Mr. King.  
Mr. Clark with Mr. Brown of Ohio.  
Mr. Gialmo with Mr. Harsha.  
Mrs. Hansen of Washington with Mr. Goldwater.  
Mr. Carey with Mr. Reid of New York.  
Mr. Mills with Mr. McKneally.  
Mr. Jones of Alabama with Mr. Landgrebe.  
Mr. Jones of Tennessee with Mr. Hosmer.  
Mr. Biaggi with Mr. Langen.  
Mr. Adams with Mr. Lukens.  
Mr. Blatnik with Mr. McClory.  
Mr. Fallon with Mr. McDade.  
Mr. Feighan with Mr. McClure.  
Mr. Gallagher with Mr. McDonald of Michigan.  
Mrs. Green of Oregon with Mrs. May.  
Mr. Mann with Mr. Mayne.  
Mr. Macdonald of Massachusetts with Mr. Minshall.

## DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

## OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

## FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs

related to population research and family planning and to make periodic recommendations to the Secretary.

## PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

## AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

## "TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

## "PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

(c) For the purpose of making grants and contracts under this section, there are au-

thorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1971; \$40,000,000 for the fiscal year ending June 30, 1972; and \$60,000,000 for the fiscal year ending June 30, 1973.

## "FORMULAS GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

(c) For the purposes of this section, the term "State" includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

(d) For the purpose of making grants under this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971; \$15,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 30, 1973.

## "TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary is authorized to enter into grants to public or nonprofit private entities and to make contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; and \$4,000,000 for the fiscal year ending June 30, 1973.

## "RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1971; \$30,000,000 for the fiscal year ending June 30, 1972; and \$40,000,000 for the fiscal year ending June 30, 1973.

## "INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; and \$1,250,000 for the fiscal year ending June 30, 1973.

## "REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance

with such regulations as the Secretary may promulgate.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

#### "VOLUNTARY PARTICIPATION

"Sec. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

#### "PROHIBITION OF ABORTION

"Sec. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. Speaker, H.R. 19318 establishes a 3-year program which has as its primary purpose making family planning services available to low-income families.

First, Mr. Speaker, let me describe what the bill will do. Under the bill, the Secretary of Health, Education, and Welfare would—

First, enter into agreements with public and nonprofit private entities to assist in the establishment of voluntary family planning projects;

Second, make formula grants to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services;

Third, enter into agreements providing for the training of personnel for providing family planning services;

Fourth, enter into agreements for research and research training relating to family planning and population; and

Fifth, enter into agreement to assist in developing and making available family planning and population growth information.

For these purposes, the legislation would authorize the appropriation of \$267 million.

In addition, the legislation would establish an Office of Population Affairs in the Department of Health, Education, and Welfare. The Office would be di-

rected by a Deputy Assistant Secretary of Population Affairs appointed by the Secretary of Health, Education, and Welfare. This Deputy Assistant Secretary would be responsible for carrying the Secretary's duties relating to family planning and population research. He would, in other words, coordinate the family planning activities of the Department.

There are in America today about 5.3 million women of childbearing age, that is, between 18 and 44 years of age, whose family income is so low that they cannot afford to obtain unsubsidized family planning services. As I said earlier, the primary purpose of H.R. 19318 is to make family planning services available to all of these women so that they can determine the size of their families and intervals between the birth of their children.

It is estimated that there are between 750,000 and 1 million unwanted births in the United States each year and about half of these occur in low-income families.

Stated another way, 42 percent of all births to the poor are unwanted. There is no measure for the anguish and suffering that these unwanted children experience themselves and impose on their mothers and other members of their families. We do know, however, that high fertility, high infant and maternal mortality and high rates of prematurity are closely related and that prematurity in turn is closely related to brain damage and mental retardation in infants. It is only possible to speculate what these unwanted births cost us.

Mr. Speaker, we cannot afford not to pass this legislation.

Mr. Speaker, let me say also that this legislation does not provide for abortions, contrary to some of the rumors apparently circulating concerning it. It is supported by the administration. In fact, family planning legislation is a part of the President's legislative program. The family planning services under the legislation would be available on a voluntary basis and no person would be required or coerced into receiving them.

I might also say that the bill carries the name of our distinguished colleague from Kentucky, Dr. CARTER, a medical doctor, who is a member of our committee. I believe associated with him are most of the members of our Subcommittee on Public Health and Welfare.

Mr. Speaker, this bill was reported unanimously to the full committee and, after adopting one substantive amendment in the full committee, it was reported unanimously to the House by the full committee.

In the committee's bill we omitted the provisions for the construction and operation of population research centers which were in the Senate-passed bill, which was passed sometime previously. The administration objected to these provisions and we did not believe they were necessary.

So, Mr. Speaker, the committee in its wisdom thought this was a good bill. The bill was reported out of the subcommittee unanimously and was reported out of the full committee unanimously. Therefore, we recommend its passage to the House.

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

Mr. STAGGERS. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. What is the total cost of this bill with all of its ramifications over the period of time which it would be in effect?

Mr. STAGGERS. \$267 million over a 3-year period.

Mr. GROSS. Over a 3-year period?

Mr. STAGGERS. Yes, sir.

Mr. GROSS. It does provide for some additional bureaucracy, does it not?

Mr. STAGGERS. No; it does not. We say that these efforts should be coordinated under a Deputy Assistant Secretary for Population.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, is the gentleman saying that there will not be a new Deputy Assistant Secretary for Population Affairs?

Mr. STAGGERS. No; I did not mean to say that. Such a position and organization has already been established in the Department of Health, Education, and Welfare.

Mr. GROSS. I thank the gentleman for yielding.

Mr. NELSEN. Mr. Speaker, I yield 7 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, the Family Planning Services and Population Research Act of 1970 is greatly needed. Estimates have been made by reliable authorities that by the year 2000 our population in the United States will reach 300 million. It is entirely possible that productivity in a nation even as wealthy as ours may not rise sufficiently to properly feed, clothe, and care for this gigantic increase. The quality of life could well be diminished.

Section 1001 of the present bill which we are considering, offers financial assistance to public and private nonpublic organizations to assist in the establishment and operation of voluntary family planning projects.

At the present time, 5 million medically indigent women could use subsidized family planning services if available. Now, only one in four receives such assistance.

In families having more than four children, there is a great increase—45 percent—of infant deaths, and a larger proportion of infants born mentally retarded. Hence, we see the necessity in preventing infant deaths and mental retardation, by reduction of family size.

Section 1002 provides grants to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. As in the previous section, assistance goes down to the very poor who are in greatest need.

Section 1003 provides for grants and contracts to train personnel in provision of family planning services. Such training would include advice on the use of intrauterine devices and biologicals for contraception.

Section 1004 provides for research in population and family planning and to provide training of individuals to carry out research. Our present methods of contraception, while quite effective, have

not always proven 100 percent safe. Many women cannot tolerate intrauterine devices. Without doubt, there are some side effects from the pill. Better methods of contraception must be established. Therefore, research is necessary.

Section 1005 authorizes the Secretary to make grants, to make available family planning and population growth information and educational materials to all persons desiring such information.

Under section 1006 family planning service programs and projects providing service to low-income families are to be given priority, and assurances are to be made that no charge will be made.

Section 1007 states that participation will be voluntary and that no Federal benefits will be withheld as a requirement for participating in family planning programs.

Section 1008 provides that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning. I am pleased with this provision, for I am unalterably opposed to abortions except in cases of rape, incest, or to preserve the life of the mother.

It is my feeling that this is a good bill. So many times have I seen indigent, malnourished, weakened mothers burdened by unwanted pregnancies. I have seen many women debilitated by numerous pregnancies. It is my opinion that if this bill is passed and wisely administered, healthier children will be born into happier families, and that the quality of life will continue to be improved. I strongly urge passage of this bill.

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

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

Mr. TAFT. Mr. Speaker, as one of the early sponsors of the Family Planning Services and Population Research Act, I have been particularly interested in the progress of this legislation. In the past few months, I have been impressed by the growing list of distinguished Members from both parties who have given it their support. I have also been very pleased to note that the administration has strongly supported this measure and has given it priority status. To me, this is truly one of the two or three most important pieces of legislation that the House will consider this year. I am, therefore, pleased and delighted to have the opportunity today to urge the passage of H.R. 19318.

It is impossible to review the work of the Republican Task Force on Earth Resources and Population without being impressed with the urgent need to expand domestic family planning services and to greatly increase our commitment to research. The expert testimony presented to the Congress by national leaders in this field documents the paucity, the inadequacy of our current efforts. Their proposals are clear, well-reasoned, and utterly convincing.

With this legislation, we will be authorizing the expenditure of \$267 million over the next 3 years. This may be short

of what is needed but it is a considerable amount of money, and we have the clear responsibility to see that it is wisely spent. That is why H.R. 19318 provides for a statutory reorganization of HEW's family planning activities. Late last year, the Secretary of HEW established, by administrative order, the Office of Population Affairs and gave the Deputy Assistant Secretary for Population Affairs full line authority over both service and research programs. This was a step in the right direction and one long overdue. This bill will assure that this structure has formal, legal status regardless of the internal policies of future administrations or of the vagaries of the Department's internal politics.

Under this legislation the Deputy Assistant Secretary for Population will have a statutory mandate to coordinate the Department's various related population research and family planning program activities. This will not, as the record of the Department proves, be an easy task, but the effectiveness of the program, and its accountability, will clearly be enhanced by the formal authority that we are providing. I would like to emphasize that the important, relatively long-range research activities are complementary and quite directly related to the family planning services programs authorized under the grant features of the bill. We must do all we can to promote meaningful interaction between these major elements. The goals and humane benefits of the legislation are far too important to be frustrated by an ineffective administrative structure.

Finally, I would simply say that with the passage of H.R. 19318 we will have taken a major step toward meeting on a voluntary basis the family planning needs of the 5.4 million lower income American families which President Nixon identified in his historic message of July 1969. In addition, with the funds that we have allocated for population research we have also created the realistic hope that effective, safe, and inexpensive population control methods will become available to all the people of the world.

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

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

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

Mr. Speaker, I note a statement that is quite interesting in the report at the top of page 9:

In his inaugural address President Lyndon B. Johnson stated:

I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources.

His concern with this problem continued to grow throughout his administration.

Does the gentleman from Kentucky have any idea as to why Lyndon Johnson did not follow this up? That statement was made in his inaugural address in the year 1963 or 1964, and a lot of time elapsed before he left office. Was this too politically hot for Lyndon, or what was the reason, does the gentleman know?

Mr. CARTER. I cannot read what was

in our past President's mind. I do not know why it was not followed through. I do know that I have supported family planning ever since I have been a Member here, and certainly I think that what he had in his mind was good, because it was the truth.

Mr. GROSS. Well, he kept it in his mind, did he not?

Mr. CARTER. Not entirely. I believe the gentleman read his expression as he stated it.

Mr. GROSS. I thank the gentleman for yielding.

Mr. CARTER. Mr. Speaker, I yield back the balance of my time.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I urge my colleagues to give favorable consideration to H.R. 19318, the Family Planning Services and Population Research Act of 1970.

The administration is on record as favoring this legislation and the President has publicly expressed concern over the ever growing threat of overpopulation.

As a member of the Task Force on Earth Resources and Population, I have studied the population growth problem for the past 2 years. Through our research and the testimony of experts who have appeared at our hearings, the members of the task force have been convinced of the monumental and devastating effects of our current rate of population growth.

Environmental protection and the alleviation of pollution demand immediate attention.

The population growth problem interrelates with the crises of population, poverty, and overcrowding. In the light of this impending disaster, and the knowledge of the many unwanted pregnancies, the need for better family planning services is acutely obvious.

Scientific studies have shown that voluntary family planning programs are the most cost-effective way to reduce maternal death from unspaced pregnancies and the incidence of mental retardation traceable to premature birth. They also have a demonstrably beneficial effect on families struggling to escape poverty.

The bill before us today is expected to provide subsidized family planning services to more than 5 million women in this country now estimated to be unable to afford them. It is designed to make comprehensive, voluntary family planning services, and information relating thereto, readily available to all persons in the United States desiring such services; to provide greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; to develop and disseminate information on population growth; and to coordinate and centralize the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare.

In December 1969 the task force pub-

lished a report on family planning, entitled "Federal Government Family Planning Programs: Domestic and International," which was a result of our research into this problem. My cosponsorship of H.R. 19318 is a consequence of the recommendations made in this report.

Mr. Speaker, I feel that the necessity for passage of H.R. 19318 is obvious. Rhetoric is fine, but it is now time to take action. I urge my colleagues to consider the urgency of our population growth problem and then to support this measure fully.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, I am pleased to have the opportunity to speak in behalf of the Family Planning Services and Population Research Act, which I joined in sponsoring well over a year ago.

I think the benefits—economic, health, and personal—of family planning are well documented. One fifth of all American children are living in poverty. Almost half of all families with six or more children live in poverty. Three of every eight babies born in this country are born to poor women.

If further figures are needed to demonstrate the direct relationship between family size and poverty, Mr. Speaker, I can cite them but I think the point is clear. If we are to make any progress in abolishing poverty in this country, we must have effective, voluntary birth control programs—adequately funded and efficiently administered.

It is true—the poor have more children. By age 27, more than half of all poor women already have the three-child family they want. But 17 child-bearing years still lie ahead. One in five poor women has four children before the age of 30—compared to one of 28 among the nonpoor. The reasons are simple:

The poor do not have private physicians as their middle-class neighbors do to prescribe safe and effective birth control devices.

State and local institutions where the poor get what medical care is available to them do not provide birth control services. Two-thirds of local health departments and four-fifths of hospitals with large-scale maternity services offer no birth control services.

Planned Parenthood and other private organizations that have attempted to serve the poor are not large enough to meet the demand.

Federal programs in this field have been late in starting, inadequately funded, and ineffectively administered.

There are 8 million poor women of childbearing age in this country. Studies indicate that over 5 million of these women want but are unable to afford birth control services.

Poor women do want to be able to limit their families. Every study has shown that poor women want families of the same size as middle-class women. A recent study by Dr. Charles Westoff showed that while 15 percent of births to nonpoor couples in the period 1960-65 were unwanted, nearly 40 percent of births to

poor couples were unwanted. The proportion of unwanted births is twice as high among women with less than a high school education as among women who have attended college.

Family planning programs throughout the country have proved that the poor not only want birth control but will use it effectively and that fertility will be reduced when services are available. In California, the Los Angeles Regional Family Planning Council has brought together 14 agencies to provide these services. Utilizing grants from OEO and HEW they expect to serve 47,000 women this year.

This kind of adequate family planning program can be an important factor in reducing our scandalously high infant mortality rate. The United States has more cars and more televisions than any other nation but we tolerate an infant mortality rate that places us behind 14 other nations. Adequate family planning programs could reduce the excess infant mortality rate substantially.

Dr. Joseph Beasley, director of Louisiana Family Planning, Inc., told the House Commerce Committee of the results of studies done by this group before they began their family planning project. They found that 26 percent of the women, aged 15 to 44, in the lower socioeconomic group in New Orleans accounted for 56 percent of the live births in that city. And this same group contributed 72 percent of still births, 80 percent of maternal deaths, and 68 percent of infant deaths. Mr. Speaker, some opponents of family planning have called it genocide. I cannot think of any more effective means of genocide than continuation of such drastically high infant and maternal mortality rates. HEW studies indicate that for every 500,000 poor women who have three or more children, birth control services would prevent over 2,000 infant deaths.

The legislation which I sponsored would have provided a total of 550 million over 5 years for family planning services. That amount was based on the recommendations of many experts, including President Johnson's Committee on Population and Family Planning, and, when added to the present small programs being carried on by HEW and OEO, would have made it possible to help most of the women in need. The Commerce Committee has reduced both the time and the funds in this bill. I believe that is false economy. I especially cannot square it with the large amounts we are spending for the development of a supersonic transport plane. It is my understanding that funds available through other family planning programs will not be reduced—that these funds will be added to those—but I still believe we need the larger amounts contained in the original House legislation and that passed by the Senate.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, this is one of the great moments of my life—and I think a great one for the people of the United States. The Interstate and Foreign Commerce Committee has per-

formed brilliantly and the Nation owes it and its distinguished chairman a debt of gratitude. I want to express my thanks to the very able and distinguished chairman and also to many others who have contributed so much to this legislation. The gentleman from Oklahoma (Mr. JARMAN), the gentleman from Florida (Mr. ROGERS), the gentleman from Kentucky (Dr. CARTER) and the gentleman from California (Mr. MOSS) deserve our particular thanks for their truly outstanding efforts.

This legislation gives meaningful substance to the idea that access to effective medical family planning services is a basic human right that should not be conditioned by economic status. Enactment of H.R. 19318 means that this country will finally have established a goal-oriented family planning policy that includes both the actual provision of medical contraceptive services and a complementary coordinated and comprehensive contraceptive research program. In addition, HEW is given an administrative structure that can provide effective centralized direction and coordination of the various components of the Nation's greatly expanded family planning programs.

I have been vitally interested in the family planning needs of this country since my earliest days in the Congress. In 1966, I sponsored legislation to repeal the antique and unbelievable Comstock law which prohibits the shipment of contraceptive devices and information. In 1967, I led the House fight in the successful effort to establish an OEO family planning program. That year, I might add, was a rather momentous one for family planning, for it saw the publication of the HEW-sponsored Harkavy report. This brilliant report, which was highly critical of HEW's family planning policy and program performance, made a number of recommendations.

Those of us who were interested in the problem began to consider what sort of action would be required to implement the report's recommendations. In testimony before Senator Gruening's committee in November 1967, I said:

There are lessons we can learn from the Harkavy report. I think we can draw some conclusions from the record of the pusillanimous and faint-hearted administration that HEW has given these programs.

The following spring I began a series of meetings with some of the foremost experts in the family planning field. These meetings, several of which were held at my home, were instrumental in shaping the bill, H.R. 11550, which Congressman GEORGE BUSH and I introduced on May 21, 1969. This bill, like the Senate version which Senator JOSEPH TYDINGS introduced, was known as the Family Planning and Population Act of 1969. House hearings were held in August of this year, and the bill we are considering today is a modification of that basic legislation.

There is nothing particularly complex about the Family Planning Services and Population Research Act. Its family planning grant provisions will enlarge and supplement existing medical family planning grant programs. Similarly, the existing contraceptive and behavioral

research programs, which have been so tragically neglected, will receive increased support. Even the organizational requirements of this legislation, which HEW has resisted, will do little more than give statutory authority to an administrative reorganization that has already been accomplished.

At this point, I think it is important to discuss HEW's role in meeting its family planning responsibilities and its attitude toward this legislation. HEW now supports the bill, but this is a fairly recent development. Quite frankly, HEW support has developed because the Congress has forced the Department to face its responsibilities.

I would remind you that it is the Congress that has consistently led the way in lifting the curtain of controversy from family planning; it is the Congress which is responsible for the basic family planning and population research programs that we now have.

But the record of HEW in administering these programs up to very recent times has been simply appalling. Year after year various Secretaries of Health, Education, and Welfare have come before the Congress and maintained that they were doing just fine but would need "just 1 more year" to really get their family planning programs organized. They were adamant in their opposition to the original version of this legislation which called for the creation of a single agency combining the various family planning service and research programs in HEW under one accountable official. A Senate compromise produced the organizational provisions of H.R. 19318 and HEW appeared satisfied.

However, in hailing the passage of this legislation, I must express a note of caution. The HEW bureaucrats have proven to be masters at frustrating congressional mandates. Success will depend on a number of things.

First, the Department must understand that family planning is a matter of urgent priority, basic to the health and welfare of the American people.

Second, all the funds authorized for service and research must be allocated and effectively spent as soon as possible. The Department must understand that the funds authorized in H.R. 19318 supplement existing programs and that it has the continuing responsibility to work for the expansion of those existing service and research programs.

Third, there must be real coordination between the service and research programs at every level. Leadership must also be exerted to bring the welfare segments of HEW into the total national family planning effort.

These are fairly simple requirements. But history teaches us that we will be very disappointed if we expect HEW automatically to move to do these things which are essential to a truly effective goal-oriented family planning effort. Although statutory status is given to the Office of Population Affairs and a legislative mandate provided for the Deputy Assistant for Population Affairs to administer all major family planning programs, this office and this man, regardless of individual qualifications, are still

a part of the incredible HEW bureaucratic structure. Thus, it will be necessary for the Congress to continuously exercise the maximum degree of legislative review and moral leadership. Without this kind of vigorous congressional oversight, we will continue to hear the same excuses the executive branch has offered for the past 5 years. We must make it very clear that we will be watching closely and that the Nation demands action.

When I look back over the years of my involvement in the efforts to produce this bill, I feel a genuine sense of satisfaction and accomplishment. This bill is not perfect and is not the total answer to the Nation's family planning needs, but I know that with its passage we will have achieved one of the great victories in the fight to promote the health and strength of the American family.

Mr. NELSEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas (Mr. BUSH).

Mr. BUSH. Mr. Speaker, if we are to look to the future of this country and this world with hope and optimism, we simply must find effective methods to meet the demands of urbanization and technology. These are problems that require today's solutions. Of course, we cannot blame population growth for all the ills of our society—which is becoming a popular position—but, we do need public awareness that birth control is basic health care for the benefit of both parent and child. In addition, we must address ourselves to the fact that there are still vast numbers of Americans who are unfamiliar with even the most essential understanding of this potentially dangerous population growth rate and do not have access to even minimal health care facilities.

At the same time, there must exist a great sensitivity to these problems which cannot be provided by the Federal Government. The Government can provide leadership and direction, but should never be put in the position of having to enact controls of population as a result of public ignorance and indifference.

When the Honorable JAMES H. SCHEUER and I began soliciting sponsors for the Family Planning Services and Population Research Act approximately 2 years ago, we were amazed by the response—96 cosponsors. This was unparalleled in the history of family planning legislation. Congress had, at last, begun to recognize that population is a problem that must be reckoned with.

A month or so after the bill was introduced, the House Republican Conference established a task force on earth resources and population and I was named its chairman. One of the objectives of the task force has been to help Members of Congress become more aware of the tremendous problems increasing populations can present and to define the limits of governmental authority. Over these 2 years, our task force has held extensive hearings into the interrelated problems of population growth, depleting natural resources and environmental degradation. We heard testimony from numerous experts in the field of family planning—distinguished demographers, medical scientists and high-level Government

officials. Every witness emphasized the need for legislation of the nature of H.R. 19318—legislation that is careful, as is this bill, to respect the consciences of people of all faiths and does not seek to coerce any persons into any position contrary to their religious faith.

So, today, Mr. Speaker, I want to commend the House Interstate and Foreign Commerce Committee for bringing this important legislation to the floor of the House. Without it our efforts to improve the quality of life for all Americans would be stymied. I sincerely believe that the positive accomplishments of this bill are significant steps in the right direction. If low-income families—and this legislation specifies a priority for low-income families—want assistance in planning their family size, then this authorization should permit expenditures for maternity care, delivery, and infant care to insure the health of wanted children. Let us not discount any health care services that can benefit low-income families.

The Family Planning and Population Research Act of 1970 is a desirable piece of legislation. The need for providing fertility control information and birth control devices to both men and women who desire these services but cannot afford them through private physicians—or do not find them available through public health facilities—is well established and fairly well recognized.

What is not well recognized are the broad implications of family planning services. This legislation authorizes over a quarter of a billion dollars. Is this money limited to fertility control and birth control clinics, or can it be utilized to provide a broad range of maternal and child-health care services to all members of a family?

The necessity of this legislation arises from the lack of attention and funding in the past given to fertility control in providing health care to the poor. But, let us not make the same mistake in reverse. Let us not allow the programers to be so carried away with birth control that other services are neglected. Let us be sure that family planning services include at a minimum complete yearly physical examinations for all members of the family. Where other health care money is lacking or where other medical services are inadequate to handle patient referrals as in many of our rural areas, let us leave no doubt that these services can be financed through this legislation where the Secretary of Health, Education, and Welfare feels it beneficial to the health and welfare of the recipients.

It should be made clear that swift passage of this legislation is a definite congressional mandate in support of family planning services for low-income families. It also should be made very clear that our swift passage of this legislation is not to be construed as an unwillingness to discuss birth control in these Chambers because in fact we have discussed this issue many times. Most important is that this legislation be recognized as an amendment to the Public Health Service Act and is a health-care service mechanism and not a population control mechanism. Let us be very clear about this.

Health care services to the poor have been grossly mismanaged in the past. Family planning programs administered by the Office of Economic Opportunity have proved to be in high demand among the poor. Let us learn to utilize this desire for medical attention and advice on family health care to build a successful formula for delivering health services to the poor. Family Planning, Inc., of Louisiana is a prime example of what can happen in improving health care delivery to the poor. Every State can benefit from Dr. Beasley's example to organize a system that works and that shows all indications of having a total welfare cost benefit to the taxpayer.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may require to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Speaker, I rise in support of the Family Planning Services and Population Research Act. It is a much needed program and I commend the committee for bringing it to us at this time.

Mr. Speaker, once again the Congress has been called upon to look down the line and produce legislation which will greatly shape the future of this country and of the world. The call this time is to meet the problem of our fast-expanding population.

Population control is not an answer in itself. It is one means among many to a common goal—the goal of a better life for the inhabitants of this planet.

When we stop to think about it, we realize that an end to population growth probably is inevitable. Population theorists like to picture the day when there will be only 1 square foot of space, or less, for every person on this planet. But when we stop and think, we realize that this day may never come to pass. Somewhere along the way to that 1 square foot, the population growth will be stopped by hunger, or crime, or disease, or by all-out war.

When we stop to think about it, we realize, too, that we will have a hard enough time as it is—without vast increases in population. There is strong reason to believe that it may be less expensive on a per capita basis to slow down population growth than to shoulder the costs of a larger population as we clean up our air and water, as we rebuild our cities. Population stability, then, is a sound investment of the tax dollar.

The real question is not whether we will literally crowd ourselves off this planet, but whether we will create a planet we would wish we could be crowded off of. It is a question of how much pain we are willing to endure. It is a question of whether we will let present trends continue, or whether we will continue actively to seek to build a better life—as we have thus far in our long battle against disease, poverty, ignorance, and war itself.

So, I believe we should act. I believe we should take a stand in favor of stabilizing our population.

But, in moving to take this stand, we are all aware that the issue of population control is far more than an issue of

biology. It is also an issue of political philosophy.

In accordance with this fact, I believe our efforts to slow population growth must center on two approaches: First, we must exhaust all possible voluntary means of stabilizing our population. The time for compulsion is not now—if ever; and second, we must increase our efforts to supply our people with the greatest range of alternative methods to keep their family size where they want it.

The United States has not had previous experience with attempts to slow the birth rate. We have no way of knowing whether voluntary incentives and public education will be sufficient or not. But to try this route first, with every ounce of energy we possess, is to go against our traditional commitment to maximize individual freedom.

We are dealing not only with biology; we are dealing with peoples' consciences. And we must never forget this fact. To go against it would be to go against everything this country stands for, and quite possibly would be to render the whole issue of population stabilization politically unfeasible.

Given the urgency of the population problem, the temptation to use scare tactics and to trammel on the beliefs of others is easy to see. But scare tactics and disregarded beliefs box people into corners. Should we box a man into a corner where his conscience is concerned, I submit to you that we will lose him, where, if we had offered alternatives in keeping with his conscience, he would have joined the cause.

For this reason I strongly support both the guarantees that all participation in the family planning services be voluntary and the provision in the House version of this legislation that prevents this bill from being construed as support for abortion.

Given this approach, and given the urgency of the problem in a worldwide scope, the question must be asked, "Can we make it?"

We really do not know. But there are some hopeful trends. The concern is there, and it is growing. The wide range of support for the legislation now before us is testimony to that fact. If we ask why that concern is growing, then we will have the most hopeful answer we can now give—people do want to build a better life, for themselves and for their children—however few in number those may be.

Moreover, this country does not have a monopoly on that concern. Even Latin America, currently with the highest growth rate, there are signs of concern. In Bogota, Colombia, for instance, there is a new billboard which subtly advertises a service until recently unmentionable—family planning. An anonymous group of businessmen is sponsoring billboards which simply say "Another child? Think about it in time." Almost 25,000 Colombian women have been served by family planning centers monthly. In a country of 21,000,000 that is not too bad. Especially when you consider that in our own country more than 60 percent of all U.S. counties have no family planning programs of any kind, and just 4 percent of

our counties account for 80 percent of all patients served.

The African leaders have voiced great concern over population problems when they have met in conferences together. These countries, just starting out on the road to industrial development, know that they do not stand a chance if every gain they make on the development side is wiped out by population growth.

Moreover, from what we can tell, there seems to be going on within the huge borders of Communist China, a great clash between the Maoists, who want to continue his belligerent ways, and the technocrats, who want to settle down and grow rice and begin to industrialize a now stagnated country. If the technocrats win, though they may just have to wait until Mao dies to do so, then I think we can be hopeful that population control will be a necessary ingredient of the technocrats' development plans.

Russia's population growth has already dropped considerably.

But whatever the rest of the world does, I think we must go on—stopping to help others where we can, but going on nevertheless—keeping within our traditions and our ideas as we do.

Mr. Speaker, I urge my colleagues to support the wise and farsighted legislation now pending before us.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PREYER), a member of the subcommittee.

Mr. PREYER of North Carolina. Mr. Speaker, statesmen, scientists, theologians, legislators, and thoughtful men the world over agree that one of the two most pressing problems confronting mankind is the world's burgeoning population, and the threat of famine, pestilence, conflict, and repression that may be a consequence of an unbearably overcrowded world. The other, of course, is war.

In the quarter century since World War II, we, as a nation, have mobilized all of our economic and human resources to develop a defensive system capable of safeguarding our land and people, and of serving as a warning and deterrent to potential attackers. We are now the strongest nation on earth. While the world has been plagued in the past 25 years by local conflagrations, the ultimate holocaust has not enveloped us. Our strength was made possible by the efforts of an army of scientists mobilized by the Government to do long-range research in an astounding variety of scientific fields, research leading to the development of a system of defense that has made peace possible.

Are we prepared to expend similar resources, human and economic, to develop methods of fertility control that will help solve the other of our most pressing problems—runaway population growth? We must certainly answer yes, or be prepared to suffer the terrible consequences. That is why I urge my colleagues in Congress to vote for the Family Planning Services and Population Research Act—H.R. 19318—which, in addition to its other important components, includes a research section authorizing the expendi-

ture of \$90 million over a 3-year period for medical, contraceptive, behavioral, and program implementation research.

Let us take a look at where we are today and the directions in which we must move to enable mankind to develop perfect control over reproduction. The era of truly effective modern contraception began just a decade ago with the introduction of the oral steroids—the pills, and the plastic intrauterine device—IUD. Today, between 15 and 20 million women throughout the world use the pill—around 9 million in the United States—and about 6 million the IUD—1.5 million of them in the United States. However, as virtually everyone now knows, neither method is suitable for all women. Although the pill provides almost complete protection against pregnancy when used properly, it is associated with certain risks and side effects which limit its usefulness. Careful epidemiological studies in both England and the United States show there is an increased risk of thromboembolic disease associated with use of the pill, the incidence being from six to nine times that expected in women in the same age groups not taking the medication. These studies also show three women per 100,000 die of pulmonary embolisms resulting from pill use. Other side effects, less well understood and documented, have also been associated with steroidal contraception.

The IUD, while also proving highly effective, is not flawless. Sometimes it fails, and the pregnancy rates with the IUD in place run about two per 100 woman-years of exposure. Between 10 and 20 percent of women are unable to retain the device; sometimes it is unknowingly expelled and the woman is exposed to risk of pregnancy. A sizable percentage of women is unable to retain the device due to side effects such as bleeding, cramps and other pains. The result of expulsions and removals is that at the end of 1 year only 70 to 80 percent of women retain the device, and after 2 years only about 60 to 70 percent do so.

Clearly, then, neither of the most effective methods now known is good enough. Science must develop a method or methods that are entirely effective, 100 percent safe, reversible, easy to use, cheap and obtainable without a doctor's prescription since doctors are in short supply everywhere. Male as well as female methods should be developed.

What would it cost to develop new methods; how long would it take? What are the promising leads; what fundamental research is necessary? How can a crash program be organized, financed?

In the September 4 issue of *Science*, Carl Djerassi, professor of chemistry at Stanford University and president of Syntex Research, estimated that to develop a new female contraceptive would take around 15 years and cost between \$7 million and \$18 million, assuming that all the circumstances of research and testing were ideal. A considerable proportion of the time and money required, Professor Djerassi observes, is a consequence of the need to meet the stringent requirements established by the Food and Drug Administration to assure drug safety and efficacy. These time and cost figures also

assume the availability in one organization of all the manpower, facilities, and logistic support required. The cost would, of course, be multiplied several times if these facilities and the required infrastructure had to be created from scratch. Dr. Djerassi estimates that pharmaceutical companies, heretofore the major developers of contraceptives, spent more than \$100 million between 1965 and 1969 for research in reproductive physiology.

This is an enormous figure by any standards—

Writes the scientist—

It is unrealistic to expect that larger sums or, in fact, even the same sum will be spent by the private sector in the future when the eventual recovery of such expenditures becomes more and more distant and problematical.

In contrast to the sums expended by the pharmaceutical companies, research supported by Government and private foundations together come to an aggregate of perhaps \$35 million, according to Drs. Oscar Harkavy of the Ford Foundation and John Maier of the Rockefeller Foundation, writing in the June issue of *Family Planning Perspectives*. They note that the National Institute of Child Health of Human Development has budgeted only \$15.6 million for population research projects of various kinds in fiscal year 1970, rising to a projected \$28.4 million in fiscal year 1971. This is clearly not enough to even begin to solve one of mankind's most vexing problems.

Drs. Harkavy and Maier quote other expert estimates of the manpower and financial needs necessary to support a crash research program. For example, they agree that around 200 research groups, consisting of two senior scientists, three junior scientists and five technicians, should be working "on the fundamental and applied problems relevant to the various aspects of contraceptive development. This would require \$60 million a year and would involve 400 senior scientists, 600 junior scientists and 1,000 technicians." However, they say, only about 50 such research groups are at work at the present time, in the whole world.

There are many promising leads for scientists to investigate, assuming adequate and long-term funding becomes available. Dr. Sheldon Segal, director of the Bio-Medical Division of the Population Council, enumerated some of these for members of the House Subcommittee on Public Health and Welfare. They include daily, weekly, or monthly pills for use by women, semipermanent under-the-skin implants for either men or women, pills to be taken intermittently by women on the basis of exposure, reversible methods of male sterilization, simplified procedures for female sterilization, greatly improved IUD's, and many other possibilities.

Dr. Segal explained:

These are prospects based on the reality of early clinical experience, not the daydreams of a theoretical scientist.

Scientists estimate that they know about 10 percent of what there is to know about human reproduction. I was struck during the hearings we held on this legis-

lation how often the scientific knowledge in this area was described as "primitive" or in the "horse-and-buggy stage." Dr. Andre Hellegers, professor of obstetrics and gynecology at Georgetown University, cited some of the elementary questions that go begging for answers before the House Committee on Interstate and Foreign Commerce last August 4. He asked: What governs ovulation? How long can an ovum survive? How long can a sperm survive? What governs how long a menstrual cycle lasts? What are the causes of infertility? How can it be treated? Little is now being done to answer such basic questions.

We are no further advanced in our knowledge of behavior relating to reproduction, Dr. Hellegers noted, asking what do we know about the following: What makes people want to have children? What makes them want how many? How many children do American families really want? Are two-child families in Los Angeles greater contributors to pollution than six-child families in Kenya? Why is it that one can be outside of Amsterdam or Rotterdam in the most densely populated country of Europe and yet see cows and pastures and feel at peace and yet, why is it so difficult to feel "in the country" along the eastern seaboard of the United States? What implication does this have for Government policy? Dr. Hellegers, a member of the Pope's Commission on Birth Control, concluded his testimony by characterizing the "present lack of research funding as downright immoral."

Although I am well aware of the fact that the research alone will not solve the population problem, I am convinced that without such research the job will be immeasurably more difficult—perhaps impossible. Every year's delay brings around 70 million more mouths to feed, bodies and minds to sustain. The problem becomes more and more intractable, the danger to all of us greater. When our astronauts stepped out on the moon they took a giant step for mankind. It is time for another giant step for mankind—a step that can be taken right here on earth and may even guarantee that there will be an earth for our descendants to walk upon freely a century hence.

One final comment. Too often those who press for family planning and population control appear to the public mind to have allowed their thinking to be completely dominated by the notion that somehow adequate policy in the realm is simply a reflection of more "science and technology" in the form of extensive public health measure with millions of contraceptive devices distributed all over the world. Thus they seem—rightly or wrongly—to give the impression that they are unaware of the fact that we all are talking about human beings. We must make it clear that whether we accept the Pope's conclusions or not we do understand what people like him are trying to say, and that is that the matter has to be seen in "human" and not only "scientific" and "organizational" terms. The population problem is not a problem of quantity at all but of quality—not of how many people but what kind of people, leading what kind of life.

Mr. NELSEN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Speaker, I rise in opposition to the Family Planning Act, H.R. 19318. There was a time when Americans made a joke about how all politicians could be counted on to be in favor of motherhood, because it was assumed that motherhood was one value and blessing which no one in his right mind could dispute.

Tragically for our country, those days are past. The familiar joke is not heard very much today. For motherhood is now under systematic, vehement and almost incessant attack. And I am waiting to see how many of my colleagues in this House, which represents the American people, will stand up with me today for motherhood and for human life, and against the "family planners" for whom motherhood is the enemy. The fact that no other member of the committee on which I serve, the committee which brings this bill before you, has been willing to do so, shows just how far we have come from the days when the creation of new human life in the mother's womb was held in universal honor.

We could make being for motherhood a joke when everyone was for it. But ceasing to be for motherhood is a different matter entirely. For motherhood is the channel for the transmission of human life. Without it, there is no future.

What the population planners never seem to remember is that population trends change, ebbing and flowing like the tide at different periods in history. You simply cannot take figures for a given brief period in the present and project them unchanged into the future with any significant probability of accuracy. In just the single decade of the 1960's, according to the preliminary returns from the 1970 census, we overestimated our population by no less than 5½ million people. Instead of the 205,700,000 Americans who had been projected—and ticked off on the famous population clock in the Department of Commerce—there were only 200,200,000.

If we can go 5½ million wrong in just 10 years—nearly 3 percent of our total population—what are we to think of projections now so blithely made for 30, 50, or 100 years in the future? Their appearance of precise statistical accuracy is pure sham.

What we now see is a steady reduction of the birth rate in America, going back to 1957. Accordingly to the report of the White House National Goals Research Staff, July 4, 1970, Figure 2-1, it has fallen from 3.8 births per mother in 1957 to less than 2.5 today. If this trend continues and is artificially accelerated by massive Government programs such as the bill before us would establish, we may well see not only an end to the "baby boom" of the early 1950's, but an actual population decline resulting from a growing and officially sponsored hostility to conception.

Such declines have occurred, seriously weakening or destroying the nations involved, without the benefit of modern contraceptive techniques and without of-

ficial promotion, in many significant instances in history, ranging from the last years of the Western Roman Empire to 19th century France. It is noteworthy that Communist China, which has the largest population of any nation on earth and whose government certainly has the power to impose population control, has rejected this as a policy. The contraceptive mentality can mean national suicide.

The bill before us today, brought up under suspension of the rules on the very first day after a month-long recess, would commit the U.S. Government to the life prevention business at an initial cost of more than a quarter of a billion dollars. We all know from long experience with Federal programs how much this figure is certain to rise once the program is underway—with no end in sight.

The bill contains no restriction whatever on the age or the marital status of persons who may receive contraceptives paid for by the funds it appropriates. Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population, admitted in testimony before the Interstate and Foreign Commerce Committee that his organization—which would in all likelihood receive substantial funding from the appropriations provided by this bill—now gives contraceptives to young teen-age children in family life classes in several large cities. Thus it is simple truth to say—unpalatable as a blunt statement of that truth may be—that in practice it will amount to officially condoning and sanctioning not only fornication, but statutory rape.

We are told that the bill is intended to prevent the birth of unwanted children. What makes a child unwanted? A paper by Arthur A. Campbell, Chief of the Natality Statistics Branch, National Center for Health Statistics, U.S. Public Health Service, included in the transcript of the committee hearings on this bill, may serve to put this talk of unwanted children in true perspective, and to give an idea of the price some Americans now put on human life:

The prevention of 451,000 births would enable 135,000 women to work for four years. If they earned an average of only \$2,000 annually (assuming that some work part-time and some work full-time), their earnings would total \$8,000 each, or \$7,260 when discounted to the first year at a rate of four percent. Since only 30 percent of the women are assumed to work, the additional earnings would average \$2,178 per unwanted birth avoided. In this case the economic benefit is 7.3 times greater than the cost of \$300 per unwanted birth avoided.

This is one of the most chilling statements I have ever read. There was a time when Americans viewed human life as priceless. Now it seems the price is down to \$2,178. At this rate, how long will it be before we drop to "rock bottom"—the value of a few cents, or maybe a few dollars now with inflation, that has been set for the chemical constituents of a human body?

By contrast to this appalling product of the statistician's art, I would like to share with you a most significant comment of my distinguished colleague from Kentucky, Dr. Tim Lee Carter, who—though he supported this bill in commit-

tee—had this to say in response to the witness who tried to tell the committee how mothers often hated their newly born children:

I was interested in paragraph 1 on page 6 of your testimony in which you say that—you talk about the lady, I believe, on page 5, who cursed her children or her unborn child. You know, I think that is the unusual thing. Some way or other almost every mother who gives birth to a child loves that child the moment it is born with an undying, unremitting love. It has been my fortune to deliver thousands of youngsters, and I think that statement is perhaps just a little bit on the unusual side. It may occur, but in the 27 years I was in practice, I do not believe I ever heard a mother curse an unborn child. And I hope I never do.

We are told that this bill is needed to reduce the number of illegitimate births and the medical and psychological complications for both mother and child often resulting from them. But in England, which in the past decade has launched a massive program to make contraceptives available to everyone, illegitimacy has substantially increased. In the 13- to 15-year age group, it has tripled.

Supposedly this bill would not now permit abortion, which its earlier version would have permitted, because of a clause inserted in the new bill drawn up after the committee hearings—a clause which was not in the bill passed by the Senate, and may not survive the conference committee. But this clause, section 1008, does not specifically define the term abortion. Consequently, its prohibition of abortion might well be interpreted not to apply to those contraceptive methods which destroy the fetus very soon after conception—methods which Dr. Sheldon J. Segal of the Biomedical Division of the Population Council in New York, testifying before the Interstate and Foreign Commerce Committee on this bill, frankly admitted were early abortifacients. The development of abortion-inducing chemicals such as prostaglandins, also described in material presented to the committee, is further obscuring the distinction between abortion and contraception. Furthermore, there is no prohibition of any kind on federally assisted sterilization as a method of family planning.

Again and again we are told that this bill is strictly voluntary, that no woman will be forced to accept contraceptives or have her babies killed, or their lives prevented, against her will.

Now I ask all of you, in the name of reason and commonsense, how many more times are we going to be fooled by this perennial argument? How many more times are we going to pass bills, assuring ourselves, and everyone else who is concerned, that they are really harmless because strictly voluntary, only to come back a few years later and make them compulsory when the people have become more accustomed to the idea? Surely you all remember Federal aid to education, approved by this House just 5 years ago, with no strings attached and strictly without Federal control—or so we were told. Now we are constantly debating just how we shall go about forcing schools accepting Federal aid—which means virtually all of them now—to com-

ply with our regulations, and how we shall go about forcing children to attend them. There was a time when collective bargaining in this country was voluntary. But then we decided that there was not enough of it, and made it compulsory. The list is endless.

I know that many of you, probably most of you, now approve of the use of Federal aid to impose certain requirements on local schools, and of mandatory collective bargaining. We are not debating those issues here today. I mention them only to show that when proponents of a massive Federal birth control program come before you and insist that they mean it to be always strictly voluntary, history shows that the exact opposite is very likely to be the eventual outcome of legislation like this.

I will ask Members of the House this question: In your own careers in Congress how many bills have you seen that you have started out as voluntary measures and have them become mandatory? I served 5½ years in a State legislature, and one of the most common procedures was to change "may" to "shall." After we put through a voluntary bill, we then moved on to make it mandatory.

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

Mr. SCHMITZ. I yield to the gentleman from Kentucky.

Mr. CARTER. One need only read the bill to see that its provisions are voluntary. There is no compulsion whatever involved.

Mr. SCHMITZ. The gentleman seems to have misunderstood the point I was making. This bill states that the program is voluntary. But how many bills has the gentleman seen that have started out as voluntary bills and the next year a bill would be introduced changing "may" to "shall"?

Mr. CARTER. I certainly do not feel that it will be as bad in practice as the gentleman evidently fears.

Mr. SCHMITZ. I will make a prediction at this point. Mark my words. If this bill passes today, in a few years you will see "may" changed to "shall" when it is found out that the objectives stated in this bill cannot be achieved by voluntary means.

Several witnesses at the hearings on this bill made it very clear that they advocate a voluntary birth control program only so long as it works. If it does not work to their satisfaction, they will go to a compulsory program. They leave no place for the alternative of the rejection of the contraceptive mentality by a free, life-loving people.

As Dr. John R. McCain of Atlanta, Ga., said in testimony on this bill before the Interstate and Foreign Commerce Committee:

Family planning on a voluntary basis is the most acceptable approach. Unless voluntary methods are successful, actual control of population by compulsory measures may be resorted to at some future time.

And to quote again from Dr. Segal's testimony:

There are people, serious demographers, who believe that the population growth rate, the population problems in general in this

country, can create problems that can only be solved by strong line methods, by giving up the concept of voluntarism and regulating the number of children people can have, by coercion, by legislative means that will be economically coercive, and so on.

Now, I feel that we must give voluntary family planning a chance to prove whether or not it can bring us to a zero population growth level. We have not given it a chance.

Dr. McCain further explained how funds appropriated under this bill would be used to propagandize for contraception, to change attitudes in its favor, and to put pressure on people to prevent births:

Psychological and sociological research is required to determine the methods of motivating the population, male and female, to initiate effective family planning and to utilize the methods consistently. . . . We have had in the experiences of our program in the Atlanta area what they have spoken of sometimes as the Madison Avenue approach. In other words, by no means that it is terrifying or fearful, but that it is the thing to do. In other words, the popular thing for the patient after she has delivered, if she has not begun on family planning at that time to be sure that she returns. The pressure of her peers by their questions, "You have not started on your pills yet?" Or, "You have not had your IUD put in yet?" The concern of the block area, the community area, that anybody that does not do that is just not quite up on the current way of doing things.

In view of all this explicit testimony, I frankly cannot put much stock in the many pious disclaimers of coercive intent on the part of the proponents of this bill. Rather, I regard it as a long step toward a Nazi-like tyranny in our land. When government gets into bed with you, surely that is the ultimate in government control.

Finally, the most grotesque argument for this bill is that it will somehow help in the fight against pollution, as is indicated in the testimony of organizations such as the Sierra Club in support of it. A moment's thought should make it perfectly clear that a single human being, simply by being alive, produces negligible pollution. It is technology that pollutes, not people. We can, and we must, bring under control those technological excesses and processes which are dangerously befouling our air and water. We should not, and must not, let ourselves be persuaded to try to eliminate pollution by eliminating people.

I ask my colleagues who have the interest of the poor, and of our minority groups especially close to their hearts, to think very carefully about who profits and who suffers by this approach to our pollution problem. The people at whom this bill is specifically aimed are the poor—and, less specifically, the minorities. Are they to be made scapegoats and victims of a problem arising from our great industries? As Msg. Alphonse Popek of Milwaukee, Wis., said in testifying on this bill:

Pollution, though existent, is the convenient smokescreen for the sinister business of eliminating people. 'People cause pollution—pollution is bad—therefore, eliminate people.' Which people? All people? It seems that nonquality people are the transgressors.

But who is to identify these nonquality people? Does it not seem that the present bill provides for Government working through its highest and lowest departments and through funding of individual and private agencies to make the final determination? Little people do cause pollution, yet there are many vested interests in this country which cause even greater and more serious physical pollution, and some of these interests are known and some are yet to be determined. All must be stopped by every technological and scientific effort before human life is to be snuffed out at any point along the spectrum of existence. My concern relates to the removal of truly dangerous pollutants which would not only contaminate the clear streams of morality, the pure air of religious freedom, but the human rights of life, liberty and the pursuit of happiness.

I can find no better words with which to conclude than those eloquently spoken by a Wisconsin housewife, Mrs. Alvin Emmons, who traveled 2,000 miles to come to Washington to testify against this bill in committee. Listen to her. I am convinced that she voices the heartfelt protest of the best and soundest instincts of our people, on this legislation:

It is neither the function nor the purpose of government to sponsor or promote programs of population control. Government's proper role is to protect the lives of all its citizens including the unborn and to protect the right of the citizen to transmit life. Passage of this law will only add to the irresponsibility and over-permissiveness which seems to be running rampant in all areas of living today. We urge you to vote against this bill and ask rather that you exert every effort to protect the home and family and the very right to life. The time is NOW to stop the tearing down of the home and family through the passage of any immoral or amoral laws.

Mr. NELSEN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of this measure and I urge that the bill be passed without delay.

Last year, I was cosponsor of the legislation to establish a Commission on Population Growth which was subsequently enacted into law and I am glad that progress is being made in recognizing the severity of the population problem. I am also a cosponsor of the original version of this legislation.

The Federal Government is already involved with a vast array of social problems related to population increases and we must look to the issues that will result from a population increase of 100 million Americans in the next 50 years.

It is essential, I believe, that we expand voluntary family planning services and that we accelerate programs of population research. The legislation today would carry out both of these purposes.

Our last four Presidents have advised the Nation that it must give a high priority to such activities. I fully share these views. If this priority is honored, then the present bill is essential. Without it, even the commitment already made in

Federal law cannot be fulfilled. We know, for instance, that the Social Security Act requires that States offer family planning services to public assistance recipients if they wish to avail themselves of them. In fact, however, many States are unable to provide such services and this provision of the Social Security Act is not carried out.

It would like to emphasize that the programs involved here involve only voluntary family planning assistance. The record should be abundantly clear that it is not the intent of Congress that any such program should interfere with the religious or moral beliefs of individual Americans. Nevertheless, it must be equally clear that any individual wanting information about family planning should be able to obtain it more readily than is the case today.

Our Committee on Interstate and Foreign Commerce has, I believe, wisely prohibited the use of any Federal funds in this bill from being used for abortion. It has also given priority in the family planning services to low-income families which may not otherwise be able to secure them.

This bill, in my opinion, is a carefully considered step forward and it is my hope that it can be enacted into law at an early date.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), a member of the committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I support the legislation before this body. I set forth in my extended remarks the reasons why I offered the amendment which prohibited abortion as a method of family planning.

During the course of House hearings on H.R. 19318 there was some confusion regarding the nature of the family planning programs envisioned, whether or not they extended to include abortion as a method of family planning. With the "prohibition of abortion" amendment—title X, section 1008—the committee members clearly intend that abortion is not to be encouraged or promoted in any way through this legislation. Programs which include abortion as a method of family planning are not eligible for funds allocated through this act.

Several considerations prompt this action.

There is a fundamental difference between the prevention of conception and the destruction of developing human life. Responsible parenthood requires different attitudes toward human life once conceived than toward the employment of preventive contraceptive devices or methods. What is unplanned contraceptively does not necessarily become unwanted humanly. Whether a conceived child is loved or unloved is dependent on factors that, at best, can only be marginally related to family planning.

If there is any direct relationship between family planning and abortion, it

would be this, that properly operated family planning programs should reduce the incidence of abortion. Dr. Joseph Beasley indicated in his testimony that the decrease in criminal abortions should be considered a major benefit of his now model program.<sup>1</sup>

Furthermore, there is evidence that the prevalence of abortion as a substitute or a back-up for contraceptive methods can reduce the effectiveness of family planning programs.

#### THE BRITISH EXPERIENCE

In Great Britain the Royal College of Obstetricians and Gynecologists surveyed the consultant obstetricians and gynecologists employed in the National Health Service on their views of the first year's working of the Abortion Act, May 1968 to April 1969.<sup>2</sup>

Regarding the effect of permissive abortion legislation on contraceptive practice the Journal states in its summary comments:

The lesson must surely be driven home that the Act does not provide a simple long-stop for a failure to take adequate contraceptive precautions (492).

The college points out that when the Abortion Act was under discussion, its advocates repeatedly assured the House of Parliament that abortion-on-demand was not their object. However, once the bill was passed, there was a persistent and intense campaign to lead the public to believe that the Abortion Act encompassed abortion-on-demand.

The Journal states:

It (the abortion-on-demand campaign) may even account for widespread irresponsibility and failure to take the simplest and readily available contraceptive precautions to avoid unwanted pregnancies (534).

It is telling that though most physicians favored the 1967 Abortion Act, now 92 percent of the consultant physicians are opposed to abortion-on-demand. The college strikes out at the confusion that commonly surrounds the relation of abortion and family planning.

The Journal states:

The time has come for the legislators to decide whether they and the community which they represent really want abortion-on-demand (534-35).

The college advocates comprehensive family planning services, both to secure the well-being of the family and to assist in population control. However, as an integral part of these programs, it stresses, on the one hand, the essential need for education and proper motivation, and, on the other hand, the need for further study regarding all aspects of unplanned and unwanted pregnancies.<sup>3</sup>

<sup>1</sup> Cf. *Family Planning Services Hearing Before the Subcommittee on Public Health and Welfare*. (Serial No. 91-70) Aug. 3, 4, & 7, 1970 (U.S. Government Printing Office: Wash., D.C., 1970), 338-39.

<sup>2</sup> "Consultants' Report on Abortion," *British Medical Journal*, May 30, 1970, 491-92, 529-35.

<sup>3</sup> *Ibid.*, 534. Also, cf. the College's policy statement on abortion, *British Medical Journal*, 1966, I, 850.

#### THE JAPANESE EXPERIENCE

In 1951 the Japanese Government placed its prestige and resources behind a large scale family planning program. A major part of its motivation was to counter the sharp increase of abortions, legal and illegal, that followed upon the 1948 abortion law liberalization. However, to this day the Japanese Government is struggling to replace the practice of abortion with acceptable family planning methods.<sup>4</sup>

Some have called the family planning programs a practical failure and a waste of taxpayers' money.<sup>5</sup> The incidence of abortions has not decreased.<sup>6</sup> Also, the number of pregnancies has not decreased.<sup>7</sup> What is more, abortions have been a causative factor in the increase of the pregnancy potential.<sup>8</sup>

Japanese surveys concretely illustrate that the family planning programs have not achieved their projected goals, especially in the context of abortion as a substitute for contraception. A 1969 survey by the Japanese Government indicates that approximately half of those who resort to induced abortion were not at-

<sup>4</sup> In 1967 Prime Minister Sato reported to his Cabinet that too many abortions are being conducted in Japan and that administrative guidelines should be strengthened to curb this trend. *Asahi Evening News*, Mar. 16, 1967. In March, 1970 Prime Minister Sato told the Diet that fundamental respect for life is the very foundation on which the nation rests. According to the Prime Minister, this should be an even graver reason to oppose abortion than are the problems about maintaining a future labor force. Currently there are efforts to introduce legislation that would repeal Japan's abortion law.

<sup>5</sup> Cf. *Editorial of the highly regarded Asahi Journal*, Oct. 16, 1966, p. 52.

<sup>6</sup> The number of registered cases of abortion, which was about 489,000 in 1950, increased steadily until it went beyond a million in 1953. In 1962 the number began to decrease and sank below a million. In 1964 the number was 878,000. Cf. Japanese Ministry of Welfare, Bureau of Statistics, "Eugenic Protection Statistical Report of 1969," June, 1970, p. 23.

<sup>7</sup> On the basis that the number of pregnancies is the sum of the number of births and abortions, the *Editorial* cites the average number of pregnancies between 1949 and 1964 as being 2,730,000. During all these years the number stood at 2,730,000 plus or minus 170,000. The greatest difference was less than 6%, a remarkably constant figure. "We can conclude from this that the movement of 16 years duration has not succeeded in changing the Japanese woman's capacity of pregnancy."

<sup>8</sup> A normal pregnancy of nine months plus three months of non-fertility after delivery, gives a total of about twelve months during which pregnancy is not possible. Harald Frederiksen, M.D., & James W. Brackett, "Demographic Effects of Abortion," *Public Health Reports*, Vol. 83, No. 12, Dec. 1968, p. 1001, extend this period from 18-27 months depending on whether the woman breastfeeds her children or not. Nonetheless, when pregnancy is interrupted by abortion, the non-fertile period ends 2 months after the operation. Since 94% of the operations are performed within 3 months after pregnancy begins, the period during which conception is excluded for mothers who have abortions is only 5 months.

tempting to prevent the pregnancy.<sup>9</sup> Further, and perhaps more importantly, the failure rate of those employing contraceptives, whether rhythm or condom, is abnormally high.<sup>10</sup>

The Asahi editorial closes with the biting remark that the regulation of population growth has been achieved in the form of unhealthy abortions. It says:

Japan's women are exposed to psychic and physical dangers leaving psychic and physical scars which never heal. . . .<sup>11</sup>

#### THE NEED FOR A REALISTIC PUBLIC POLICY

Trends similar to those in Britain and Japan can be reported in other countries where abortion has become either a back-up for contraceptive failure or a substitute for family planning methods.<sup>12</sup> There is even some evidence that if the poor and uneducated—to whom this legislation is primarily directed—are offered the possibility of abortion along with family planning assistance, they will more readily turn to abortion.<sup>13</sup> It would be ill-advised for Congress to extend a false hope to the people that rely on its leadership in a special way.

If family planning programs are unrealistically conceived, they can mistakenly teach people that flawless family planning is an achievable goal. The limitations of the present contraceptive methodology must be recognized for what they are. In a similar way, the possible benefits, social or otherwise, that might derive from family planning programs should not be drawn too broadly nor uncritically.

#### ABORTION AS UNADVISABLE PUBLIC POLICY

There is, then, evidence that abortion as a method of family planning has a negative effect on the implementation of family planning programs. On an even broader level, however, abortion as a method of family planning—abortion-on-demand—would appear to be ill-conceived public policy.

Strong words of caution are in order so as to curb the notion that abortion-on-

<sup>9</sup> Survey of the Office of the Prime Minister, Bureau of Public Information. Of the 42% of respondents who had had experiences with abortion, 50.7% were not practicing conception control prior to the pregnancy and abortion; 46.5% had an abortion after failures in contraception control.

<sup>10</sup> The 1965 survey made by the Cabinet Secretariat of Public Opinion indicates 43.1% failures of the Ogino rhythm method, 34.9% of the basal temperature rhythm method, 40.6% failures among those depending on the condom, 47.5% among those using the pessary. Oral contraceptives and intra-uterine devices are banned in Japan except for research purposes.

<sup>11</sup> In Japan the practice of abortion has been questioned on several grounds, including long-range effects on health. Cf. Shiden Inoue, "Abortion Will Bring Death Down on Japan," *Jiyu* magazine, June, 1965. Also, the Prime Minister's Office has recently completed a survey showing that nearly nine out of ten Japanese women oppose abortion as "bad" (report released June 20, 1970).

<sup>12</sup> Cf. Christopher Tietze, "Abortion Laws and Abortion Practices in Europe," *Excerpta Medica International Congress Series No. 207*, April, 1969, pp. 202-205, 207-209.

<sup>13</sup> Daniel Callahan, *Abortion: Law, Choice and Morality* (New York: The Macmillan Company, 1970), 289-91.

demand is a legitimate measure to regulate population size. Beyond the fundamental question regarding the nature<sup>14</sup> and extent<sup>15</sup> of the population problem, an official of the U.S. Census Bureau has recently suggested that the passage of abortion-on-demand laws in a large number of States would probably produce a family size below the touted optimum of 2.2 children.<sup>16</sup> The United States could well develop population patterns that would create problems of more serious consequence than we now have with ecology and related questions. Also, abortion should clearly be rejected as a means to improve the environment. The practice of abortion in Japan since 1948 has not prevented the emergence of an environmental problem in 1970.

The need to uncover the true causes of population growth was scored recently by Dr. Charles U. Lowe, Scientific Director, National Institute of Child Health and Human Development. In "Letters to the Editor," *New York Times*, November 4, 1970, Dr. Lowe disagreed with aspects of the *Times'* editorial comment on population growth. The control of rates of population growth or decline cannot be exclusively tied to contraceptive methods or to the presence or absence of abortion laws. He said:

Behavioral and economic factors were operational (in dramatic shifts in birth rates) which, in the absence of an ideal contraceptive and in the presence of archaic abortion laws, caused the birth rate to undergo an almost two-fold change in two major cycles beginning in 1910.

#### CONFUSION REGARDING THE PRACTICE OF ABORTION

The confusion that commonly exists regarding abortion and contraception arises, in part, from an inaccurate reporting of the facts regarding the health care of the pregnant woman, especially as related to maternal mortality rates. The public health problem is so magnified that any attempts at solutions, regardless of ethical implications, are considered justifiable.

The press, and sometimes societal leaders who should know better,<sup>17</sup> continually quote the figures that 8,000 to 10,000 women die each year from criminal abortions in the United States. At the International Conference on Abortion, held in Washington, D.C., in 1967, all parties in the abortion controversy agreed that it was fairly accurate to say that between 250 to 500 women die each year from all

<sup>14</sup> Cf. *Toward Balanced Growth: Quantity with Quality*, Report of the White House National Goals Research Staff, July 4, 1970 (Chapter 2).

<sup>15</sup> Cf. Speech by Dr. George H. Brown, Director of the Bureau of the Census, Oct. 7, 1970, at the Downtown Economists Club, New York, New York.

<sup>16</sup> *Washington Daily News*, July 30, 1970.

<sup>17</sup> Judge Cooper in the *Memorandum Decision*, State S. Dakota v. H. Benjamin Munson (1970), declaring the abortion statute of S. Dakota unconstitutional, cites *Life* magazine, Feb. 27, 1970, as his source, and states, "According to reliable estimates, more than a million American women had abortions last year. Of these about 350,000 needed hospital care when they attempted to abort themselves, and more than 8,000 of these self-help cases dies."

kinds of abortions in the United States.<sup>18</sup> More recent studies suggest that perhaps only 60 women die each year from illegal abortions.<sup>19</sup> In general, there has been a marked and dramatic decrease in maternal mortality from all causes over the past 25 years.<sup>21</sup>

Hospitals, physicians, and nursing services are already overburdened in attempting to provide adequate health care. Serious health problems will be presented by any attempt to meet a demand for abortions on any large scale basis.<sup>22</sup> The New York experience with abortion-on-demand seems to bear this out. There have been 10 known deaths, four of which occurred in hospitals.<sup>23</sup> As of mid-September some 18,000 abortions have been performed in hospitals. Previously a city hospital spokesman had stated:

We can tolerate three deaths per 100,000 (abortion) patients.<sup>24</sup>

The city of New York has found it necessary to issue guidelines prohibiting physicians from performing abortions in their offices.<sup>25</sup>

The statement of the American College of Obstetricians and Gynecologists on Therapeutic Abortion, May 9, 1968, warns that even the medical profession is not fully aware of the dangers inherent in the normal abortion procedure. In Great Britain the mortality rate for abortion patients in the first year after the liberal law has passed was 36 per 100,000 in National Service Hospitals as compared to a maternal mortality rate of 24 per 100,000.<sup>26</sup> Further, the immediate complications from abortions done by experienced gynecologists on 250 patients included hemorrhage—21 percent required one or more transfusions, evidence of infections—40 percent—incomplete removal of the embryo or fetus—15 percent, and perforation—1.2 percent.<sup>27</sup> Rumania repealed her liberal abortion

<sup>18</sup> *The Terrible Choice: The Abortion Dilemma* (New York: Bantam Books, 1968), 40-47.

<sup>19</sup> Denis Cavanagh, M.D., "Reforming the Abortion Laws: A Doctor Looks at the Case," *America* (April 18, 1970), 406. Dr. Cavanagh's figures are based on statistics published by the United States Department of Health, Education, and Welfare and the Minnesota Maternal Mortality Committee—and extrapolations therefrom—for the years 1950-1966.

<sup>21</sup> Statistics published by the U.S. Public Health Service of the Department of Health, Education and Welfare in *Vital Statistics of the United States*, Part II—Mortality demonstrate that maternal deaths from all causes fell from 7,267 in 1942 to 987 in 1967. (The last year for which complete figures are currently available).

<sup>22</sup> Cavanagh, *op cit.*, p. 411.

<sup>23</sup> *New York Times*, Sat., Oct. 17, 1970.

<sup>24</sup> *The Evening Star*, Washington, D.C., July 22, 1970.

<sup>25</sup> Governor Rockefeller has indicated that the law might need some restrictions. Dr. Allan Guttmacher has recently suggested that the New York law should be re-written to limit abortions to the first 12 weeks of pregnancy rather than the present limit of 24 weeks.

<sup>26</sup> *Medical Tribune World Wide Report*, Monday, May 4, 1970.

<sup>27</sup> Courtney, Louis D—"Methods and Dangers of Termination of Pregnancy," *Proceedings of The Royal Society of Medicine*, Vol. 62, August, 1969.

laws in 1966, because of the "great prejudice to the birth rate and the rate of natural increase as well as the severe consequences to the health of the woman."<sup>28</sup> The Droegemueller, Taylor, and Drose study on the implementation of Colorado's reformed abortion law cites an uncomfortably high rate of secondary complications.<sup>29</sup>

Some claims regarding health care in the instance of illegal abortions are especially erroneous. For instance, WMAQ-TV, the National Broadcasting Co.'s outlet in Chicago, recently stated in an editorial of May 6, 1970, that 20,000 women were brought to Cook County Hospital in 1969 as the result of butchered abortions. On May 11, the station admitted to this factual error and noted that according to hospital officials the correct figure was 102 women. Dr. Vincent J. Collins, director of the division of anesthesiology at Cook County Hospital, presented the rebuttal.

Again, the "statistics" of 1,200,000 illegal abortions a year in the United States is but a "guesstimate." There are no reliable statistics on the number of illegal abortions performed in the United States each year.<sup>30</sup> On the basis of this weak evidence estimates run from 200,000 to as high as 1,200,000. As the proponents of the practice of abortion themselves claim, the majority of illegal abortions are performed by a qualified physician in his private office.

Just as with "unwanted fetuses," the abortion advocates argue that defective fetuses should be destroyed for their own sake. However, science cannot yet diagnose the presence of physical defects in the unborn to any appreciable extent.<sup>31</sup> As in the case of rubella—now being eliminated to a large degree due to the rubella vaccine,<sup>32</sup> the overall chance of the child being born seriously defective is one in 14, and in those cases the extent of the defect can vary.<sup>33</sup> Here then, as in the case of "unwanted births," the question arises whether the concern is more for the subjective fear and anguish that the parents feel than for the true welfare of the child.

Despite the intended goal, liberalized abortion laws do not result in the elimination of criminal abortions. For example, in Japan there were 256,000 criminal abortions last year despite 22 years of liberal abortion laws.<sup>34</sup> In East Germany criminal abortion increased when the law

was liberalized to allow abortion for social and personal reasons in 1948. Criminal abortion decreased when the law was again restricted in 1950.<sup>35</sup> Experience thus far in this country shows no diminution in criminal abortion in States with liberal laws, such as California and Colorado.<sup>36</sup> Sweden has noted little change in the criminal abortion rate despite liberal laws for years.<sup>37</sup>

#### THE PRESENT ABORTION CONTROVERSY

In those States where abortion is allowed for specified reasons, a great deal of controversy has arisen over the meaning of the law. The vast majority of abortions are approved on psychiatric grounds.<sup>38</sup> Both the proponents and opponents of abortion agree that such "psychiatric indications" cannot justify such a large number of abortions.<sup>39</sup> Authorities continue to ask whether abortion is the solution to any psychological problems, even suicide,<sup>40</sup> and whether abortion is not a cruel response to any woman who is pregnant.<sup>41</sup> The conclusion remains that most abortions that are being performed in the United States fall under the heading of "social convenience" rather than medical need.<sup>42</sup>

Like the British doctors our society must come to an informed decision whether it intends abortion-on-demand

<sup>28</sup> *Medical Tribune Report*, August, 1970. "Probably 1,000,000 Abortions Performed in Japan Last Year."

<sup>29</sup> Frederiksen, Harald, M.D., and James W. Brackett, "Demographic Effects of Abortion," *Public Health Reports*, Vol. 83, No. 12, December, 1968, pp. 999-1010.

<sup>30</sup> Brody, Jane E., "Eased Laws on Abortion Failing to Achieve Goals," *The New York Times*, Monday, June 8, 1970.

<sup>31</sup> Huld, Lars—"Outcome of Pregnancy When Abortion is Readily Available," *The Lancet*, March 2, 1968, pp. 467-68.

<sup>32</sup> *Abortion Surveillance Report: Hospital Abortions, Annual Summary: 1969*. HEW, National Communicable Disease Center, Epidemiology Program, Family Planning Evaluation Activity, Atlanta, Ga. 30333.

<sup>33</sup> Cavanagh, 408, 411.

<sup>34</sup> All studies on the danger of suicide in pregnancy are in agreement that suicide is unlikely, e.g., A. Guttmacher, "The Influence of Fertility Control Upon Psychiatric Illness," *American J. Psychiat.* 1959, 115, 683-691. Rosenberg, A. J., and Silver, E., "Suicide, Psychiatrists and Therapeutic Abortion," *California Med.*, 1965, 102, 407-411.

<sup>35</sup> Kane Jr., Francis J. and John A. Ewing, "Therapeutic Abortion—Quo Vadimus," *Psychosomatics*, V. 9, July-Aug., 1968, report that though the official psychiatric and psychological organizations support a change in the abortion law, the scientific evidence that is presently available "shows that psychiatric patients, in the present state of the art, constitute the poorest group of therapeutic abortion" (202). The liberalization of the abortion laws "... is quite likely to provide more, rather than fewer, problems for the psychiatrists" (206). *The British Medical Journal*, May, 1970, reported that eight maternal deaths occurred during 1968-69 in the case of abortion (a higher rate than that for childbirth). Two of these were suicides following the abortion.

<sup>36</sup> Therapeutic abortions (to save the life of the mother), though allowed by law in all states, are no longer generally required. Guttmacher, Allan F., *Abortion: Yesterday, Today and Tomorrow: The Cases for Legalized Abortion Now* (Berkeley: Diable Press, 1967), p. 9.

as acceptable public policy. The medical and legal evidence on the unborn provides a firm basis for discussion and decision.

#### MEDICAL EVIDENCE ON HUMANITY OF FETAL LIFE

Human life is a continuum—"from reproduction to prenatal development through infancy and childhood, and on into the stages of maturation and aging."<sup>43</sup> Some discuss whether this developing continuum of human life perceptively originates at conception or implantation,<sup>44</sup> but in either view it is agreed that from its earliest moments human life deserves to be respected.<sup>45</sup> The mod-

<sup>43</sup> "The program of the Institute of Child Health and Human Development will give major attention to the study of the continuing process of growth and development that characterizes all biological life—from reproduction to prenatal development through infancy and childhood and into the stages of maturation and aging." Senate Reprint No. 2174, Institute of Child Health and Human Development (Sept. 27, 1962), Committee on Labor and Public Welfare. In a recent report issued by this Institute some of the country's most noted child specialists agreed that optimal health care for the child and mother should include "preconceptional, prenatal, delivery, and postnatal services." *Optimal Health Care for Mothers and Children: A National Priority*, National Institute of Child Health and Human Development, National Institute of Health, Department of Health, Education, and Welfare, Washington, D.C., 1967 (p. 5).

<sup>44</sup> Those who understand conception as the moment of human origination stress the genetic basis of the continuity. Cf. Robert E. Joyce and Mary R. Joyce, *Let Us Be Born* (Chicago: Franciscan Herald Press, 1970), Ch. 3. Those who give the greatest weight to the phenomenon of implantation at the point of undisputed human origination stress the biologic characteristics of the continuity. Cf. D. Cavanagh, 409. Andre Hellegers, "Fetal Development," *Theological Studies* (Mar. 1970), 3-9, provides a thorough description of the first several days of life, but perceptively concludes, "... it is not a function of science to prove, or disprove, where in the process human life begins, in the sense that those discussing the abortion issue so frequently use the word 'life' i.e., human dignity, human personhood, or human inviolability. Such entities do not pertain to the science or art of medicine, but are rather a societal judgment" (9).

<sup>45</sup> In its recent Editorial in *California Medicine*, Sept. 1970, the California Medical Association sets aside such arguments as that the fetus is only a "blob of protoplasm." Everyone knows "... human life begins at conception and is continuous whether intra- or extra-uterine until death. The considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices." Granting that life is human from conception, the editorial advocates abortion as the first step in the development of "what is almost certain to be a biologically oriented world society." The medical profession has a special responsibility in formulating a new ethic. The traditional Western ethic of respect for life should be superseded by a new value system which is based on the scientific and technologic possibilities of our modern world. "One may anticipate further developments of the roles (e.g., abortion as a prototype of the new ethic) as the problems of birth control and birth selection are extended inevitably to death selection and death control whether by the individual or by society . . ."

<sup>28</sup> Tietze, Christopher, M.D.—"Abortion in Europe," *AMJ of Public Health*, Vol. 57, No. 11.

<sup>29</sup> "The First Year of Experience in Colorado with the New Abortion Law," *American Journal of Obstetrics and Gynecology*, March 1, 1969.

<sup>30</sup> Cf. Christopher Tietze, "Induced Abortion as a Method of Fertility Control," in *Fertility and Family Planning: A World View*, Behrman, S. J., M.D. Leslie Corsa, Jr., M.D. and Ronald Freedman (eds.) (The University of Michigan Press, 1969), 311-337.

<sup>31</sup> Joseph Dancis, "The Prenatal Detection of Hereditary Defects," *Hospital Practice*, June, 1969.

<sup>32</sup> *1970 Facts and Figures About Birth Defects*, The National Foundation—March of Dimes, Sept., 1969.

<sup>33</sup> Apgar and Stickle, "Birth Defects: Their Significance as a Public Health Problem," *Journal of the American Medical Association*, 204:5; April 29, 1968.

ern sciences of embryology, fetology, genetics, perinatology, biology all establish the essential humanity of the unborn child.

The thrust of these developments is that the doctor is committed to the care of two patients. As Dr. Liley notes:

In assessing fetal health, the doctor now watches changes in maternal functions very carefully, for he has learned that it is actually the mother who is a passive carrier, while the fetus is very largely in charge of the pregnancy.<sup>46</sup>

Dr. Andre Hellegers comments on the difficulty of appreciating the humanity of the fetus:

The layman is baffled by the fetus, since he cannot see it.<sup>47</sup>

Because the reality of developing fetal life is not generally a part of our daily experience, we come to rely in a special way on the evidence that medical science provides.

From the beginning the conceptus is a complex rapidly growing organism. By the end of the seventh week one can discern the features of a well proportioned small-scale baby. This fetus bears the familiar external features and all the internal organs of the adult.

From this point until adulthood, the changes in the body will be mainly a question of growth.<sup>48</sup>

Because of a more accurate understanding of fetal development the concept of quickening has been clearly identified as a subjective perception of the mother, based very much on the sensitivity of the mother, the position of the placenta, and the size of the child.<sup>49</sup> Also, due to improved medical care and the possibility of rapid medical advances, the concept of viability is no longer immutable or sacred.<sup>50</sup> Neither of these events can serve as a norm in determining the humanity of the fetus.

Because of the continuity of life before and after birth, there is a new speciality called perinatology which cares for its patients from conception to about 1 year after birth.<sup>51</sup> As investigation proceeds, these sciences are acquiring a fuller awareness of the humanity of the fetus. Dr. Liley states:

When doctors first began invading the sanctuary of the womb, they did not know that the unborn baby would react to pain in

the same fashion as a child would . . . By no means a "vegetable" as he has so often been pictured, the unborn knows perfectly well when he has been hurt, and he will protest it just as violently as would a baby lying in a crib.<sup>52</sup>

Dr. Liley describes the whole new attitude toward fetal development in this way:

Because the fetus is benignly protected, warmed and nourished within the womb, it was long thought that the unborn must have the nature of a plant, static in habit and growing only in size. Recently through modern techniques of diagnosing and treating the unborn baby, we have discovered that little could be further from the truth.

The fluid that surrounds the human fetus at 3, 4, 5 and 6 months is essential to both its growth and its grace. The unborn's structure at this early stage is highly liquid, and although his organs have developed, he does not have the same relative bodily proportions that a newborn baby has. The head, housing the miraculous brain, is quite large in proportion to the remainder of the body and the limbs are still relatively small. Within his watery world, however (where we have been able to observe him in his natural state by closed circuit x-ray television set), he is quite beautiful and perfect in his fashion, active and graceful. He is neither an acquiescent vegetable nor a witless tadpole as some have conceived him to be in the past, but rather a tiny human being as independent as though he were lying in a crib with a blanket wrapped around him instead of his mother.<sup>53</sup>

#### DEVELOPMENT OF THE RIGHTS OF THE UNBORN

A three-judge Federal panel was recently convened to consider the constitutionality of a State statute which allowed the performance of abortions only to save the life of the expectant mother.<sup>54</sup> The court, noting that—

Little or no importance has been attached . . . to whatever interests may be possessed by the embryo or fetus the pregnant woman carries (in the recent series of proabortion arguments).

Held that the law was valid. Drawing a clear distinction between contraception and abortion the court said flatly that:

We do not find that an equation of the generalized right of the woman to determine whether she shall bear children with the asserted right to abort an embryo or fetus is compelled by either fact or logic.<sup>55</sup>

<sup>46</sup> Liley, H. M. I. *Modern Motherhood* (Random House, Rev. ed. 1969), p. 202.

<sup>47</sup> Hellegers, p. 3.

<sup>48</sup> Various texts document these developments, for example: Cf.

Arey, Leslie B.: *Developmental Anatomy*, 6th Ed. Philadelphia W. B. Saunders Co. 1954 Chap. II VI.

Patten, Bradley M.: *Human Embryology*, 3rd Ed. McGraw-Hill Book Co. NY 1968 Chap. VII.

Flannagan, G. L.: *The First Nine Months of Life*, Simon and Schuster 1962.

Hooker, Davenport: *The Prenatal Origin of Behavior*, Univ. of Kansas Press 1952.

Potter, Edith M.D., Ph.D.: *Pathology of the Fetus and Infant*, Year Book Publishers Inc. Chicago 1961.

<sup>49</sup> Liley, 37, 38.

<sup>50</sup> D. Cavanagh, 410.

<sup>51</sup> Gairdner, Douglas. "Fetal Medicine: Who Is to Practice It," *J. Obstet. & Gynec. Brit. Commonwealth* 75:1223-24 Dec. 1968.

<sup>52</sup> Liley, 50.

<sup>53</sup> *Ibid.*, 26-27.

<sup>54</sup> *Rosen v. Louisiana State Board of Medical Examiners*, —F. Supp.—, Civil Action #70-1304, Aug. 7, 1970.

<sup>55</sup> In 1965 the United States Supreme Court declared invalid a Connecticut statute proscribing the use of contraceptives as an undue interference with the right of marital privacy. *Griswold v. Connecticut*, 381 U.S. 479, (1965). Therein the Court said that the state could not tamper with the woman's fundamental right to choose whether or not to have children. It has often been argued, since then, that laws which allow for an abortion only to save life of expectant mother suffer from the exact same constitutional infirmity. However, as the district court in the *Rosen* case said: "We deal in this case . . . not merely with whether a woman has a generalized right to choose whether to bear children, but instead with the more complicated question whether a pregnant woman has the right to cause the abortion of the embryo or fetus she carries in her womb. We do not find that an equation of the generalized right of

In so acting this Federal court upheld the legislative and decisional law which has, over the past two centuries, developed to protect children still in the womb and which has become an integral part of our jurisprudential ethic.<sup>56</sup>

The first area in which the rights of the unborn child, as such, were recognized was in the realm of property law. For nearly 200 years the unborn child has had the right to inherit, the right to have an injunction and the right to a guardian.<sup>57</sup> More recently, these children have been able to recover for the negligent death of their principal supporter,<sup>58</sup> to bring suit to compel adequate parental care and support<sup>59</sup> and to recover social security insurance benefits.<sup>60</sup>

Recent developments in tort law have kept pace with the increased knowledge which the sciences have provided regarding human life in general and fetal existence in particular. Thus it is that a child who is born with injuries received at the hands of a negligent tortfeasor while in the womb can recover for those injuries. And if those injuries result in his death while still in utero his parents are allowed recovery in a wrongful death action.<sup>61</sup>

Furthermore, one State supreme court has ruled that the right of the unborn child to continued existence takes precedence even over the sacred constitutional liberty regarding the freedom of religion.<sup>62</sup>

the woman to determine whether she shall bear children with the asserted right to abort an embryo or fetus is compelled by fact or logic."

Thus the court clearly recognized that there is a clear line to be drawn between the right of the woman to prevent conception and any claimed right to destroy conceptus. This line is especially obvious in light of the protections which the law places about the unborn child.

<sup>56</sup> See, generally, Louisell, "Abortion, the Practice of Medicine and the Due Process of Law," 16 *U.C.L.A.L. REV.* 223 (1969); Quay, "Justifiable Abortion," 49 *GEO. L.J.* 173 (1961); Note, "The Unborn Child: Consistency in the Law?" 2 *SUFFOLK LAW REV.* 223 (1968), all of which cite and discuss authorities on the legal status of the unborn.

<sup>57</sup> Noonan, "The Constitutionality of the Regulation of Abortion," 21 *Hastings L.J.* 51, 52-53 (1969); Louisell, *supra*, note 1 at 235-238; Note, *Suffolk Law Rev.* note 1 at 230.

<sup>58</sup> 358 *Mic.* 558, 100 N.W. 2d 445 (1960).

<sup>59</sup> *Kyne v. Kyne*, 38 Cal. App. 2d 122, 100 P. 2d 806 (1940).

<sup>60</sup> *Wagner ex rel. Hughes v. Gardner*, 413 F. 2d 267, (5th Cir. 1969).

<sup>61</sup> See generally, Noonan, *supra*, at 53-56; Prosser, *The Law of Torts*, 354 (3rd ed. 1964); Gordon, "The Unborn Plaintiff," 63 *Mich. L. Rev.* 579 (1965). The two opinions in *Todd v. Sandidge Construction Co.*, 341 F. 2d 75, (4th Cir. 1964), constitute an excellent discussion of these points.

<sup>62</sup> *Raleigh Fitkin-Paul Memorial Hospital v. Anderson*, 42 N.J. 421, 201 A. 2d 537, (1964). Therein the New Jersey Supreme Court said flatly that: "We are satisfied that the unborn child is entitled to the law's protection . . ." Three years later the same court upheld the dismissal of a malpractice action against two physicians who had failed to advise an abortion for an expectant mother who had contracted German measles and had subsequently given birth to a defective child. Assuming *arguendo*, that an abortion could have been legally obtained, the court nonetheless said

It becomes apparent that the law has been following what knowledge her sister sciences have been able to provide within the past two centuries as regards the status of unborn children. As medicine, and especially fetology, has told us more about the child within the womb and his independent existence, the law has responded by increasing the safeguards which surround unborn children and by recognizing them as entitled to a full panoply of rights.

If the unborn can inherit both by will and by intestacy, if he can be the beneficiary of a trust, be tortiously injured, be protected by criminal statutes on parental neglect and if his existence can be preferred to even a constitutional right of his parents, it would certainly make no sense for the Congress of the United States to undermine clearly established principles of our legal system by authorizing funds for the deprivation of the single right fundamental to all of the others which the law recognizes—the right to continued existence.

The authorization of funds for abortion as a method of family planning would not only stand in clear contradiction to the values which have evolved in our legal system, but it would indeed be a great step backward. In the Roman Republic the father, by virtue of his legal power over his family, was given the right to order abortions at will.<sup>63</sup> It would certainly be a sad commentary, if, after 2,000 years, we were unable to improve upon an antiquated and barbaric system of population control.

None of the 50 States currently sanction abortion as a method of family planning.<sup>64</sup> The criminal codes of most States sanction abortion only in certain strict and clearly-circumscribed cases. Even the broadest interpretation of these laws would not lead one to the conclusion that they in any way allow for such a procedure as an accepted method of family planning. For the Congress of the United States to appropriate funds for a procedure which would violate the criminal law of a vast majority of American jurisdictions would be to raise constitutional questions of a most serious nature. Such an appropriation would allow the use of Federal funds for an action which is in direct contravention to the Crim-

inal Code of the District of Columbia, which, of course, is a congressional product. It would also be a serious and questionable overreach of congressional authority to sanction the use of Federal funds for what would be—in effect—the commission of criminal acts in a majority of jurisdictions.

that: "We are not talking about the breeding of prize cattle . . . Although we sympathize with the unfortunate situation in which these parents find themselves, we firmly believe that the right of their child to live is greater than and precludes their right not to endure emotional and financial injury." *Gleitman v. Cosgrove*, 49 N.J. 22, 227 A. 2d 689 (1967).

<sup>63</sup> Blondi, "La Patria Potestas," *Il Diritto Romano Cristiano* 13 (1954); Buckland and McNair, *Roman Law and Common Law* 35 (1936).

<sup>64</sup> Four states—Alaska, Hawaii, New York, and Washington—have laws that permit abortion on request. While some individuals may construe abortion on request to include abortion as a method of family planning, the public discussion that preceded the liberalization of the law in the above-mentioned states centered on adequate health care for the mother, and the medical profession has commonly looked on abortion as a procedure to be used in a specific case to maintain life or health.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

(Mr. MEEDS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

The Family Planning Services and Population Research Act of 1970 could greatly accelerate the effort to bring voluntary family planning services to the estimated 5 million women who want and need this help.

I specifically want to emphasize the provisions of this bill which pertain to the training of the needed manpower in the family planning field. One of the central aspects of the impending crisis in the entire health field is the shortage of trained manpower to meet the needs of an expanded health delivery system.

During hearings before the Senate Subcommittee on Employment, Manpower, and Poverty, the point was made very clear that paraprofessional workers adequately trained in family planning can take over many of the routine functions ordinarily performed by highly skilled professionals, thereby allowing them to concentrate more effectively on strictly professional tasks.

Dr. Harold A. Kaminetzky, Jr., chairman of the Department of Obstetrics and Gynecology at the New Jersey College of Medicine and Dentistry and director of a successful, large-scale family planning program in Newark, described how trained paraprofessionals have allowed a considerable expansion of family planning services in that community with a minimal commitment of professional manpower. Moreover, he said that because of their awareness of community conditions, paraprofessionals were of critical importance in relating the service program to the needs of low-income people in Newark. Through their enthusiasm and hard work they were able to significantly bolster the appointment roles of the service program and to encourage the retention of patients in the system. Similar testimony and research data in the health field sustain this view of the advantages of training and employing paraprofessionals in family planning service projects. To further illustrate this point, I ask unanimous consent to have printed in the RECORD an article from Time magazine on the recent report of the Carnegie Foundation's Commission on Higher Education which recommends the use of "Paramedics" as a way of relieving the medical manpower shortage.

If I have any criticism of the legislation before us and of which I am a sponsor, it is that it fails to recognize fully the import of the manpower crisis or of the contributions which paraprofessionals can make toward its solution.

The sum authorized for training under H.R. 19318 are far too small to permit the development of a cadre of people skilled in the administration and operation of family planning programs.

Mr. Speaker, while the excellent report of the Interstate and Foreign Commerce cites many reasons for the passage of this bill, I would like to discuss briefly several others.

First, nearly everyone agrees that overpopulation threatens the health and stability of nations. Especially in the developing countries do we face the grim prospect of too many mouths and too little food. The isolated starvation of 1970 could become the mass famine of 1990.

Fortunately, the American foreign aid program has recognized the dire need for family planning. But more action is necessary. David Riesman and other sociologists have written that population often grows in a "S" curve, the greatest increase coming during industrialization or other forms of economic take-off. Many nations are experiencing rapid economic growth, and unless population restraints are taken, growth could become suffering. Indeed, a people desperate for food and living space may seek new territory.

Second, we realize that population is directly related to the environment. More Americans consume more natural resources and discharge more pollutants. One of the world's most productive economic regions has been the upper Middle West, and now the Great Lakes are dying. As population expands, clean waters and pure air diminish. In my own State, we have to spend millions of dollars to clean up Lake Washington.

Third, population increases mean tax increases. Not only do we have to spend more to clean up more, but additional human beings require additional public services.

The birth rate in America was very high in the decade 1950-60. It comes as no surprise, therefore, that school enrollments likewise skyrocketed and so did State and local taxes to pay for education. Limiting population is essential to limit taxes.

Fourth, we are finally recognizing that overpopulation has harmful emotional, physical, and psychological aspects. Behavioral scientists now believe that density is a major cause of crime and violence. Human beings, say the scientists, are more prone to aggressive conduct when pressed together. Is there anyone who has not felt irritable and even nasty after waiting in line, driving during the rush hour, or trying to negotiate his way through a crowded building?

Mr. Speaker, in recent weeks I have received several letters urging me to vote against this legislation we are debating today. It appears that some misinformation has been distributed concerning H.R. 19318 and the Senate bill, S. 2108. Some persons have been told that the bills authorize abortion and even limit the number of children a family can have. This is not true. The programs contained in the measures are entirely voluntary.

The legislation we are considering is

fair, well-written, and absolutely essential. It is a meaningful response to the growth of our population, a problem that historians may someday view as the most serious of the 20th century:

#### CURING THE DOCTOR SHORTAGE

It usually takes at least eight years before a U.S. college graduate can practice medicine on his own. As a result, the world's best medical training has a serious flaw: the U.S. has only one physician for every 650 people, compared with the Soviet ratio of one to 400 and the Italian figure of one to 580. One out of 50 Americans has no access to a doctor under any circumstances. To cure the shortage, the nation's chief health officer, Dr. Roger Egeberg, prescribes an immediate injection of 50,000 new physicians—a 15% increase in those now practicing. Last week the Carnegie Commission on Higher Education produced a plan that could fill this prescription.

#### EDUCATIONAL OVERKILL

The Carnegie report is the most revolutionary look at the education of American physicians since the Carnegie Foundation's Abraham Flexner studies the problem in 1910. Because students could then enter medical school directly from grade school or high school, Flexner urged a sharp increase in scientific training and no student contact with patients until the final two years of study. The ultimate result has been a kind of educational overkill. After pre-med courses in college, medical students often spend unnecessary and repetitive hours in classroom work. Although the system has created an extremely high level of academic medicine and research, it needlessly prolongs medical training and restricts the doctor supply at a time when the demand is greater than ever.

The situation is likely to get worse. Convinced that the U.S. will adopt some kind of national health-insurance plan, the Carnegie Commission views the current problem as "a mere ripple in comparison with mounting waves of problems to be faced when the financial barriers to health care are lowered." To meet a demand for ever more doctors, it urges medical schools to update the Flexner plan and to adopt a program that it says could fill the physician gap by 1980. Among its recommendations:

Four-year medical-school programs and three-year residencies should each be shortened by one year. The goal: much earlier clinical practice. Medical schools should also institute a two-step degree system. After completing basic requirements, students could graduate with a new degree called bachelor of medicine or master of human biology, which would qualify them for research and teaching. Those interested in practicing medicine would be required to go on for an M.D.

Medical schools, which now accept 52% of all applicants, or 10,800 a year, should increase their admissions and take at least 16,400 students by 1978. A substantial number should be women, who now constitute only 7% of the U.S. doctor force, and blacks, who make up only 2%. Community colleges should undertake programs for training medical assistants to relieve physicians of many routine tasks (see box).

Nine new medical schools should be established in urban areas with populations of 350,000 or more, each forming the nucleus of a university health-science center. The goal is a nationwide complex of 126 health centers, combining schools and hospitals and located within an hour's drive of 95% of the population.

The Federal Government should provide grants of up to \$4,000 a year for low-income medical and dental students. It should also underwrite 75% of the cost of building or

expanding health-science facilities. The estimated federal bill: \$1 billion by 1980.

Several medical schools are already moving toward the Carnegie Commission's goals. Dartmouth is developing a three-year program leading to an M.D. degree. Case Western Reserve has long encouraged clinical experience by assigning each first-year student to follow one family's health problems throughout his four years of medical school.

#### OBSTACLES TO REFORM

Dr. Carl Ruhe, director of the American Medical Association's Division of Medical Education, notes that his organization is on record as favoring health insurance for all Americans, and he terms the Carnegie report's emphasis on community needs "consistent with the A.M.A.'s feelings and beliefs." Yet the obstacles to reform remain formidable. A significant number of academic doctors are quietly opposed to any changes that stress clinical training at the expense of their pet research projects. Many medical schools lack funds or facilities to increase their enrollments.

Federal help, on which the Carnegie recommendations rest, is not likely to be forthcoming in the near future. A tax-supported national health-insurance program could supply the Government with the money necessary to train doctors, but the Administration has shown no disposition to adopt such a plan.

#### PARAMEDICS: NEW DOCTORS' HELPERS

Compounding the doctor shortage, says the Carnegie Commission, is the absurd fact that "expensively trained physicians are performing tasks that could well be carried out by less broadly trained personnel." Such tasks include taking the patient's history and blood pressure—chores that a doctor need not do. The U.S. has an ample supply of people, including 250,000 retired nurses, many of whom would gladly help doctors concentrate on more serious matters. Each year, the armed forces discharge 30,000 highly trained medical corpsmen, including seasoned veterans of battlefield medicine in Viet Nam. But in many areas, the only civilian medical job open to such skilled men is hospital orderly.

In a fresh and growing trend, more than 40 training programs for doctors' assistants are under way across the country. The graduates, already numbering in the hundreds, are tagged with clumsy names—paramedic, clinical associate, health practitioner. They all relieve doctors of time-consuming jobs like preliminary diagnostic tests. The physician then reviews the findings and decides treatment for a dozen patients in the same time he might otherwise spend personally diagnosing a single patient.

Started by Duke University in 1965, paramedic studies are wide-ranging—from community health to bacteriology and psychosomatic medicine, plus techniques such as regulating intravenous infusions and operating respirators. As a recent Duke graduate put it: "It's not all flashing scalpels and white coats, but you can pack a lot of medicine into two years." Duke is training 40 future physician assistants a year, most of them ex-medical corpsmen. A dozen Duke graduates have already helped to set up similar programs at other medical schools. For every graduate, there are five or six job offers—most paying \$10,000 a year or more.

To ease the critical shortage of pediatricians, the University of Colorado trains public health nurses (who already hold a master's degree) in subjects like anatomy, pharmacology, child psychology, orthopedics and mental retardation. Colorado's first 65 pediatric nurse practitioners are now carrying medical attention to children of poor families who rarely consult a doctor.

Colorado's practitioners have worked out so well that the university has also started a child health associate program for candidates with only two years of college. They

get two years' training in anatomy, genetics, nutrition and other basics, then spend a third year interning at health centers and in doctors' offices. Now Colorado is recruiting intensively among minority and disadvantaged high school students.

In a vastly different approach, the Office of Economic Opportunity has funded training for family health workers, who need only the equivalent of a fifth-grade education. Many are recruited from welfare rolls. At Watts Health Center in Los Angeles and at The Bronx's Montefiore Hospital, for instance the workers learn to incorporate some of the functions of the public health nurse, the lawyer, social worker, physician and health educator. They make house calls and are trained to help people negotiate with welfare and other agencies to get the help they need.

Despite initial fears that paramedics might make errors of medical judgment, experience shows that this is not the case. One study of 180 patients examined first by a paramedic and then by a physician found the examiners disagreeing on only two cases. Supporters also point out that most paramedic work is double-checked by doctors. This fall California enacted legislation permitting physicians' assistants to work, provided they are under a doctor's supervision. Many other states are likely to follow suit.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS), a member of the subcommittee.

Mr. KYROS. Mr. Speaker, last April I had the honor of presenting, to the Democratic Policy Council's Committee on National Priorities, a paper on the status of our national health system. In the course of my preparation for that presentation I was shocked to learn of the high rate of infant mortality in this Nation. Let me quote to you from that presentation:

The decrease in our infant mortality rate has leveled off. In 1969, 15 other nations had lower infant mortality rates than did the United States. Compared with these other nations, there is a notably high level of seriously underweight babies born in this country, as a result of premature birth and other less discernible factors. This has suggested to many that the medical care afforded to prospective mothers in this country is inadequate. Given the higher rate of poverty among non-white families in the United States, it is significant that the infant mortality rate among non-whites is three times that of whites, with a maternal mortality rate four times greater. Worse, this maternal mortality rate gap is increasing.

Mr. Speaker, it is shameful that a nation with our wealth, with our luxurious standard of living should tolerate this death rate among mothers and their babies. I believe that the legislation before the House of Representatives today will do much to improve this situation. The Family Planning Services and Population Research Act will make an important contribution to the health of American mothers and children. This bill will make family planning services available to low-income women who presently want and need but cannot afford them and will increase the Federal role in population research. When it first came before the health subcommittee, I was not aware of the important health benefits of family planning. However, our committee held 3 full days of hearings on this legislation and one expert after another testified to this fact.

One of the witnesses, Dr. Elizabeth

Connell, a physician who has practiced in my home State of Maine, and now lives in New York City, told the committee:

The many health benefits of family planning services have been well-known to those of us in the field for some time but ignored by many public health agencies until very recently. We know that there is a direct relationship between infant mortality and other adverse outcomes of pregnancy on one hand, and high parity and short intervals between births on the other. The incidence of infant mortality, prematurity, mental retardation, congenital malformations and brain damage rises alarmingly among fourth and subsequent births. They are also far more frequent in births to older women and among first births to girls in their teens. The incidence of infant mortality increases considerably when births occur at too short intervals and all of these relationships are compounded and worsened when too many pregnancies occur too rapidly to impoverished women whose health has already suffered from poor living conditions, malnutrition, and inadequate medical care.

Later, Dr. Joseph Beasley, director of a large family planning project in New Orleans, gave the committee some startling data on the factors affecting infant deaths, stillbirths, and maternal deaths in that city. Dr. Beasley stated that in a 1964 study he found that an estimated half of the women in the lower socioeconomic group who had experienced a stillbirth or infant death had a recognizable health problem before they became pregnant. He estimated that 26 percent of the women 15-44 years of age within the lower socioeconomic group in the city of New Orleans contribute 56 percent of the live births, 72 percent of the stillbirths, 80 percent of the maternal deaths, and 68 percent of the infant deaths.

Later Dr. Beasley's group conducted a study of the causes of infant and maternal mortality and morbidity. They found that the shorter the period between births the higher the chance of prematurity. Prematurity is probably one of the major factors contributing to infant deaths and associated with mental retardation. Dr. Beasley's group also found that infant mortality rose when mothers were under 20 or over 35 years of age, and when the child is the sixth or seventh born to the woman.

Mr. Speaker, the legislation before us will serve as a tool to better health for infants and mothers in two ways.

First, it will help to provide family planning services to the low-income women who want and need them but presently do not have access to them. It is estimated that there are 5 million women who fall into this category. The middle-class woman who wants to practice birth control consults her private physician but the low-income woman has no private physician. Her medical care is usually provided by a hospital or health clinic. Mr. Speaker, in 1968 only one-fifth of the major public hospitals and only one-third of the Nation's public health departments offered those services.

The services are eagerly accepted when they are available. When Dr. Beasley and his colleagues instituted a voluntary family planning program in rural Louisiana, 75 percent of low-income women in

their reproductive years, who were not seeking a pregnancy at that time, enrolled in the program. Three years later 74 percent of those women were still involved. Family planning clinics operated under OEO and HEW grants have been under constant strain to care for all the women seeking services.

No one was pushing or coercing those women. They wanted to be able to space their children. Dr. Beasley was helping them to do so and at the same time was increasing the chance that both mother and child would be healthier as a result.

Second, this bill will help all Americans by increasing research in the reproductive process and in contraceptive development. Research in the reproductive process is especially important, Mr. Speaker, because it will help those men and women who want to have children but have been unable to do so, and will aid those Americans who want to control their fertility by the practice of rhythm. Let me quote from the statement of Dr. Andre E. Hellegers, professor of obstetrics and gynecology, Georgetown University School of Medicine, and a member of Pope Paul's Commission of Population and Birth Control, which he submitted to the committee:

What I have tried to stress is that whether you are interested in contraception or conception, in "artificial contraception" or "rhythm," in genetic counseling or mental retardation of cerebral palsy—to make any inroads into any of these problems you had better understand the very basics of ovarian physiology, of tuban or sperm physiology, of fertilization and implantation. In brief, of all those aspects of human reproduction which we understand so little about and which these bills pertain to.

Let me point out, too, that studies indicate that about 90 percent of all American couples have used or expect to use some form of contraception during their married lives. If that large a portion of American couples are going to use contraceptives it seems important that we help them have available the safest and most effective methods possible. At the present time the most effective method is the oral contraceptive. Eight million American women take the "pill" every day. Millions of other women, however, are not able to take this drug for medical, social, or religious reasons. Other contraceptives have either similar drawbacks or are considerably less effective.

It seems to me that our Government has a clear and important responsibility to support research to develop contraceptives that will be safe, effective and acceptable to all population groups. And in regard to acceptability, I would like to read to you from Pope Paul VI's *Encyclical in Human Life*:

We wish now to express our encouragement to men of science who can considerably advance the welfare of marriage and the family, along with peace of conscience, if by pooling their efforts they labor to explain more thoroughly the various conditions favoring a proper regulation of births.

It is particularly desirable that, according to the wish already expressed by Pope Pius XII, medical science succeed in providing a sufficiently secure basis for a regulation of birth, founded on the observance of natural rhythms.

Population research that will enhance the reliability of the rhythm method would be of great value to Catholic couples. Research into other methods will benefit other Americans.

Mr. Speaker, I think it is clear that this legislation answers, at least in part, a very real health need of the American people and I urge the Members of the House to join me in supporting it.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN) the Chairman of the subcommittee which held hearings on this bill.

Mr. JARMAN. Mr. Speaker, in 1966, President Johnson, in his health and education message, stated:

We have a growing concern to foster the integrity of the family, and the opportunity for each child. It is essential that all families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience.

Last July, President Nixon concurred and urged that we "establish as a national goal the provision of adequate family planning services within the next 5 years to all those who want them but cannot afford them."

Both Presidents, along with President Kennedy, have also stressed the need for a greatly enlarged research program more commensurate with the urgency of the world's population problems.

The legislation before us recognizes a basic human right, the right to freely determine the size of one's family, the timing of one's children. It embodies the goals enunciated by Presidents Kennedy, Johnson, and Nixon.

We know that medically indigent persons who are usually dependent on public or voluntary agencies for health care have heretofore had very limited access to family planning services. Official inventories of available services have shown that, in 1968, only 1,200 counties of over 3,000, provided any kind of family planning services. Furthermore, in over 80 percent of the 1,200 counties which did provide services, less than 100 patients per year were served. Ninety percent of approximately 4,000 nonprofit general care hospitals in the United States in which most low-income mothers deliver their babies had no family planning services at all. Last year, in spite of some progress, only 1 in 5 of the medically indigent women in need of services received them.

Still, the deleterious effects of excessive childbearing are well-known. High fertility results in increased maternal and infant mortality and in high rates of prematurity. Prematurity, in turn, is the leading cause of mental retardation, brain damage, and other birth defects. HEW studies have indicated that family planning services are, by far, the most cost effective approach to the reduction of these health problems. In the economic and social sphere, the benefits are also clearly demonstrable. About one-half of all poor children in the United States are in families with five or more siblings. Obviously, a marginal income barely sufficient to support a family of

four or five cannot be stretched to feed, clothe, and maintain a much larger number of children. Too often, the family as its size increases, must depend on public assistance for its subsistence. Additional children, unplanned and unwanted create an intolerable burden not only on the financial resources of the family but on their emotional resources as well. Children born in these circumstances have, from the beginning, a poor chance in life indeed.

H.R. 19318 will greatly increase the amount of services available to low-income families and will enable them to limit and space their children according to their individual wishes and needs. Our committee heard impressive evidence that, when services are offered with dignity and compassion, they are eagerly used by the patients and valued by the entire community.

H.R. 19318 also will provide additional support for research in the various scientific fields which have a bearing on population research. Biomedical research in the whole area of reproduction is still in its infancy. Basic inquiry is needed which will illuminate the problems associated with both fertility and infertility. Contraceptive research, that is the assessment and development of contraceptive methods, is of crucial importance to the health and safety of American women of the childbearing ages and to countless millions in the developing countries. Sociological and demographic research in the area of population growth and distribution has been sorely neglected up to now but we are fast becoming aware of its immense implication for our future as a Nation and for that of the world.

The Family Planning Services and Population Research Act of 1970 will enable us to make a realistic attack on these key problems. It is worthy of our endorsement.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS) a member of the subcommittee which heard this bill.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 19318, a bill to provide a comprehensive program of family planning services, research, and information distribution on a voluntary basis to the people of our Nation.

As a member of the Subcommittee on Public Health and cosponsor of this bill, it is my opinion after listening to the testimony of many witnesses on this subject, that the family planning services in this Nation are for the most part either: first, nonexistent; second, in a state of disorganization; or third, often not reaching the people who need them most. The Subcommittee reported out a bill which will go far to consolidate programs in areas where duplication exists and to establish new programs where they are drastically needed.

I would like to emphasize to the Members that the program embodied in this legislation is offered to persons on a strictly voluntary basis, and that none of the funds authorized to be appropriated under this bill shall be used in programs where abortion is a method of family planning.

It is time for us to coordinate our scattered family planning information and research and services programs so that those individuals with high-fertility rates or who have excessive and unwanted childbirths can go somewhere for information and service. Usually it is the poor who do not have access to family planning services and who have excessive childbirths which they cannot afford.

However, the problems of excessive childbearing in this country are not limited to low-income families. This is illustrated by the recent study which indicates that 32 percent of all American married couples who want no more children are likely to have one or more unwanted pregnancies before they complete their fertile years. And among those who want more children, 62 percent will fail to time their children according to their wishes or plans.

Therefore, this legislation embodies a program which can give information and services for those who desire it to assist them in their family planning, so that they will be able to establish a timely and appropriate family environment for their children.

I urge my colleagues again to give their support to H.R. 19318.

Mr. HARRINGTON. Mr. Speaker, I am proud to rise in support of H.R. 19318, a bill which has achieved a tremendous nonpartisan consensus in recognition of the desirability and need for voluntary family planning services and population research in the United States. As a cosponsor of this legislation, I am especially gratified at the prospect of providing, in the near future, family planning services to over 5 million medically indigent women in the United States who want and need them.

I have been particularly impressed by the broad support for this legislation. In addition to the 96 cosponsors of several family planning services and population research measures in the House, similar legislation had 31 cosponsors in the Senate where on July 14 it was approved unanimously. These cosponsors represent both parties, all religious beliefs, and all sections of the country. H.R. 19318 is truly an example of bipartisan legislation. Broad support for this bill has been in evidence not only in the Congress, but also in the executive branch. Secretary of Health, Education, and Welfare Elliott L. Richardson has recently identified this legislation as one of several pieces of priority legislation for his Department.

Strong support for this legislation can be found not only within the Federal Government, but also among many prominent private individuals and organizations. More than 35 witnesses submitted testimony to the Subcommittee on Public Health and Welfare, with almost all of them supporting this legislation. This support came from such diverse organizations as the American Medical Association, the American Veterans Committee, the National Association of Counties, the National Education Association, the Day Care and Child Development Council of America, Inc.; such prominent individuals as the Honorable John W. Gardner, John D. Rockefeller III, and Gen. William H. Draper, Jr.; and Mayor Moon Landrieu of New Orleans;

the State of Michigan's Department of Natural Resources, and New York City's Human Resources Administration, and Health Services Administration.

As a further example of this broad private sector support, I call to your attention excerpts from the statements of representatives of various religious groups and ask unanimous consent that these excerpts be printed in the RECORD.

The tremendous public and private support for this legislation is clearly indicative of "an idea whose time has come." Therefore, let us not waste any more precious time.

Mr. Speaker, let me conclude by urging all of my colleagues to support this humane and progressive legislation which is in the best tradition of nonpartisan politics. For if this legislation is enacted the real winner will be all Americans and this is as it should be in a democratic society.

The material follows:

STATEMENT OF GEORGE CRAWFORD, REPRESENTING THE DEPARTMENT OF POPULATION PROBLEMS, BOARD OF CHRISTIAN SOCIAL CONCERNS, THE UNITED METHODIST CHURCH

The United Methodist Church is becoming increasingly aware of the awesome dimensions of the worldwide population crisis facing mankind. In April of this year, the General Conference of the United Methodist Church, which is the legislative body of our eleven-million-member church, passed a resolution on the population crisis, the full text of which I am submitting for the committee records. This resolution calls upon the church to recognize rapid population growth as a matter of great religious and moral concern.

I would like to point out that the National Council of Churches, representing over 42 million Protestant Americans, also passed a resolution on this subject at its General Assembly in December 1969. This called upon "the churches, individuals and governments to recognize the seriousness of the threat posed to humanity by further population expansion" and went on to urge the Administration and Congress to establish a major agency on population with sufficient authority and money to lead the effort to halt population growth . . .

So we call upon the House to pass the population and family planning act as adopted by the Senate as a first step in making that "maximum and sustained effort."

STATEMENT OF RODNEY SHAW, REPRESENTING THE DEPARTMENT OF POPULATION PROBLEMS, BOARD OF CHRISTIAN SOCIAL CONCERNS, THE UNITED METHODIST CHURCH

I should like to make a few remarks on the morality of the measure as it is viewed by one of the largest Protestant Christian denominations.

Our church believes strongly that family planning is in accordance with the will of God.

In our nation, family planning assistance and services are almost universally available to the middle class, if they desire them. Even so, there are thousands of unwanted births to middle-class women each year because of contraceptive failure. Provision in this act for greatly expanded work on safer, more effective contraceptives will therefore be of service to women of all classes—and even in all lands.

I should particularly like to stress, however, the need for the family planning guidance and services which will be provided under this act to low-income women in rural areas and city slums. Provision of these services will remove what has been a very real and immoral discrimination against women in poverty.

I would like to comment on a charge sometimes made that governmental programs of family planning are wrong because they are simply a cheap and easy excuse for society to avoid taking more difficult and expensive measures to lift people out of poverty. As Christians and churchmen, we believe deeply that family planning programs must never be allowed to substitute for other programs to meet the needs of the poor.

However, the answer to this charge is not continued failure to make family planning assistance available to the poor. The answer is to ensure that such aid is offered in the context of genuine concern for the mother and the family and of adequate provision for their total welfare.

We believe that programs such as those authorized in this family planning and population act can help to assure that children will be wanted and loved, that mothers will be able to care for the children they have, and that the family will not be overburdened beyond its capacity. These accomplishments can surely be seen as obedient to the injunction to love others even as ourselves—as true affirmations of the will of the Lord of Life.

STATEMENT OF MSGR. ALPHONSE S. POPEK,  
MILWAUKEE, WIS.

It would be an understatement to declare that I welcome this opportunity to address this august body. I have been present at the hearings on Monday and Tuesday of this week to hear only proponents of H.R. 15159 (S. 2108), without any voice large enough raised in protest to the passage of this horrendous bill. One solitary voice, that of a Wisconsin woman, was heard in opposition to the massive presentation made by witnesses in support of H.R. 15159 (S. 2108). I declared publicly on Tuesday that I would return to make this presentation and bring a bit of fresh air into the suffocating stench of death, permeating this chamber, by upholding the basic religious and moral principles upon which this country's Constitution and Bill of Rights are based.

Once the bill under consideration changes its status from a proposed bill into a Federal law, the U.S. Government will inevitably play God. The horrendous Hitlerian experiment, to propagate his super-race, will be repeated—life will become the cheapest commodity because Federal legal pressure will replace the Judaeo-Christian reverence for human life and its transmission as well as its continuance. Before long "life control" and "death control" within each State of the Union will fall before the monstrous sovereign dictatorship of the Federal Government, in spite of the repeated assurance in the proposed bill that the entire program of elimination of life will be on a voluntary basis. . . .

It is my firm conviction that the bill under consideration is the key which will unlock a Pandora's box. There are over 40 legal proposals before the 91st Congress of these United States, similar to the present bill. Each sophistically tampers with the possible, even probable, conception of human life and the elimination of human life after it has begun. Does the present bill propose "only a little bit of birth control?" In the mystique of its wording it proposes "a little bit of abortion" as well. It can be scientifically proven that "the pill" and the intrauterine devices, planned for widespread distribution in this bill, are not merely contraceptive but abortifacient. Who shall get the counseling, "the pill," the IUD? The bill states that all women, without distinction, whether they be married or unmarried without any determination of age will be provided their availability. . . .

STATEMENT OF DR. JAMES M. DUNN, EXECUTIVE SECRETARY OF THE CHRISTIAN LIFE COMMISSION, BAPTIST GENERAL CONVENTION OF TEXAS

While it is clear that no one can speak for all Baptists in any area or on any issue, I do have clear directions to urge acceptance of the bill you consider.

On November 6, 1969, Baptists in their annual convention unanimously accepted a statement "calling on all Texas Baptists to lend their support to the passage of United States Senate Bill 2108."

This action was taken after years of mounting concern for the problems of the population explosion and related human miseries.

We call upon Baptists who respect the dignity of man and acknowledge his freedom of choice candidly to endorse the right and responsibility of family planning. Full family life education must be available to all citizens, particularly to the poor and uneducated. An affirmative public policy regarding birth control information is required in order that the right of free choice in the private life of husband and wife may have a basis in fact rather than being an empty slogan. We see any system, religious or political, that supports a mandatory, state imposed ignorance of modern medical advances as dictatorial and inhumane.

Therefore, we support the programs of the Public Health Service and other government and private agencies that offer health and hope to mothers otherwise trapped in a cycle of annual pregnancies. We see that planned parenthood, practiced in Christian conscience, may fulfill rather than violate the will of God.

In Corpus Christi, Texas, the first city to receive family planning funds from the Office of Economic Opportunity, birth control clinics have been cited as a major factor in the 41% decline in the number of patients treated after illegal abortions.

The dignity of millions of human beings demands that we not exhibit a careless disregard for their being brought into the world without the slightest possibility of being fed and educated decently. . . .

We do believe that each married couple who desires information concerning planned parenthood ought to be able to obtain it. We support government action which would make this right a reality.

STATEMENT OF REV. JAMES T. McHUGH, DIRECTOR FAMILY LIFE DIVISION, U.S. CATHOLIC CONFERENCE

I would like to just emphasize that the basic principle underlying my statement is that decisions regarding family size and the frequency of births must be left to the spouses and their decision should be reached without interference from the State or any other agency. Such a decision must be free of any type of outside coercion.

I would like to emphasize that the United States is long overdue in establishing a family policy for the Nation. Such a family policy must be comprehensive, positive, supportive of family life. It should include income and work programs such as those contained in the family assistance plan; a unified health-care program; an education program that would include early childhood education, better vocational education, and adult education programs in addition to our present institution of learning. It would also include specific welfare assistance for those families and individuals with special needs. In the absence of such a family policy, family planning, and birth control programs are a limited and negative approach to family life, very often based on pragmatic decisions that overlook the dignity of the individual and that are questionable as to intent and

expected results. The present legislation is a case in point.

This brings us to a consideration of the question of governmental coercion, a matter that deserves some further clarification. Coercion of the individual takes place when overzealous welfare workers, medical personnel, maternal, and child health specialists attempt to pressure an individual mother or couple to avoid further childbearing. It is difficult to ascertain how often this happens, but it is a reality, and guidelines of various Government agencies have been drawn with the specific intention of prohibiting it. I might also indicate that the emphasis throughout the bills before us makes every effort at least verbally, to avoid such a possibility.

More serious and more dangerous, though, is that pervasive and subtle coercion that takes place when the Government involves itself massively in this type of social legislation.

I would want to make it quite clear that I am in favor of research, I am especially in favor of research in the whole area of reproductive biology. However, if research moneys are allocated merely to improve contraceptive technology, the health needs of mothers and children are ignored, and such research and the service it promotes falls far short of the needs for improved prenatal, delivery, postnatal and pediatric care as outlined in the 1967 NICHD report, "Optimal Health Care for Mothers and Children: A National Priority." . . .

Perhaps the most significant weakness of these various legislative proposals is the underlying assumption on which they are built, namely, that America is experiencing a population explosion and every effort must be made to check population growth. To begin with, current projections for population growth have been revised downward, and as the Report on National Goals indicates, our more serious problem is really one of population distribution.

The particular challenge facing America is to lead all men to realize that social problems such as poverty, injustice, racism, and war seriously limit man's enjoyment of human life, and are destructive of his dignity. In our attempts to find solutions to these problems, we must be wary of the utilitarian concept of man that measures the value of the person in terms of what he does, what he produces, or what it costs society to help him become self-sustaining. Such a view of man is limited and pragmatic, and directly opposed to the concept that man is made in the image of God and is entitled to acceptance, care, and concern on the part of the society of which he is a part.

Consequently, because of the failure of the present bills to sufficiently insure the freedom of the spouses, and for the other reasons that I have already stated, I am opposed to the passage of this legislation. . . .

STATEMENT OF REV. JOHN A. O'BRIEN, PH. D., RESEARCH PROFESSOR OF THEOLOGY, UNIVERSITY OF NOTRE DAME, NOTRE DAME, IND.

. . . My name is Rev. John A. O'Brien, Ph. D., and I am a research professor of theology at the University of Notre Dame, Notre Dame, Indiana. Perhaps it would be relevant for me to mention that I received the Gold Medal Award from the Religious Heritage of America, Inc., at its twentieth annual national leadership conference and awards program in Washington, D.C., on June 18, 1970. I have been interested in the problem of birth control for some forty years and was the first U.S. clergyman to write extensively on this subject. . . .

I heartily commend the Bush-Scheuer bill, the House version of the Tydings bill,

which passed the U.S. Senate unanimously. The Bush-Scheuer bill sets forth the most far-sighted and systematic program for regulating the world's soaring population that has yet been presented to the U.S. Congress. It has the backing of our most distinguished demographers and medical scientists. The bill is careful to respect the consciences of people of all faiths and it does not seek to coerce any persons to use a method contrary to their religious faith. In providing information and help to people in this country and abroad to regulate births, our government is performing a most important and urgently needed service. . .

One of the objectives in this bill is to promote research to find still more effective and simple medically approved methods of regulating births. The need for such continued research was publicly expressed by Pope Plus XII in an address to the National Congress of the Family Front in Rome on November 26, 1951.

What I have found particularly necessary to stress to members of my faith is that contraceptive birth control is now approved by virtually all the major Protestant Churches, as well as the Reform Jewish group. Indeed it is not only approved but, in many cases, it is considered a moral duty. Hence members of the Catholic faith have no desire to impose their views upon members of other faiths but now join hands with them in working for simple, effective and medically approved methods of spacing offspring. Hence I express the earnest hope that the Bush-Scheuer bill will pass the House of Representatives with the same unanimity with which the Tydings bill passed in the Senate. . .

STATEMENT OF DR. ANDRE E. HELLEGERS, WASHINGTON, D.C. MEMBER, POPE'S COMMISSION ON POPULATION AND BIRTH CONTROL

Mr. Chairman, I am Andre E. Hellegers, M.D., professor of obstetrics and gynecology, Georgetown University School of Medicine. Five years ago I had the privilege of testifying at the hearings before the Subcommittee on Foreign Aid of the Senate Committee on Government Operations, chaired by Senator Gruening.

I stressed the fact at that time that I testified as a private individual, not speaking on behalf of any organization, and I do so again today. . .

Let me cite a few facts. More than two years ago the President's Committee recommended that the Federal Government provide basic support for population study centers. Today, about 100 million births later, we are no closer to it.

A year and a half ago, also, the Conference of Roman Catholic Bishops of the United States set up a foundation, to which they contributed \$800,000. They named it the Human Life Foundation.

What is its stated purpose? It is precisely to foster basic research in all those areas of reproductive biology and sociology which S. 2108 and H.R. 11550 want to see supported.

Now I am not here to suggest that the research envisaged under these bills restricts itself to that which the Pope and United States bishops might have in mind.

But I am here to say categorically that if the hopes of the Pope and the bishops are to be realized, we had better massively finance all those fundamental areas of human reproduction, both in their biological and humanities aspects, which the President's Committee and NIH are also interested in financing. And it should be obvious to anyone that no \$800,000 is going to do it. It would be about enough to endow one research chair and that would be all.

About 10 per cent of the population has a sterility problem. Such people will go to almost any length to achieve a pregnancy, yet there is very little to do for them. Why?

Precisely because we know too little about basic reproductive biology.

What I have tried to stress is that whether you are interested in contraception or conception, in "artificial contraception" or "rhythm," in genetic counseling or mental retardation or cerebral palsy—to make any inroads into any of these problems you had better understand the very basics of ovarian physiology, of tuban or sperm physiology, of fertilization and implantation. In brief, of all those aspects of human reproduction which we understand so little about and which these bills pertain to.

Yet, in the light of this, what has been the tangible action of the United States Government?

We speak of the National Institute for Child Health and Human Development being in charge of current medical, contraceptive, and behavioral research in this area. Available, I believe, were only between \$10 and \$15 million for Fiscal Year 1970 and about \$30 million for Fiscal Year 1971.

I cannot but wonder how this compares with obsolete jet fighters for Taiwan.

I have said, Mr. Chairman, that the President's committee met about 102 million births ago, the Pope's encyclical came out about equally as many births ago, the Catholic Bishop's Foundation was started about 62 million births ago. And here we are today no further along in determining what is to be done.

In hearings such as these we hear the words, "too little" or "insufficient" or even "national disgrace."

When I hear, and read, of compulsory birth control or the need for abortion to solve the problem, or penalties on childbearing, I am left with only one impression. The present lack of research funding, after papal encouragement, bishops' encouragement, President's committee encouragement, and private foundation encouragement, can, in my view, only be described as downright immoral.

STATEMENT OF REV. LEO A. KEIL, COUNCIL FOR CHRISTIAN SOCIAL ACTION, UNITED CHURCH OF CHRIST

. . . In 1967 the Church's General Synod (biennial convention and the top body) adopted a statement in the context of world problems but directed especially to population control. It praised the relevant instrumentalities, called on the local churches to "take appropriate action," petitioned the Federal Government to "make personnel, technological, and financial resources available whenever they are requested and needed for this purpose" and declared:

"We reaffirm our position that the need for population control has become a most urgent moral imperative in our day. . . Every child has a right to be wanted and loved and to have the opportunities to achieve maximum fulfillment of personhood."

This position was reaffirmed again by the General Synod in 1969.

My study has convinced me that the problems we now have in society will increase as the population grows and new ones will surely emerge. I agree with President Nixon's remarks of July 18, 1969 that involuntary child-bearing often results in poor physical and emotional health for all members of the family, contributing to a distressingly high infant mortality rate, an unacceptable level of malnutrition, disappointing performance in school and driving many families into poverty or keeping them there.

STATEMENT OF THE JOINT WASHINGTON OFFICE FOR SOCIAL CONCERN, REPRESENTING THE AMERICAN ETHICAL UNION, AMERICAN HUMANIST ASSOCIATION, AND UNITARIAN UNIVERSALIST ASSOCIATION

Family planning and population control have long been concerns of our three organizations. Unitarians and Universalists, Eth-

cal Culturalists and Humanists, were among the first urging government action in these areas, long before the current wave of popularity and public acceptance which, happily, now attends proposals of this kind. . .

Family planning is not an "anti-people" program; it is not a program designed to limit families of minority groups and black people. It is not practicing genocide to suggest that spacing children and limiting family size is socially desirable at every socio-economic level.

Furthermore, as Congressman Shirley Chisholm has perceived it, "one of the underlying fears of Blacks is that some day people will be 'required' to use contraceptives or have an abortion in order to receive public assistance." As a powerful advocate of both abortion and birth control, Mrs. Chisholm clearly makes the point that neither should ever be forced or required, but rather "be available."

The legislation now before your Committee rightfully reinforces Mrs. Chisholm's position by seeking to assure the universal availability of family planning services to all those in need and, by making inviolate the conditions of non-coercion.

Our three organizations, joined by the National Women's Conference of the American Ethical Union, and the Unitarian Universalist Women's Federation, strongly endorse the Population and Family Planning Act and urge its passage by the Congress.

Mr. BINGHAM. Mr. Speaker, the fantastic growth in the world's population, particularly in the countries least able to sustain such rapid growth, has forced us to reexamine the ancient dictum: "Be fruitful and multiply." The increased individual needs of children in the context of the demands and stresses of modern life have led us to a new, refined concept of "responsible parenthood." The increasing recognition of the rights of individuals and groups in a pluralistic society has resulted in mutual respect for the beliefs and practices of all and in the acknowledgment that no one should seek to impose his personal or religious convictions upon others through law.

It is gratifying that the legislation before us, H.R. 19318, has broad and diverse support. It will provide a crucial health service to many who had previously been denied access to it by poverty or ignorance. Most importantly, it will offer these services purely on a voluntary basis and the bill contains explicit safeguards against coercion.

I was very impressed by a statement presented by Dr. Louis Dupre, professor of philosophy at Georgetown University, to the Committee on Interstate and Foreign Commerce in support of the Family Planning Services and Population Research Act. Dr. Dupre very eloquently expressed the view that no one should "be restricted from acting in accordance with his own beliefs." Mr. Speaker, I include Dr. Dupre's statement at this point in the RECORD:

STATEMENT OF DR. LOUIS DUPRE

Mr. Chairman and Members of the Committee, it is clear that the encyclical *Populorum Progressio* of Pope Paul VI recognized and reinforced the right of parents to decide the size of the family.

On the question of which measures are in accordance with the moral law *Populorum Progressio* remained silent. Thus far, in spite of subsequent specifications in the encyclical *Humanae Vitae* men, including high authorities in the Catholic Church have been un-

able to reach general agreement on the answer. Some highly moral and well-informed people feel that any non-abortive method of birth control may be used under the proper circumstances. Others claim that no other method than rhythm is licit. Still others consider only hormonal compounds which control the ovulatory system as morally acceptable.

Whether one considers these distinctions morally relevant or not, they certainly reveal that opinions in this matter are divided and remained divided. The division exists also among Catholics even and more than ever after the encyclical *Humanae Vitae*. The majority of Catholic women of this country are using or have used some form or other of contraception. The division exists even among the highest authorities in the Catholic Church as several statements of the local hierarchy attest.

What under these circumstances is for a Catholic the moral attitude toward public policy on birth control? Must he abstain from any participation in public programs until the last shred of doubt has disappeared within the Catholic Church? In doing so he fails to live up to the responsibility which the Christian has in the world today. A purely passive attitude would be exactly the kind of other worldly indifference toward essential human values which nonbelievers deplore so often in their Christian neighbors.

Abstaining from obstruction of government-sponsored aid in family planning is not enough. The Catholic has a positive responsibility in the present population crisis. In taking up this responsibility he can hardly expect that every one adopts the official views of his Church on the subject. But this fact need not paralyze him into non-cooperation. It should make him more watchful that the freedom of each recipient be respected in the implementation of family planning programs.

In thus cooperating, the Catholic does not take a stand himself on the objective morality of each particular method which is made available by the program. He may maintain his reservations toward any or all of these methods and yet fully cooperate, as long as no hidden or overt attempts are made to coerce the individual recipient of aid into accepting any particular method of birth control.

No person should be discriminated against because of his refusal to practice contraception. Information and technical means should be made available, but the right to determine the size of the family belongs to the family alone. The population crisis has not yet reached the statement of emergency in this country in which body politic is bound to intervene in a compulsory way to protect the common good. But the avoidance of this specter of the future is a strong reason to cooperate now in making the means of family restriction available while this restriction can still be made on a voluntary basis. The longer we wait, the greater the danger of government intervention becomes.

#### RESPECT FOR INDIVIDUAL CONSCIENCE

As long, however, as the individual conscience is respected, the moral problem involved in the support of government sponsored programs of family planning is not whether one is personally convinced of the morality of the various methods of contraception, but whether one is willing to uphold the freedom of conscience of others in making available the means which they, by an informed choice can adopt or reject according to their own conscience.

The positive obligation to respect the religious and moral convictions of those who do not share their faith holds eminently true for Catholics, who were recently reminded in the second Vatican Council:

"No one is to be forced to act in a manner contrary to his own beliefs nor is anyone

to be restricted from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."

It would seem that Catholics, who because of personal moral views, prevent legislation which would allow people to cope with a most urgent economic and social problem according to the dictates of their consciences, are paying only lip service to the Council's directives.

Religious freedom demands more than non-interference with a non-existent freedom. It includes giving a choice to those who had no choice and even making accessible information of which they might not even have suspected the existence. This conclusion has nothing in common with the absurd theory that one ought to teach the innocent every possible perversion in order to give them a real choice for a moral decision.

The information we are offering is not a new way of violating the moral law, but an efficient means to attain an end universally recognized as a moral good. The means itself is considered moral by the great majority of those who are acquainted with it; it is considered doubtful or even immoral by members of one major group. Why should this personal dissent of a relatively small minority be a reason for depriving the poor and the under-privileged from the right of practicing their own freedom?

#### GOVERNMENT'S ROLE SIGNIFICANT

A more intricate problem is: Is the distribution of birth control information the task of government? To what extent does the common good require government intervention into the private life of its citizens? I think the most moral answer to this question is: Only to the extent that the common good urgently demands such intervention, and even then with the greatest precautions for safeguarding the freedom of the individual.

It is in the name of respect for peoples' freedom, the freedom to survive rather than to sink even deeper into abjection, that Catholics ought to cooperate actively in making family planning available to their neighbors in need.

The basic principle underlying the Catholic Church's position is respect for human life and for the dignity of the person. This principle made her protect a society suffering from underpopulation against any behavior which could jeopardize the precarious balance of life even more.

Today this concern for the dignity of life demands a different application. In many places we have extended man's life span by a number of years. We thus have created an unprecedented situation and are faced with an entirely new responsibility.

Unless we soon integrate the consequences of this behavior in our line of action, we will merely have replaced destruction from without by destruction from within the human race. Family planning will become a matter of survival; it already is an essential factor in preserving the dignity of life.

Mr. TIERNAN. Mr. Speaker, as a member of the House Interstate and Foreign Commerce Committee, I am pleased to rise in support of the Family Planning Services and Population Research Act.

Robert McNamara, president of the World Bank, has stated that the "greatest obstacle to the economic and social advancement of the majority of the peoples in the underdeveloped world is rampant population growth." The average population growth of the world at large is 2 percent. It took 1,600 years to double the world population of 250 million, as it stood in the first century A.D. Today, the more than 3 billion on earth will double in 35 years' time, and the world's

population will then be increasing at the rate of an additional billion every 8 years.

The world cannot stand this growth and this country cannot stand this growth. Each additional child brought into the world must not only be fed, but clothed, housed, medically cared for, and supported by educational services. All of this requires capital. If a nation's total population is very large, that nation is under compelling necessity to expand its resources simply to keep its people from slipping beneath minimum subsistence levels. A treadmill economy tends to emerge in which the total national effort will exhaust itself in running faster and faster merely to stand still. Plans for progress evaporate into massive efforts merely to maintain the status quo.

The need undeniably is to control our population growth, not by placing dictates on the number of children a couple may have, but by allowing them the opportunity of self-limitation. We must provide information to those who cannot afford the luxury of a professional physician's assistance.

There are many unknowns in the area of family planning which must be illuminated before men and women the world over can make responsible decisions concerning parenthood. Research is the key. H.R. 19318 would authorize the spending of \$90 million over a 3-year period beginning in fiscal year 1971 for medical, contraceptive, behavioral, and program implementation research.

I urge my colleagues to join me in support of the Family Planning Services and Population Research Act.

Mr. OTTINGER. Mr. Speaker, more than 50 years ago the first family planning clinic in the Nation was opened in New York City, and the record shows that a long line of poor women stood patiently in the bleak slum street waiting to be served. They did not need radio and television and the mass media to tell them what their intelligence and their heart knew well: that if they could have children when they wanted them their lives would be better, they might be able to fight their way out of poverty, their health and their children's health would improve, their marriages would be happier. As we know, many of those women never did get served, for the clinic was closed by the police and its young organizer, Margaret Sanger, was arrested for breaking the old Comstock laws which forbade dispensing birth control information and services.

For the record, 50 years later many poor women in New York City, and indeed, in communities large and small across this land—an estimated 5 million of them—are still waiting to be given what is perhaps one of the most crucial of all health and social services. Now, of course, it is legal to provide family planning services to those who want them. Five Presidents of the United States have made it clear that they consider birth control an essential health service which it is proper for Government to support. Since 1964, when the first federally funded grant of \$8,000 was made to support a birth control program, congressional appropriations for family planning have

increased markedly. But the need for and costs of services have far outpaced the funds provided.

The record speaks eloquently of the gap between need and services: According to a study prepared for OEO in 1968, there were some 351,364 medically indigent women between the ages of 15 and 44 in New York State who were in need of family planning services. Only 99,228 of these women were being provided with subsidized family planning services, or a mere 28 percent of those in need. Seven out of 10 women in need of subsidized family planning services were denied them. Since these women cannot afford private medical care they were either forced to use inefficient nonprescription methods, or to play Russian roulette with their reproductive lives. Many undoubtedly became pregnant and bore unwanted children. Some undoubtedly sought out back-street abortionists and had illegal abortions at great risk to their lives. For some an additional child meant becoming even more inextricably bound in poverty.

To highlight further the lack of services in New York: Of the 237 nonprofit general-care hospitals where almost all of the 275,000 babies were born, only 65 reported that they offered family planning services through their health departments.

In Westchester County, where I live and which I have had the honor of representing, the record is little better: Of an estimated 10,493 women in need of subsidized services, only 3,354 were served, or only 32 percent of those in need. Only two of the 14 nonprofit general-care hospitals where the 11,622 of the county's children were born reported providing family planning services, and the county's health department provided no services at all. In 37 of the State's 62 counties—or almost six of every 10—there were no subsidized family planning services at all to which medically indigent women in need might turn for help.

This is intolerable. It is shortchanging Americans of a very basic right: the opportunity to make something of their lives, to live in dignity, to control their destiny.

That is why I urge the passage of the Family Planning Services and Population Research Act. Its objective is to provide far more funding, over a 3-year period, than now exists. It reorganizes HEW's family planning and population services, making them the direct responsibility of the Deputy Assistant Secretary for Population Affairs. It makes additional funds available for project grants to public and private agencies, and for formula grants to State health directors. And it makes funds available for sorely needed contraceptive, biomedical, and behavioral research. Recognizing the need for trained manpower, it also provides funding in this crucial area.

Almost 100 Members of the House have joined in sponsoring this bill. We recognize what a central role family planning can play in improving the lives of millions of our fellow Americans; in reducing the tensions and pressures generated by poverty and despair. It is im-

portant that we act on it now so that the program will not be delayed any longer.

Mr. COHELAN. Mr. Speaker, I rise in support of the Family Planning Services and Population Research Act of 1970. This bill is designed to expand and improve the availability of family planning services, as well as authorize funds for needed population and contraceptive research.

Like so many of my colleagues in the House, I share the concern for increased family planning services and information for all citizens as I am convinced that the quality of life for this Nation and the world is directly related to population growth. I am also concerned over the discrepancy that exists in the availability of family planning services for low-income citizens. Low-income families without access to private medical care are often denied the opportunity to determine the number and spacing of their children. It has been estimated that approximately one-half of the poor children in our Nation are in families with five or more children. Of the estimated 5 million medically indigent women who could probably benefit from subsidized family planning services, if available, only 1 out of 4 now receives these services. The problems of unplanned births result to a large extent from the inaccessibility of family planning services and information.

At the beginning of 1970 approximately 1.2 million persons have benefited from federally funded family planning services across the country. This figure represents the highest number of persons ever to receive subsidized family planning services. In spite of this advance, the President stated that our national goal is to provide voluntary family planning services to over 5 million women who, because of their economic status, cannot afford such planning services.

As a member of the House Appropriations Committee, I have continually worked to reduce needless Federal spending in an effort to fund those domestic programs that are vital to the improvement of the quality of life for all citizens. For this reason, during the last session of Congress I cosponsored the original Family Planning and Population Act, H.R. 11550. This bill authorized what I considered to be a realistic amount of Federal funds for family planning services and research into better and safer methods of contraception. Although the bill before the House today, H.R. 19318, represents a reduction in authorizations for the two major programs of this bill; family planning services and population research, I still feel that this bill is a major advance over existing programs.

More funds are required for these programs. Let us examine the need for adequate funds. Looking first at the costs for the project grants for family planning services, H.R. 11550 and the Senate's identical bill, S. 208, which was passed by the Senate on July 14, state that \$450 million be authorized for a 5-year period for family planning services. H.R. 11550 authorizes that the first 3 years of service grants be equal to \$180 million. However,

the bill we have before us today allots only \$120 million over a 3-year period—thus, less funds are authorized for a shorter period of time.

Testimony given at both the Senate and the House hearings on the Family Planning and Population Act of 1970 adequately supports the need for the suggested amounts of project grants of \$180 million. For example, Dr. Joseph D. Beasley, director of the State family planning program in Louisiana, stated before the Subcommittee on Public Health and Welfare that the budget levels in H.R. 11550 are still low compared to the actual costs of providing services, as his own experience has proven with the Louisiana program. Dr. Beasley stated:

If there is any real intention of meeting the goal of reaching all women in need, funds must be available. I understand that the Congress, in this period of tight budgets, is somewhat reluctant to authorize what appears to be a large amount of money. However, our statewide program in Louisiana will require \$5 million in federal funds in calendar 1970. In addition to this, we will have to raise, from private contributions, another \$1.5 million in matching funds. The total funds authorized in H.R. 11550 for project and formula grants in FY 1971 is \$40 million. Even when added to other project grants presently authorized this amount would enable only a small number of states to establish comprehensive programs. Just assuming for a moment that we could establish statewide programs in every state for no more than it is costing in Louisiana the total Federal funds necessary this year would be \$250 million. This program doesn't prove that much even in FY 1975.

H.R. 11550 proposes an expanded, flexible funding arrangement. It would provide, too, for the consolidation of programs, now scattered and fragmented, into a coherent and clearly visible national family planning delivery system. Both funds and organizational efficiency are vitally needed at the current stage of family planning program development. Our own experience would suggest that without this kind of increased and more flexible organization of programs, it will not be possible to maintain present programs and impossible to meet the goals which the President announced last year, and to which we as a nation are committed.

Even more striking is the reduction of the funds allotted for contraception research to almost 50 percent of what was requested in H.R. 11550. Last spring the Senate Subcommittee on Monopoly, chaired by Senator GAYLORD NELSON, held hearings on the effects and effectiveness of the "pill," the most popular form of contraception. These hearings made the record perfectly clear that further expenditures for family planning services must be coupled with adequate funds for immediate progress in research on better methods of contraception. This bill authorizes a mere \$20 million in fiscal year 1971; \$30 million in fiscal year 1972; and \$40 million for fiscal year 1973 for research in the biochemical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

However, Mr. Speaker, despite the reduction in expenditures in H.R. 19318, I urge my colleagues to adopt this measure. This bill represents a significant advance over the family planning programs

now in existence. It is an essential beginning to provide comprehensive family planning services to all who seek such information and services as well as improve the administrative and operational supervision of domestic population research programs and planning services.

Mr. Speaker, I strongly support H.R. 19318, the Family Services and Population Research Act of 1970, and urge my colleagues to adopt such a measure.

Mr. FISHER. Mr. Speaker, I fully and enthusiastically support H.R. 19318, the Family Planning Services and Population Research Act. For several years I have urged the expansion and strengthening of our national family planning program and have sponsored a number of bills to accomplish this. The fact that H.R. 19318 incorporates most of the main provisions of those bills is, of course, a source of real satisfaction to me. But I also feel a larger sense of pride and accomplishment. For with the opportunity to vote on this bill, we demonstrate the wisdom, courage, and vision of this great body. Good sense and man's humane nature have triumphed over backwardness and controversy.

H.R. 19318 is important to the strength and health of the Nation. The project grant features of this legislation will greatly enlarge the network of medical family planning resources available to the poor and medically indigent. Since more and more of the poor will then be able to plan and space their children, the maternal and infant health of these families will be improved. In addition, the ability to avoid unwanted pregnancies will mean that many of these families will be able to move out of poverty.

The funds authorized in this legislation for contraceptive research have important significance for both rich and poor Americans alike as well as for the entire world community. Without these research funds, there is little hope that better and less expensive means of contraception will be developed in the predictable future, and we urgently need improved contraceptive methods now.

As necessary and important as these programs are, we cannot expect that the Federal bureaucracy, particularly the Department of Health, Education, and Welfare, will automatically move to effectively implement the noble purposes of any legislation. Therefore, I strongly support the provisions of H.R. 19318 that mandate the statutory reorganization of HEW's family planning activities.

HEW maintains that it has been involved in the provision of family planning services for a number of years. However, when it comes down to the specifics of what is being done, the Department has not done as much as it should and could have done. The time has come when HEW must take its family planning responsibilities seriously and in H.R. 19318 we are helping them to do that. By giving statutory status to the Office of Population Affairs and a legislative mandate to the Deputy Assistant Secretary of Population Affairs to coordinate family planning and population activities, the Congress will have pinpointed administrative responsibility. HEW needs to understand that the Congress considers the family planning pro-

grams and population research activities authorized by this legislation as priority matters and that in the years to come we will demand an accurate accounting of their performance.

I am pleased to vote for H.R. 19318 and trust that HEW will meet its responsibilities in effectively administering these programs.

Mr. ZABLOCKI. Mr. Speaker, I rise in opposition to H.R. 19318, legislation we are considering today which would expand the family planning and population research activities of the Federal Government.

When S. 2108, the Senate-passed version of this measure, and similar House proposals were considered before the House Subcommittee on Public Health and Welfare in hearings, I strongly opposed such legislation as unnecessary and undesirable.

One can take little consolation in the provisions added in section 1107—voluntary participation—and section 1108—prohibiting abortion. These are indeed an effort to blunt my criticism and that of numerous other persons and organizations opposed to this legislation.

I submit the addition of these provisions has done little or nothing to correct the shortcomings of this legislation or otherwise justify its proposed enactment by Congress.

I certainly share the concern of supporters of this bill about improving the quality of life in our great country. Nonetheless, it is my strong belief that the Federal Government's proper role in this effort is basically to put our tax dollars to use in positive programs for purposes such as better distribution of the products of our labor, the improvement of our environment, and the education and enrichment of our people—not for the promotion of population control measures.

The concern about the provisions of H.R. 19318 which I am again expressing here today specifically reflects the sentiments of thousands of Americans who have openly expressed their opposition to this bill in letters and petitions to their Congressmen. It also specifically reflects the views of the overwhelming majority of my constituents.

It is my belief that H.R. 19318, like its predecessors, represents a completely unneeded and undesirable vehicle for the spending of hundreds of millions of tax dollars for very questionable purposes.

Therefore, I strongly urge my colleagues to join me in rejecting H.R. 19318. In these times of fiscal crises we have far more important things to do with our tax money.

Mr. BROOMFIELD. Mr. Speaker, it is a well-known fact that the world population will double by the year 2000 and that our own population will increase by more than half, to 300 million persons. It is difficult to imagine our already-overtaxed schools, hospitals, water supply, transport facilities and natural resources providing services to another hundred million Americans. Yet, that seems to be just what the future holds in store for us.

The prospects for the rest of the world are even worse. The distinguished British

scientist and writer C. P. Snow sees no way to avoid a tragic famine at the turn of the century:

Many millions of people in the poor countries are going to starve to death before our eyes. We shall see them doing so on our television sets.

Most of us, however, recognize that there is still chance of survival. World Bank President Robert McNamara points out:

There is time—just barely time—to escape . . . A humane but massive reduction in the world rate of population growth must be made . . . If we shirk that responsibility, we will have committed the crime. But it will be those who come after us who will pay the undeserved—and unspeakable—penalties.

Clearly, we must make a beginning in our effort to control population. And that beginning must be based on our awareness of two basic facts: First, that the present means of birth control are far from adequate; and second, that Americans are not sufficiently educated to practice the necessary degree of birth control. The bill before us today would meet these two needs by encouraging research to develop better and safer contraceptive techniques and providing information in contraceptive use to Americans of all income levels.

In more detail, the Population and Family Planning Act would expand, promote, and better coordinate the birth control services and the population research activities of the Government. Through a program of 5-year grants administered by a new Office of Population Affairs in HEW, State health offices, public agencies, and nonprofit organizations would be funded to conduct research projects in this area. Universities would be given money to construct population research centers, and contracts would be negotiated with private research firms. All these groups would be authorized to train personnel for research activity.

More important, the bill would fund family planning projects on private and governmental levels, offering free services, especially information, to all interested citizens. This is certainly a long-needed approach to our population problem.

Of course, all such services will be dispensed on a voluntary basis. Acceptance of birth control information will not be a prerequisite for any other governmental programs of financial and medical assistance.

We should consider ourselves fortunate that it is still early enough to apply these solutions on a voluntary level. They must succeed and they must be augmented by even more money and more research, for their failure would require methods of birth control be coercion.

We can avoid such a programmed future by making a start immediately and continuing our efforts in the years ahead. The Population and Family Planning Act is an important beginning.

Mr. MATSUNAGA. Mr. Speaker, it comes as news to no one that the United States has a population problem. But, in fact, we have a number of population problems, and they range in scope from nationwide to individual.

The bill we are now considering, H.R. 19318, addresses itself to this complete range of problems, and, as the sponsor of a similar measure, I urge its immediate passage.

The most visible national concern in the area of population is the aggregate one. Simply put, excessive numbers of people are taxing our national resources. As President Nixon told the Congress last year:

The effects of population growth on our environment and on the world's food supply call for careful attention and immediate action.

In the most meaningful sense people pollute our environment, and unchecked growth of our population will surely doom all efforts at halting environmental deterioration.

Furthermore, family planning not only protects the future, it is of tangible, substantial benefit to people now living. Evidence is clear that approximately 40 percent of children born to poor people in America are unwanted, while 17 percent of the children born to the nonpoor are unwanted. The economic consequences of unwanted children to poor families are distressing; the social impact to the unwanted child is often cruel. The report of the House Commerce Committee on H.R. 19318 points out that only one in four of the approximately 5 million medically indigent women who desire family planning services has access to them.

In the face of this demonstrated need, the response of the Federal Government has been truly sad.

In the research field, for example, experts are virtually unanimous in their opinion that currently available methods of contraception are neither totally effective nor totally safe. Even the development of the imperfect contraceptive pill and intrauterine device came from strictly private, rather than public, laboratories.

On the operational side, the widely scattered and differently oriented Federal programs dealing with family planning services have frustrated many efforts in the field. One local agency told a Senate committee last year that it was forced to meet five different sets of grant guidelines, because its money came from a variety of State and Federal sources. H.R. 19318 provides for the establishment of the office of Deputy Assistant Secretary of Health, Education, and Welfare for Population Affairs. This official will administer and coordinate all federal family planning grant programs.

It is most important to emphasize, Mr. Speaker, the strictly voluntary nature of every one of this bill's provisions. Family planning services or information will be made available only to those who desire them. The bill directly provides that acceptance of family planning services or information "shall be voluntary." The committee report on the measure also points out that information in all projects funded under the bill "would be provided on the full range of family planning methods, including the rhythm method." We must be very careful to safeguard the religious and moral convictions of all of our citizens, and I am

convinced that H.R. 19318 does precisely that.

Mr. Speaker, the question before us is not a partisan issue. Five Presidents of both political parties have affirmed support for an expanded effort in family planning services and research. H.R. 19318 would provide a coherent structure to deal with family planning and population problems. Its funding provisions are not as generous as those in the bill which I introduced but I believe it can serve as the beginning of a meaningful moral and financial commitment to the resolution of a most critical problem facing our Nation and the World.

I urge my colleagues to vote favorably on this bill.

Mr. BURKE of Massachusetts. Mr. Speaker, the language used in H.R. 19318 could profit from some sharper definition. For instance, the term "family planning service" is used quite freely. It is not clear whether it means provision of contraceptive materials and how to use them, or whether it includes Government-sponsored efforts to motivate people and condition their attitudes toward ideal family size. In fact, if interpreted widely, family planning could also include inquiry into the intimate relationship between husband and wife, relationships with their friends and relatives, child-rearing practices, and so forth. Who, after all, is empowered to make such decisions and foist them on a couple? I do not believe it is the role of a caseworker or an employee of a Government-funded agency to invade the privacy of family life, nor do I believe it is the intent of this legislation to finance such efforts.

It is also essential that we emphasize that the provision of contraceptive materials as family planning service does not include abortion as a method of birth control, and I approve section 1008 which specifies that no funds will be allocated for abortion as a method of birth control.

One of the further purposes of H.R. 19318 is "to coordinate domestic population and family planning research with the present and future needs of population and family planning programs."

Within the past year, the Congress enacted legislation establishing the National Commission on Population Growth and the American Future. That Commission has a 2-year authorization, and it seems important that whatever research is authorized under H.R. 19318 will be correlated with the work of the Commission.

Finally, one of the stated purposes of H.R. 19318 is to provide information, including educational materials on family planning, to all who desire such information. What is meant by education? It can mean offering reading material on various means of contraception. It can also mean consultation and intensive discussion. If it includes consultation, and intensive discussion about the techniques of contraception, this should be done by competent and professionally trained health care personnel. It should also be limited to helping the person understand the facts of reproduction, conception and birth, and the methods for avoiding con-

ception, and their possible, contraindications. The information and educational materials should not be aimed at motivation, especially at motivating the person to adopt a particular ideology in regard to ideal family size.

I have some very serious reservations about the legislation under consideration, legislation that has already been highly touted as the Federal Government's first real step in the direction of a population policy.

My reservations are based on the fact that legislation is not formulated or enacted in a vacuum. There are people who see this bill not merely as providing a specific health care service, but as a way of using Government prestige, and Government suasion to accomplish their own aims.

For instance, Garrett Hardin, a biologist at the University of California, has recently written an editorial in Science magazine entitled "Parenthood: Right or Privilege?" The concluding paragraph states:

If parenthood is a right, population control is impossible. If parenthood is only a privilege, and if parents see themselves as trustees of the germ plasm and guardians of the rights of future generations, then there is hope for mankind.

This is a very different way of thinking of parenthood.

Again, Paul Ehrlich, has recommended that ample funds be allocated by the Federal Government to research and develop mass sterilizing agents that could be added to the water supply in urban areas to decrease the fertility cycle.

Bernard Berelson, a highly respected demographer, lists a series of proposals that would place Government in the role of overriding the rights of citizens and establishing systems of fertility control. Among the proposals are such things as licenses to bear children, temporary sterilization of all women in a given age group by means of a time capsule contraceptive, with reversibility allowed only by Government approval, compulsory sterilization of men with three or more living children, and mandatory abortion in certain situations.

It seems to me that if this legislation is to be approved by this body, we must make it abundantly clear that it is projected as a public health service to enable people to do what their conscience dictates is proper or advisable in their own situation. By no means, however, should the Federal Government attempt to make the moral judgment that all citizens must limit family size to two or three children, nor should the legislation be misconstrued as placing the Government or any of its agencies in the position of judging what an individual couple must do in regard to childbearing.

During the past 5 years we have seen increased discussion and debate on the role of the Federal Government in providing family planning information and service to all who want it, particularly the poor.

As we consider the legislation before us, there are some important points to be reaffirmed: First, ideal family size: There are some students of population growth who feel that the primary goal

of the Government is to achieve zero population growth. In practical terms this would mean limiting families to two children. The population projections are often based on the fertility patterns of the post-war baby boom, and the latest statistics of the U.S. Bureau of the Census indicate that our population growth is actually very much under control. Moreover, President Nixon has appointed a commission to further study the growth and distributions of the population. The theoretical ideal of the two-child family is not supported by sufficient scientific evidence to be endorsed by the Government as an absolute norm. Second, coercion versus voluntariness: There are two schools of thought on what the Government should do. The coercion school considers voluntary family planning ineffective in affecting overall population patterns, and therefore requires that Government institute programs to condition attitudes in favor of small families.

This presumes that Government will use whatever means necessary to motivate couples to attain ideal family size, with the ideal calculated by Government agencies. This motivation would include such things as using the tax structure to make people conform. Finally, this school also presumes a wide range of alternatives—such as abortion and mandatory sterilization programs, to enforce the achievement of the ideal. Such proposals have been advanced by demographers and proposed in legislation in the Senate.

On the other hand, the voluntariness school sees the role of Government as assisting the individual family unit to achieve the desired family size and frequency of births determined by a number of personal factors, principally the ability of the family to provide for and care for another child. This school assumes that population pressures will decrease if each family has only that number of children that is desired or wanted, and that given information and contraception materials, the couple will achieve their personal goal.

In approving the legislation before us, there must be a strong and unanswering commitment to voluntary participation on the part of recipients of family planning assistance. Third, Wanted versus unwanted births: The term "unwanted pregnancy" is used all too careless in much family planning literature. The presupposition is that the unplanned pregnancy is an unwanted pregnancy, and that the end result is an unwanted child, and that sickness, poor nutrition, crime and violence, the use of drugs are disproportionately higher among unwanted children. The basic proposition is unverifiable and the logic consistently breaks down. The unplanned pregnancy does not universally lead to the unwanted child, nor do we have clear definitions of the meaning of these terms. The committee has done an admirable job in avoiding such emotion-laden language, particularly since it was contained in earlier versions of this bill before us. Once again, we must emphasize the inherent limitations, philosophically and practically, of the legislation before us.

Mr. O'HARA. Mr. Speaker, during the past 3 to 5 years, questions related to population growth have received a great deal of public attention. During this time it has become clear that much of what is said or written is a matter of projection. It has also become clear that there are many factors that influence the demographic picture, factors about which we have little or no knowledge. Recognizing this, President Nixon proposed and the Congress has enacted legislation establishing a Commission on Population Growth and the American Future. This Commission has a 2-year authorization to study population trends and the more serious problems of population distribution.

As a consequence, there are a number of points that I would like to make in regard to H.R. 19318. First of all, there are many who have declared flatly that the Nation is in the midst of a "population explosion," and that in order to solve the problems of crime, violence, disease, poverty, malnutrition, inadequate education, and employment opportunity, we must immediately and drastically decrease population growth.

The latest reports from the Bureau of the Census raise serious questions about whether there is an uncontrolled acceleration of population growth. According to the most recent census reports under present fertility rates—2.45 children per woman of childbearing years—the Nation's population in the year 2000 will be 280 million. This is a considerably lower figure than earlier projections. In fact, the Census Bureau has dropped an entire series of projections calculated on 1950 fertility rates, and has added a new series that is more in keeping with present trends.

According to this series, fertility rates will drop to 2.11 and we may well achieve a stable population in 2037, that is, a population where births equal deaths, popularly referred to as zero population growth. Should this happen, we will face a new series of problems. The population will generally be older and probably more conservative and more resistant to change.

Second, continual decline in fertility rates attested to in the current population report indicates that since 1957, age at marriage has increased slightly and women have had greater success at spacing births. This has led to a sharp drop in fertility, with the present fertility rate at 2.45 children per year to each woman of childbearing age. The decrease in fertility certainly indicates that women today are having fewer children than women in the same age groups had in the 1950's. Many of these women indicate that they desire an average of three children, and they may be postponing childbearing. Demographers speculate that the postponement will lead to a reduced fertility rate for these women.

There has been frequent mention of the estimated 5 million poor women who are deprived of family planning assistance that they need and want, and it has been suggested that H.R. 19318 will fulfill that need. In fact, the 5 million figure is an extrapolation which has

been criticized as inaccurate by some demographers, and admitted to be no more than a reasonable approximation on the strength of inadequate data by its authors. Moreover, Judith Blake argues that women in lower socioeconomic groups do not have larger families because they lack birth control assistance, but because they consciously choose to have larger families. Similar evidence is available in a study of New York women by Lawrence Podell.

Finally, family planning legislation, for all the good effects it intends, always carries with it the danger of coercion and inherent threats to the rights of privacy. This is especially true when the target group of any such legislation is the poor, herein described as "low-income families."

Whenever a social program is directed to the poor, some person or persons must decide that the proposed recipient falls within the criteria of the target group. This in turn requires interviews, questioning, evaluation of response. Such interviews are often carried on by physicians, psychologists, and counselors in the course of their professional work with other persons who may not be poor. However, in those situations, the interviews are surrounded by confidentiality, a free choice to provide such information as manifested in the client's approach to the professional person, and very often—an exclusive professional relationship. There is need for assurance that such will be the case in regard to family planning programs.

Consequently, as I have read and deliberated on H.R. 19318, I have become convinced that we must make it emphatically clear to all that this legislation is not an attempt to control population, or an attempt to coerce or "punish" the poor. The central purpose of H.R. 19318 is to provide family planning assistance only to those who need it and desire it, particularly those who would not otherwise have access to such assistance, and increase basic scientific research so as to provide more accurate information and assistance in family planning to those who want it. In our efforts to assist those in the lower socioeconomic groups, every effort must be made to set up careful administrative guidelines that will protect them from coercion or any invasion of their privacy.

Mr. KOCH. Mr. Speaker, I rise to endorse with enthusiasm H.R. 19318, the population and family planning bill. I was a cosponsor of the original Family Planning bill introduced in the first months of the 91st Congress and am most pleased to see the wide support for this bill expressed on the floor of the House today.

The comprehensive, voluntary family planning services to be provided by this legislation are desperately needed—and wanted—by millions in this country, particularly by low-income families who have thus far been denied these services. By providing such services we aid not only the individuals who are desirous of voluntarily limiting the size of their families, but we will be doing much to alleviate many of the pressing problems facing our country today—problems directly re-

lated to the burgeoning population, such as housing, education, pollution, transportation, and health care needs. Controlling the population explosion is a necessary precondition to solving our urban crises and to improving the quality of life. This bill does much in this regard. In addition to providing family planning services, this legislation provides greatly increased support for biomedical, behavioral and operational research relevant to family planning and population. I urge my colleagues to vote in favor of its passage.

Mr. RARICK. Mr. Speaker, my opposition to H.R. 19318 providing taxpayers' dollars for family planning has more to do with what is not being said nor considered rather than with what may have been led to feel will be accomplished.

As our young people are penalized from a full enjoyment and challenge of living with talk of limited families, silence prevails on the number of immigrants who each year enter the United States. Immigrations admitted here total as follows:

	1951-60	1967	1968	1969
Immigrants...	2, 515, 479	361, 972	454, 448	313, 632
Nonimmigrants.....	2, 608, 193	3, 200, 336	1, 759, 608	

Source: Justice Department Immigration and Naturalization Service; 1969 figures, State Department.

But no suggestion from the population control people that foreign immigration should be suspended to insure "living room" for our native born.

The number of illegitimate births estimated for the entire United States has risen annually since 1940 with only one exception. During the 25-year period 1940-65, the estimated total more than tripled, from 89,500 in 1940 to 291,200 in 1965.

For example, although the illegitimacy rate has remained fairly stable during the 1960's, the number of unmarried women has been increasing and more illegitimate children are being born. Simultaneously, there has been a general decline in marital fertility associated with the delay of births by married women. Therefore, there has been a substantial rise in the illegitimacy ratio. From 1959 to 1965, the illegitimacy ratio increased by 49 percent. The corresponding percentage increases among white and nonwhite women were 79 and 21, respectively. From Trends in Illegitimacy, U.S. Department of Health, Education, and Welfare, February 1968.

Thus, any intelligent consideration of the population explosion must acknowledge that the problem stems not from the family unit but instead from the increase of illegitimate births.

Are we to understand that the population control alarmists will now demand enforcement of the State illegitimacy laws which have been all but repealed by inaction by the tolerance of an undisciplined permissive society?

Accompanying the current antipollution fad are the expressed fears of overpopulation. So great is the emotion generated by some that we are overpopulating our "living room" they would resort

to a program of murder of unwanted children before birth.

Consider that 39 percent of the land in the United States is public land owned by Federal, State, or local government. Statistical abstract, U.S. Bureau of Census, 1969, page 191.

Thirteen Western States contain public lands on the average of two-thirds of their total acreage, owned by the Federal Government; that is, 99.8 percent in Alaska, 29.4 percent in Washington, 52.2 percent in Oregon, 64.5 percent in Idaho, 29.6 percent in Montana, 48.2 percent in Wyoming, 67.3 percent in Utah, 36 percent in Colorado, 44.5 percent in California, 44.7 percent in Arizona, 34.3 percent in New Mexico.

Humanity would seem more appropriately served by a program of homesteading Government-owned lands than abortionization.

I acknowledge that the bill purports to exclude tax dollars under this act from abortion education. But we all know this exclusion is not a prohibition to the non-profit organizations taken in partnership nor to the overzealous family teachers and trainees with their reverse guilt neuroses. Some of us can remember that HEW appropriations bills also excluded tax dollars for the busing of schoolchildren to overcome racial imbalance.

The needed solutions to any population problem are left unsaid and not provided for.

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

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

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 19318, as amended.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yays 298, nays 32, not voting 104, as follows:

[Roll No. 351]

YEAS—298

- |                  |                |               |
|------------------|----------------|---------------|
| Adair            | Bray           | Clay          |
| Addabbo          | Brinkley       | Cleveland     |
| Albert           | Brock          | Cohelan       |
| Anderson, Calif. | Brooks         | Collier       |
| Anderson, Tenn.  | Broomfield     | Collins, Ill. |
| Andrews, N. Dak. | Brotzman       | Collins, Tex. |
| Arends           | Broyhill, N.C. | Conable       |
| Ashley           | Broyhill, Va.  | Conte         |
| Ayres            | Buchanan       | Conyers       |
| Baring           | Burke, Fla.    | Corbett       |
| Belcher          | Burke, Mass.   | Corman        |
| Bennett          | Burleson, Tex. | Cowger        |
| Betts            | Burlison, Mo.  | Cramer        |
| Bingham          | Burton, Calif. | Culver        |
| Blackburn        | Burton, Utah   | Daniel, Va.   |
| Blanton          | Bush           | Davis, Wis.   |
| Boggs            | Byrnes, Wis.   | Denney        |
| Boland           | Cabel          | Dennis        |
| Bolling          | Carney         | Diggs         |
| Bow              | Carter         | Dingell       |
| Brademas         | Casey          | Donohue       |
| Brasco           | Cederberg      | Downing       |
|                  | Celler         | Dulski        |
|                  | Chamberlain    | Duncan        |
|                  | Chappell       | Dwyer         |
|                  | Chisholm       |               |

- |                 |                |                |
|-----------------|----------------|----------------|
| Eckhardt        | Kyl            | Roe            |
| Edwards, Ala.   | Kyros          | Rogers, Colo.  |
| Edwards, Calif. | Latta          | Rogers, Fla.   |
| Edwards, La.    | Leggett        | Rooney, Pa.    |
| Erlenborn       | Lennon         | Rosenthal      |
| Esch            | Lloyd          | Rostenkowski   |
| Eshleman        | Long, Md.      | Roth           |
| Evans, Colo.    | Lowenstein     | Rousselot      |
| Evins, Tenn.    | Lujan          | Roybal         |
| Fascell         | McCarthy       | Ruth           |
| Flindley        | McCloskey      | Ryan           |
| Fish            | McCulloch      | St Germain     |
| Fisher          | McEwen         | Satterfield    |
| Flynt           | McFall         | Saylor         |
| Foley           | Madden         | Scheuer        |
| Ford, Gerald R. | Mahon          | Schneebeli     |
| Ford,           | Mailliard      | Schwengel      |
| William D.      | Marsh          | Scott          |
| Foreman         | Martin         | Sebellus       |
| Forsythe        | Mathias        | Shriver        |
| Fountain        | Matsunaga      | Sikes          |
| Fraser          | Meeds          | Sisk           |
| Frelinghuysen   | Melcher        | Slack          |
| Frey            | Meskill        | Smith, Calif.  |
| Friedel         | Michel         | Smith, Iowa    |
| Fulton, Pa.     | Mikva          | Snyder         |
| Fuqua           | Miller, Ohio   | Stafford       |
| Gallifanakis    | Minish         | Staggers       |
| Garmatz         | Mink           | Steed          |
| Gettys          | Mize           | Steele         |
| Gibbons         | Mizell         | Steiger, Wis.  |
| Gonzalez        | Mollohan       | Stephens       |
| Green, Pa.      | Monagan        | Stokes         |
| Griffin         | Moorhead       | Stratton       |
| Griffiths       | Morgan         | Stubblefield   |
| Gubser          | Morse          | Stuckey        |
| Gude            | Morton         | Sullivan       |
| Hamilton        | Mosher         | Symington      |
| Hammer-         | Moss           | Taft           |
| schmidt         | Murphy, N.Y.   | Talcott        |
| Hanley          | Myers          | Taylor         |
| Hanna           | Natcher        | Thompson, Ga.  |
| Hansen, Idaho   | Nedzi          | Thompson, N.J. |
| Harrington      | O'Hara         | Tiernan        |
| Harvey          | O'Konski       | Tunney         |
| Hastings        | Olsen          | Udall          |
| Hathaway        | O'Neill, Mass. | Ullman         |
| Hawkins         | Ottinger       | Van Deerlin    |
| Hechler, W. Va. | Passman        | Vander Jagt    |
| Heckler, Mass.  | Patman         | Vanik          |
| Helstoski       | Patten         | Vigorito       |
| Hicks           | Pelly          | Waggonner      |
| Hogan           | Pepper         | Waldie         |
| Holifield       | Perkins        | Wampler        |
| Horton          | Philbin        | Ware           |
| Howard          | Pickle         | Watson         |
| Hull            | Pike           | Watts          |
| Hungate         | Pirnie         | Whalen         |
| Hunt            | Poff           | White          |
| Hutchinson      | Pollock        | Whitehurst     |
| Ichord          | Preyer, N.C.   | Whitten        |
| Jacobs          | Price, Ill.    | Widnall        |
| Jarman          | Pryor, Ark.    | Wiggins        |
| Johnson, Calif. | Pucinski       | Williams       |
| Johnson, Pa.    | Quie           | Winn           |
| Jonas           | Quillen        | Wolf           |
| Jones, N.C.     | Randall        | Wright         |
| Kastenmeier     | Rees           | Wyatt          |
| Kazen           | Reid, Ill.     | Wyder          |
| Kee             | Reifel         | Wylie          |
| Keith           | Reuss          | Wyman          |
| Kleppe          | Rhodes         | Yates          |
| Kluczynski      | Riegle         | Yatron         |
| Koch            | Roberts        | Young          |
| Kuykendall      | Robison        | Zion           |

NAYS—32

- |               |           |                |
|---------------|-----------|----------------|
| Alexander     | Dickinson | McMillan       |
| Andrews, Ala. | Dorn      | Nichols        |
| Bevill        | Flood     | Nix            |
| Byrne, Pa.    | Gaydos    | Rarick         |
| Caffery       | Gross     | Rooney, N.Y.   |
| Clancy        | Grover    | Schadeberg     |
| Clausen,      | Hagan     | Scherle        |
| Don H.        | Haley     | Schmitz        |
| Cunningham    | Hall      | Steiger, Ariz. |
| Daniels, N.J. | King      | Zablocki       |
| Derwinski     | Long, La. | Zwach          |

NOT VOTING—104

- |                |              |               |
|----------------|--------------|---------------|
| Abbutt         | Brown, Mich. | Dent          |
| Abernethy      | Brown, Ohio  | Devine        |
| Adams          | Button       | Dowdy         |
| Anderson, Ill. | Camp         | Edmondson     |
| Annunzio       | Carey        | Ellberg       |
| Ashbrook       | Clark        | Fallon        |
| Aspinall       | Clawson, Del | Farbstein     |
| Barrett        | Colmer       | Feighan       |
| Bell, Md.      | Coughlin     | Flowers       |
| Bell, Calif.   | Bell, Calif. | Fulton, Tenn. |
| Berry          | Daddario     | Gallagher     |
| Blaggi         | de la Garza  | Giammo        |
| Blatnik        | Delaney      | Gilbert       |
| Brown, Calif.  | Dellenback   | Goldwater     |

Goodling	McKneally	Reid, N.Y.
Gray	Macdonald,	Rivers
Green, Oreg.	Mass.	Rodino
Halpern	MacGregor	Roudebush
Hansen, Wash.	Mann	Ruppe
Harsha	May	Sandman
Hays	Mayne	Shipley
Hébert	Miller, Calif.	Skubitz
Henderson	Mills	Smith, N.Y.
Hosmer	Minshall	Springer
Jones, Ala.	Montgomery	Stanton
Jones, Tenn.	Murphy, Ill.	Teague, Calif.
Karth	Nelsen	Teague, Tex.
Landgrebe	O'Neal, Ga.	Thomson, Wis.
Landrum	Pettis	Weicker
Langen	Poage	Whalley
Lukens	Podell	Wilson, Bob
McClory	Powell	Wilson,
McClure	Price, Tex.	Charles H.
McDade	Purcell	Wold
McDonald,	Railsback	
Mich.		

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.  
 Mr. Annunzio with Mr. Springer.  
 Mr. Hays with Mr. Devine.  
 Mr. Miller of California with Mr. Teague of California.  
 Mr. Blaggi with Mr. Halpern.  
 Mr. Abernethy with Mr. Mayne.  
 Mr. Colmer with Mr. Goldwater.  
 Mr. Teague of Texas with Mr. Bob Wilson.  
 Mr. Rodino with Mr. Sandman.  
 Mr. Gallagher with Mr. Railsback.  
 Mr. Fulton of Tennessee with Mr. Beall of Maryland.  
 Mr. Ellberg with Mr. McClory.  
 Mr. Shipley with Mr. Minshall.  
 Mr. Gialmo with Mr. Brown of Michigan.  
 Mr. Carey with Mr. Reid of New York.  
 Mr. Podell with Mr. Bell of California.  
 Mr. Montgomery with Mr. Neisen.  
 Mr. Murphy of Illinois with Mr. Dellenback.  
 Mr. Charles H. Wilson with Mr. Del Clawson.  
 Mr. Henderson with Mr. Smith of New York.  
 Mr. Jones of Alabama with Mr. Landgrebe.  
 Mr. Barrett with Mr. McDade.  
 Mr. Aspinall with Mr. Hosmer.  
 Mr. Adams with Mr. Price of Texas.  
 Mr. Clark with Mr. Thomson of Wisconsin.  
 Mr. Dent with Mr. Whalley.  
 Mr. Macdonald of Massachusetts with Mr. MacGregor.  
 Mr. Jones of Tennessee with Mr. Langen.  
 Mr. Rivers with Mr. McDonald of Michigan.  
 Mr. Purcell with Mr. Berry.  
 Mr. Gray with Mrs. May.  
 Mr. Flowers with Mr. Roudebush.  
 Mr. Edmondson with Mr. Camp.  
 Mr. Mann with Mr. Harsha.  
 Mr. Karth with Mr. Weicker.  
 Mr. Biatnik with Mr. Brown.  
 Mr. O'Neal of Georgia with Mr. Lukens.  
 Mrs. Green of Oregon with Mr. Pettis.  
 Mr. Mills with Mr. Button.  
 Mr. Abbitt with Mr. McClure.  
 Mr. Landrum with Mr. Brown of Ohio.  
 Mr. O'Neal with Mr. Skubitz.  
 Mrs. Hansen of Washington with Mr. Coughlin.  
 Mr. Delaney with Mr. Stanton.  
 Mr. Dowdy with Mr. Ashbrook.  
 Mr. Fallon with Mr. Wold.  
 Mr. Brown of California with Mr. Goodling.  
 Mr. Daddario with Mr. Crane.  
 Mr. Farbstein with Mr. McKneally.  
 Mr. Gilbert with Mr. de la Garza.  
 Mr. Feighan with Mr. Powell.

Mr. FOUNTAIN 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.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

#### S. 2108

An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

Whereas unwanted births impair the stability and well-being of the individual family and severely limit the opportunity for each child within the family;

Whereas over five million American women are denied access to modern, effective, medically safe family planning services due to financial need;

Whereas significant benefits for the family and the community may be derived from family planning including the alleviation of poverty, the reduction of maternal and infant mortality rates, the reduction of the number of premature births and of crippling and mental diseases in infants, and the easing of the pressure of population growth on the environment;

Whereas research efforts to develop more effective, medically safe methods of family planning are inadequate to meet the need and urgency of the problem;

Whereas family planning has been recognized nationally and internationally as a universal human right;

Whereas it is the policy of Congress to foster the integrity of the family and the opportunity for each child; to guarantee the right of the family to freely determine the number and spacing of its children with the dictates of its individual conscience; to extend family planning services, on a voluntary basis, to all who desire such services: Now, therefore,

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

#### DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this Act—  
 (a) to make comprehensive voluntary family planning services readily available to all persons in the United States and the areas specified in subparagraph (c) of section 6 of this Act desiring such services;

(b) to coordinate domestic population and family planning research with the present and future needs of population and family planning programs;

(c) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(d) to enable public and voluntary agencies to plan and develop comprehensive programs of family planning services;

(e) to develop and make readily available information (including educational materials) on family planning and population

growth to all persons desiring such information;

(f) to evaluate and improve the effectiveness of family planning service programs and of population research;

(g) to provide the trained manpower needed to effectively carry out programs of population research and family planning services; and

(h) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population and family planning, through which the Secretary of Health, Education, and Welfare shall carry out the purposes of this Act.

#### OFFICE OF DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 2. (a) There is hereby established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

#### FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 3. (a) The Secretary for Health, Education, and Welfare shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws, over which the Secretary has administrative responsibility, which provide for or authorize the making of formula or special project grants related to population and family planning;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported through grants to or contracts with agencies, institutions, and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population and family planning programs for use by all interested persons and public and private groups;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population and family planning;

(5) to provide or support training for necessary manpower for domestic and foreign population and family planning programs of service and research;

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to family planning and population and to make periodic recommendations to the Secretary as set forth in section 4;

(7) to carry out the purposes set forth in subsections (a) through (h) of section 1 of this Act; and

(8) to carry out the programs established by the succeeding provisions of this Act.

(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to meet the administrative expenses of the Office of Population Affairs.

#### PLANS AND REPORTS

SEC. 4. (a) Not later than six months after enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for research programs, for training of

necessary manpower, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis:

(1) the number of individuals to be served, the types of family planning and population growth information and educational materials to be developed and how they will be made available, the research goals to be reached, and the manpower to be trained;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On January 1 following submission of the plan and on each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall:

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

#### SPECIAL PROJECT GRANTS FOR FAMILY PLANNING SERVICES

SEC. 5. (a) The Secretary is authorized to make grants to public agencies and nonprofit organizations and institutions to assist in the establishment and operation of voluntary family planning projects.

(b) Grants under this section shall be made according to regulations promulgated by the Secretary. Funds shall be allocated after taking into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant and its capacity to make rapid and effective use of such assistance.

(c) Any grant under this section shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grant will be effectively utilized for the purpose for which it is made.

(d) For the purpose of making grants under this section, there is authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971, \$60,000,000 for the fiscal year ending June 30, 1972, \$90,000,000 for the fiscal year ending June 30, 1973, \$120,000,000 for the fiscal year ending June 30, 1974, and \$150,000,000 for the fiscal year ending June 30, 1975.

(e) The acceptance of family planning services provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance.

#### FORMULA GRANTS FOR FAMILY PLANNING, PUBLIC HEALTH SERVICES

SEC. 6. (a) There are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, \$20,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the fiscal year ending June 30, 1975, to enable the Secretary to make grants to State health agencies to assist the States in planning, establishing, maintaining, coordinating, and evaluating family planning services. The sum so appropriated shall be used for making payments to States which have submitted, and had approved by

the Secretary, State plans for a coordinated and comprehensive program of family planning services.

(b) From the sums appropriated to carry out the provisions of this section, the several States shall be entitled for each fiscal year to allotments determined by the Secretary on the basis of the population and financial need of the respective States.

(c) For the purposes of this section the term "State" includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

(d) The acceptance of family planning services provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance.

#### TRAINING GRANTS

SEC. 7. For the purpose of training the necessary manpower required to fulfill the purposes of sections 4 and 5, the following sums shall be authorized and appropriated: \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; \$4,000,000 for the fiscal year ending June 30, 1973; \$5,000,000 for the fiscal year ending June 30, 1974; and \$6,000,000 for the fiscal year ending June 30, 1975.

#### RESEARCH GRANTS

SEC. 8. (a) In order to promote research in the biomedical, contraceptive development, behavioral and program implementation fields related to population and family planning, the Secretary is authorized to make grants to public agencies and nonprofit organizations and institutions, and to enter into contracts with groups, associations, institutions, individuals, or corporations for the conduct of such research.

The Secretary shall utilize the Office of Population Affairs in administering the provisions of this section.

(b) For the purpose of making grants and entering into contracts under this section, there is hereby authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1971, \$50,000,000 for the fiscal year ending June 30, 1972, \$65,000,000 for the fiscal year ending June 30, 1973, \$85,000,000 for the fiscal year ending June 30, 1974, and \$100,000,000 for the fiscal year ending June 30, 1975.

#### GRANTS FOR CONSTRUCTION OF POPULATION RESEARCH CENTERS

SEC. 9. (a) There is authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1971, \$14,000,000 for the fiscal year ending June 30, 1972, \$16,000,000 for the fiscal year ending June 30, 1973, \$18,000,000 for the fiscal year ending June 30, 1974, and \$20,000,000 for the fiscal year ending June 30, 1975, for project grants to assist in meeting the cost of construction and operation of centers for research (or research and related activities) relating to human reproduction, sterility, contraception, effectiveness of service delivery, population trends, and other aspects of, or factors which affect population dynamics. Sums so appropriated shall be available until expended for payments with respect to projects for which applications have been filed under this part before July 1, 1976, and approved by the Secretary before July 1, 1977.

(b) Applications for grants under this section with respect to any center may be approved by the Secretary only if—

(1) the applicant is an institution of higher education or other public or private nonprofit institution which the Secretary determines is competent to engage in the type of research (or research and related activities) for which the center is to be constructed; and

(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used for the purposes for which it was constructed; (B) sufficient funds will be available for meeting the non-Federal share of the cost of constructing the facility; (C) sufficient funds will be available, when the construction is completed, for effective use of the facility for the purposes for which it was constructed; and (D) all laborers and mechanics employed by contractors or subcontractors in the performance of construction of the Center will be paid wages at rates not less than those prevailing for similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) In acting on applications for grants, the Secretary shall take into consideration the relative effectiveness of the proposed facilities in expanding the Nation's capacity for research (or research and related activities) in the field of population dynamics and such other factors as he may prescribe by regulations in order to assure that the facilities constructed with such grants, severally and together, will best serve the purpose of advancing scientific knowledge related to population dynamics.

(d) (1) The total of the grants with respect to any project under this section may not exceed 75 per centum of the necessary cost of the project as determined by the Secretary.

(2) Payment of grants under this section shall be made in advance or by way of reimbursement, and in such installments (consistent with construction progress) and on such conditions, as the Secretary may determine.

(e) If, within twenty years after completion of any construction for which funds have been paid under this section—

(1) the applicant or other owner of the facility shall cease to be a public or private nonprofit institution or

(2) the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines, in accordance with the regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreements of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of the construction of the facility.

(f) Except as otherwise specifically provided in this section, nothing contained in this section shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the research or related activities conducted by, or the personnel or administration of, any institution.

(g) Within six months after the enactment of this section, the Secretary, after consultation with the appropriate advisory council or councils, shall prescribe general regulations covering the eligibility of institutions, and the terms and conditions for approving applications.

(h) As used in this section the terms "construction" and "cost of construction" include

(A) the construction of new buildings and the expansion, remodeling, and alteration of existing buildings, including architects' fees and the cost of acquisition of land, but not including the cost of offsite improvements, and (B) equipping new buildings and existing buildings, whether or not expanded, remodeled or altered.

(i) The Secretary shall administer the provisions of this section by and through the Office of Population Affairs.

**SPECIAL PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING AND POPULATION GROWTH INFORMATION DISTRIBUTION AND EDUCATIONAL MATERIALS DEVELOPMENT**

SEC. 10. (a) The Secretary is authorized to make project grants and enter into contracts with public agencies and nonprofit organizations and institutions to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making grants or entering into contracts under this section there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; \$1,250,000 for the fiscal year ending June 30, 1973; \$1,500,000 for the fiscal year ending June 30, 1974; and \$1,750,000 for the fiscal year ending June 30, 1975.

(c) The acceptance of family planning and population growth information (including educational materials) provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance. Passed the Senate July 14, 1970.

Attest:

SECRETARY.

**MOTION OFFERED BY MR. STAGGERS**

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2108 and to insert in lieu thereof the provisions of the bill H.R. 19318 as passed.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

**MOTION OFFERED BY MR. STAGGERS**

Mr. STAGGERS. Mr. Speaker, I offer a motion to strike out the preamble of the Senate bill.

The Clerk read as follows:

Mr. STAGGERS moves to strike out the preamble of the bill S. 2108.

The motion was agreed to.

The Senate 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.

A similar House bill (H.R. 19318) was laid on the table.

**PERSONAL ANNOUNCEMENT**

Mr. FOUNTAIN. Mr. Speaker, on the preceding rollcall, No. 350, on the bill S. 3785, I was taking an emergency call and did not respond to my name. I am present, I would have voted "Yea."

**GENERAL LEAVE TO EXTEND**

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill just passed.

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

There was no objection.

**HORSE PROTECTION ACT OF 1970**

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2543) to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes, as amended.

The Clerk read as follows:

S. 2543

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1970".*

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots; which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhuman treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4 (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he has complied with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the showing or exhibition of horses which have been sored.

SEC. 5 (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6 (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than \$2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant

to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed \$100,000 annually, as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, this bill passed the Senate unanimously last year, and was unanimously reported from our committee in October.

The bill is entitled the Horse Protection Act of 1970, and is intended to put an end to the practice of some persons of deliberately soring horses. Tennessee walking horses have a very distinctive gait or walk. This distinctive gait can be achieved through patient training, or, unfortunately, through deliberately making the front feet of the horse sore.

Unfortunately this practice of soring horses has become quite widespread, so that today it is impossible to be certain that Tennessee walking horses at horse shows are performing as a result of their training, or from having been deliberately mistreated.

Soring of horses is usually done by applying a blistering agent to the horse's leg and by wrapping this area with chains or metal rollers. Then, during a show, the sore is covered by a boot which rubs against the sore and heightens the pain even further. As a result of the horse's front legs being sored, the gait of the horse is achieved quickly, without the long and difficult training period.

This bill is designed to end this practice by prohibiting the shipment of any horse in commerce, for showing or exhibition, which a person believes is sored. The bill also makes unlawful the exhibition of a sored horse in any horse show or exhibition unless the person conducting the show has complied with reasonable regulations established by the Department of Agriculture for the purpose of preventing the showing of sored horses.

The committee has amended the bill to provide that the prohibition against moving of horses in commerce shall apply only to horses which are sored after the date of enactment of the bill.

Mr. Speaker, there are approximately 25,000 Tennessee walking horses in the United States today, and it is unfortunate that the Tennessee walking horses exhibitors have found themselves unable to do anything to end the practice of deliberate mistreatment of these animals.

We feel that the legislation is necessary, and the agency reports on similar legislation express no objection to its enactment.

As I mentioned, the committee was unanimous, and we recommend that the bill be passed.

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

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

Mr. GROSS. This would not require an Assistant Secretary of Agriculture for Sore Horses, would it?

Mr. STAGGERS. No; I do not think so, Mr. Gross.

Mr. GROSS. I notice there is the sum of \$100,000 per year contained in the bill for some purpose or another, and in looking at the personnel over in the Department of Agriculture I would think they would have enough personnel in-house to take care of the provisions of this bill. If the gentleman from West Virginia thinks they ought to have another \$100,000, provided there is not an Assistant Secretary appointed, I will go along with the gentleman. I think the bill is a good bill otherwise.

Mr. STAGGERS. Well, in response to the gentleman from Iowa I would just quote to him the Secretary who stated that in carrying out the provisions of this act he shall utilize to the maximum extent practicable the existing personnel and the facilities of the Department of Agriculture.

Mr. GROSS. I am glad to hear that, but another \$100,000 goes along with it.

Mr. STAGGERS. Well, that is true. However, this will not exceed \$100,000, if needed. We would hope that they would not need any of it, in fact.

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

Mr. Speaker, as has been pointed out by the gentleman from West Virginia, this bill was given unanimous support in our committee.

Frankly, Mr. Speaker, I think the trend in the walking horse industry is moving in the direction of not pursuing this soring of horses as pointed out in this bill. The trend is moving in this direction anyway. However, those of us who have seen the exhibits and who have seen what has been done and the terrible practice that has been pursued in the training of these walking horses has certainly been regrettable. Our committee thought this was a worthy cause. I think that, perhaps, the dollar cost will not even reach the amount set forth in this bill. I say this because I am of the opinion that it can be enforced by a lesser amount. The purpose of the bill is a good one and I hope it passes unanimously.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I simply rise in strong support of this bill. This bill strikes at the cruel and inhumane treatment of walking horses. It is much needed legislation. I urge the passage of the bill.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the ranking member of the subcommittee,

the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Speaker, I think the gentleman from West Virginia for yielding to me this time.

Mr. Speaker, I rise in support of S. 2543, the Horse Protection Act of 1970.

I doubt that a single member of the House has not heard or read about the inhumane practice of soring used by many unscrupulous trainers to make walking horses lift their feet.

In short, this practice employs a chemical compound to make tender a portion of the horse's hoof so that he will lift it higher and more quickly. This practice is wrong and would be corrected by the legislation which we are now considering.

First, the walking horse can be trained without inflicting this pain. In fact, most reputable trainers do not use this method.

Secondly, any method which inflicts pain on an animal should not be allowed to continue.

There are between 25,000 and 60,000 walkers in the country. This indicates that the scope of the problem is large enough to be of consequence. This legislation, which is similar to the bill which I cosponsored, would prohibit the transportation of an animal which has been sored; would allow inspection of horses by the Secretary of Agriculture.

I think that the provisions in this legislation will bring about the proper safeguards to insure that the practice of soring is discontinued. I know that my colleagues join with me in voicing concern over this shameful practice and will join in voting for its passage.

Mr. STAGGERS. Mr. Speaker, I would like to say in conclusion in just one sentence that I wish to commend the Subcommittee on Health of the Committee on Interstate and Foreign Commerce for the great work they have done this year. They have been almost in constant session in bringing good bills to the floor of the House.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I rise in strong support of this bill. I feel this is a very humane bill and one which will certainly lead to better treatment and better training of these wonderful walking horses. I strongly support the bill.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK).

(Mr. McCORMACK asked and was given permission to speak out of order.)

THE LATE RICHARD CARDINAL CUSHING OF BOSTON

Mr. McCORMACK. Mr. Speaker, the recent death of Richard Cardinal Cushing of Boston has taken from our midst a great churchman who had an intense love of God and of his neighbor. He was an outstanding American with an intense love of our country.

Upon his elevation some years ago as auxiliary bishop to the episcopacy of the Catholic Church, he said in part:

This day my hand goes out in friendship to all men, and it will never be withdrawn.

It never was.

During his lifetime, Cardinal Cushing raised tens of millions of dollars for charitable purposes, to build hospitals, schools, and churches, and to assist the poor, the afflicted, the sick and those discriminated against. He had a particular love for retarded children, as he so beautifully referred to them as "the exceptional children." His love of these "exceptional children" is evidenced by the fact that his last resting place is on the grounds of a school he established some years ago for these children.

It is well known that every dollar that Cardinal Cushing raised was spent by him in the service of God and mankind, and that he never had a penny for himself.

Cardinal Cushing was ordained a priest in 1921 and elevated to auxiliary bishop of Boston in June 1939. In September of 1944, he was named and elevated to the position of archbishop of the archdiocese of Boston, and in 1958, a member of the college of cardinals.

As his successor, Archbishop Medeiros said:

He was truly a great soul, a man of universal genius, a priest of selfless dedication, a bishop of towering stature.

There is so much that can be said of Cardinal Cushing and his wonderful life, but his eminence, Patrick Cardinal O'Boyle, archbishop of Washington, in the statement he made upon the death of Cardinal Cushing, sums up the wonderful life that Cardinal Cushing led when he said:

I was profoundly saddened to learn of the death of Cardinal Cushing. I wish to offer my sympathy to the grieving people of Boston, both Catholic and non-Catholic alike whom he served so well and so long. The Church in the United States has felt the strong influence of Cardinal Cushing in many ways. It would be impossible to sum up in a few short sentences a career of dedication and devotion which has spanned nearly fifty years as a priest and over thirty years as a bishop.

His life was dedicated to the poor. There are few if any men who could accomplish so much in such a short period of time to alleviate the suffering of the poor. Numerous homes for the aged poor, for youth and for infants bear testimony to his indefatigable desire to help all those in need.

May a merciful judgment be meted out to this champion of mercy, understanding and bountiful goodness.

While Cardinal Cushing is no longer alive, his spirit will always live as an example and inspiration to follow, not only by this generation, but by countless generations to come.

Cardinal Cushing was a dear and valued friend of both Mrs. McCormack and myself. We are deeply grieved in his passing. However, as has been said by myself and countless others, the spirit of Cardinal Cushing will live on for generations to come, guiding, inspiring, and directing persons to a nobler and more fruitful life.

Mr. Speaker, I ask unanimous consent to include in my remarks a partial text of an excellent eulogy rendered at the funeral Mass by John Cardinal Wright.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to follows:

[From the Boston Sunday Globe, Nov. 8, 1970]

"HE STOOD SO TALL, SO ENERGETIC, SO CONFIDENT, SO RADIANT"

(Partial text of the eulogy delivered by John Cardinal Wright)

"And God will wipe away every tear from their eyes. And death shall be no more; neither shall there be mourning, nor crying, nor pain any more, for the former things have passed away. And he who was sitting on the throne said, 'Behold, I make all things new!' " (Apocalypse, Chap. 21, V. 4-5).

The lamented Cardinal Archbishop of Boston was a man of many contradictions—some within minutes of one another. He was a man of not a few controversial words and actions—some bitter, some bewildering, some almost amusing to himself and to us who loved him. But one single, overriding, constant purpose integrated his entire life and to that abiding constancy he was totally committed unto death.

That one constant purpose was his determination, stubborn and untiring, to serve, with whatever genius or frailty, the one, holy, universal, apostolic Church, in communion with Rome, and to do everything else in his power, at all times, in all places, on every level, to advance that kingdom of God of which he knew the visible, organized Church to be the beginning and the principal agent on earth.

To this unchanging motivation, he was faithful all the days of his life and through all the mysteries—joyful, sorrowful and glorious—of that life otherwise shot through with superficial contradictions and occasional controversy.

I am grateful to Archbishop Medeiros and to the bishops and priests of this truly Holy Church of Boston for the privilege of speaking, in behalf of all present and millions not able to be present, some words of affectionate remembrance of Richard Cardinal Cushing.

The text which I read a moment ago was one I heard on his lips on many occasions, some of them occasions so bound up with his goodness to me that they came instinctively to mind when, by a curious providence, I arrived the other night in the New York airport to be handed a scribbled note that Archbishop Medeiros and Bishop Minihan had phoned that our Cardinal was dead.

When Archbishop Cushing was installed in this Cathedral over a quarter century ago, he thought of choosing the last part of today's text—"Behold I make all things new!"—as the theme of his first sermon. A last minute decision, expressed by him with a characteristic comic touch, prompted him to choose another text, but he returned to this theme time and again in those early days of his pontificate as he went about the diocese where he was welcomed and loved so passionately.

"ALL THINGS NEW"

When he preached at the Mass establishing the new diocese of Worcester 20 years ago, he did use the last words of this text, as he did nine years later when, with paternal solicitude he installed me as bishop of Pittsburgh. This is a purely personal reason why I am grateful to be able to repeat those words as he is laid to rest, since in all my life as a brother bishop, as in the lives of thousands of bishops, thousands of priests and millions of lay collaborators these words, the aspiration of his own life, became our dynamic ideal: "Behold, I make all things new!"

These words coming from him were no heady, empty boast concerning any charis-

matic gifts or special talents Richard Cardinal Cushing possessed, or wished the rest of us, all of us, to share. It is an echo of words which Scripture places on the lips of that Christ, the Alpha and Omega of all things, who could alone possibly pronounce such powerful words, that Christ of whom every believer in one way, every priest in a most especial way, every bishop in a pre-eminent way is called to be the agent.

And so, from the day of his ordination as a priest, and unmistakably from the springtime of his archbishopric in the exciting years of the 1940s, Richard Cushing, fired by the energies of Christ and inspired by the words of the Lord of all, sought incessantly to "make all things new." For years this aspiration had identified him with the work of the missionary Church as few in history and no one in our times, have given themselves to the spread of the kingdom of God to the ends of the earth. Seeking to build on the firm foundations of solid faith and hold pride left by Cardinal O'Connell and his predecessors in the local Church of Boston, Archbishop Cushing aspired to bring fresh vitality—to "make all things new" again—in the diocese committed to his care. Those were the days—the latter 1940s and the early 1950s—of the joyous mysteries in the life of our beloved leader. He stood so tall, so energetic, so confident, so radiant, so indefatigable and, if one may dare to say it, so debonair, as America's youngest archbishop and one of the Church's most articulate, open-handed and prophetic witnesses to God's truth.

It was in this period of the joyful mysteries that he began to dream of concentrating his energy and his vision especially on Latin America, toward which as a neighbor continent he felt that we had special obligations in affection, generosity and faith.

Before anyone, known to me, was using the words "Third World," the indomitable Cushing in the years of his joyful mysteries was limited to the Society of St. James—the name of which had dawned on him as he stood at the shrine of St. James, one of his patron saints, at Compostella in Spain. He said half aloud, "The Spaniards were chief among those who brought the faith to South America. They did a wonderful job. The job of bringing back the faith, 'of making all things new' must now be ours!"

Yet none of his worldwide activities distracted him, during that springtime of the joyful mysteries, from his duties here at home. He multiplied, in plain fact he pioneered new educational work for handicapped children; there are those who say that it was he who coined the tender phrase "exceptional children" to describe those born with all the odds against them. He made his own an especial apostolate to old folks, and, in a mixture of pathos and comedy, he planned festive visits not only to institutional homes for the poor, but to public restaurants, even night clubs, to which he invited those who had no one else to entertain them on national family feasts, like Thanksgiving. He was the host and he was the entertainment. He built institutions for the aged and the poor, the sick and the abandoned, but, what was much more important, he identified himself personally with all his brethren, whether they were in the institutions of the Church or those of the state, whether they were in whatever we now call poor houses or were in prisons.

It was in this period, again the springtime of his joyous mysteries, that he revealed his highly publicized flair for hats. Hats of varied and marvelous design, as well as his disarming, not to say sometimes disconcerting gift for uttering the unexpected phrase, the unstuffy remark, or a frequently astonishing bit of self-heckling and self-deprecating humor.

And thus, in the midst of laughter, intense activity and resilient indifference to either flattery or adverse criticism, he lived out the joyful mysteries of his springtime as a prelate, reproducing in deeds, something, at least of what only Christ could promise: "Behold, I make all things new."

#### SORROWFUL MYSTERIES

Then came the season of his sorrowful mysteries. It is a little difficult to place a date; it no longer makes any difference. It is even more difficult to assign clear causes, particularly for the contradiction, confusion and sometimes personal attack that left his spirit sorrowful, even broken, more than ravaging diseases made painful his flesh. Suddenly the seemingly carefree, contagiously enthusiastic young archbishop of the early days, began, manifestly, to share the priesthood of the Man of Sorrows, as once, not less manifestly, he had exemplified the priesthood of the Son of the Cause of Our Joy.

In the season of his sorrowful mysteries, it became common for him to faint with pain at public events or to show utter exhaustion in ceremonies or at meetings. By then the rumor began to go around, 14 years ago, that he had cancer, together with asthma and other afflictions. A loose-lipped woman started the cancer rumor. Her phone lines sizzled with the grizzly news. Finally he heard the rumor himself, as all evil reports finally reach those whom they are intended to hurt. His doctors had been discreet, but a writer whom the cardinal had helped, when no one else would help spread the rumor that he was taking means to kill pain and that he was showing symptoms of metastasis and sclerosis. He called up to say, "Do you believe them?" I answered, "Who would?"

This was indeed the season of sorrowful mysteries, but he never stopped going. He never stopped preaching. He never stopped wiping away tears, though they were invariably the tears of others.

It was then that the pilgrimages for peace gave way to pilgrimages of prayer for the physical healing of others. He chartered airplanes to bring crippled and handicapped boys and girls—"his exceptional children"—close to some of whom he will be buried this afternoon—to Lourdes and to Ireland. All that was most beloved about him is summed up, not in the funny stories in the popular biographies, but in a poignant piece of sheer poetry that was uttered at 2 o'clock in the morning 40,000 feet above the Atlantic, in the darkness of a plane filled with crippled children, their afflicted Father in Christ and the Sisters and doctor who took care of both. In the midst of the midnight silence a small boy called out, "Cardinal!" The exhausted Prince of the Holy Roman Church, to give him one of his exact titles, sleepily murmured: "What do you want, Bobby?" The small boy answered, with a demand that Christ gave the poor and the afflicted the right to make of all Christians, princes and peasants alike: "Cardinal," the small boy said, "I can't sleep. Come hold me!"

#### "INDEFATIGABLE"

Lest any of the captious describe the cardinal's prompt response that night as sentimental or untypical, let me quote from an article by the librarian of the Boston Atheneum, to which, by the way, the first bishop of Boston, a Frenchman, left his library. The quote again involves an airplane and Cardinal Cushing at the height of the season of his sorrowful mysteries, but still hard at work making all things new. Here is what Walter Muir Whitehill tells us in an article published last month about Massachusetts and entitled, *Who Really Rules Us?*

"Never underestimate the role played by that remarkable prelate, Cardinal Cushing,

in breaking down the fences in Boston. Few cardinals have been as simple or as indefatigable. . . . Undeterred by illnesses that would have defeated an ordinary man, he carries on tirelessly. One stormy winter night in 1963 I went to LaGuardia Airport to take a shuttle to Boston. The plane was at the gate but both the time and the likelihood of its departure were uncertain. A moment after I had taken my seat, I was relieved to see Cardinal Cushing come aboard, for his presence gave us all confidence that Eastern Airlines would get us safely to Boston. They did, and on time, at that. Throughout the flight the cardinal—at the end of a long day that marked his pace—was chatting and joking with everyone, trying on pilots' caps and stewardess's hats, as if he had not a care in the world. Once on the ground at Logan airfield, he had a friendly word, a joke, a blessing for half the people he passed until he strode out of sight into the winter night."

What sustained this paradoxical man as he disappeared into the dark after his antics, some might say, his apostolate you and I will say, on the airplane where Walter Whitehill watched him with such sympathy and admiration? It was, of course, the conquering joy of those words of Christ: "Behold, I make all things new!" But joy and confidence are not always the well-springs of energy, nor certainly of holy entertainment in the midst of the sorrowful mysteries of one who is wracked with pain and exhausted by picketing demands for instant solutions of evils he had been fighting all his life since a schoolboy—and such had become the humiliating destiny of our Cardinal. Now only faith, indomitable faith, was adequate to keep alive the joy and to spark the laughter of a man sick in soul and body. There is no one in this Church who does not know the nature of that faith as it kept strong in spirit this man of broken flesh, now that the sorrowful mysteries of his beloved Rosary had overwhelmed him.

Oddly enough, the classic affirmation of that faith is in the very chapter of the Book of Job that I have already recalled him as once quoting. What Job said of old, Richard Cushing said now, without, perhaps, speaking the words but by the way he carried on in the midst of infirmity and desolation: "I know that my Redeemer liveth, and on the last day I shall rise again. And I shall be clothed again with my skin; and in my flesh I shall see God. Whom I myself shall see, and my eyes shall behold, but not another. This is the hope that is hid in my bosom!" (Job 19, 25-57).

#### BEAUTIFUL LETTER

It was my privilege to come to Brighton with His Excellency the Apostolic Delegate, when the personal representative of our Holy Father in the United States brought to Cardinal Cushing the letter from Pope Paul accepting the cardinal's resignation and sending him warm and loving greetings on his birthday. I wanted to be with him when the news that the work we all had seen begin was at length ended and I wanted to have lunch with him on his birthday. He read the letter from the Holy Father; he read it out loud in his bedroom as a young boy might read an affectionate letter from his father writing from a distant place. It was a beautiful letter; you all saw it reprinted in the *Pilot*.

Cardinal Cushing used to say, in the midst of his years of sorrow, that he thought Good Pope John was the only Pope who understood him. Do you remember? But this was not true. Pope Paul understood him well and with exquisite sensitivity he obviously de-layed as long as he dared the acceptance of the resignation on which, in fact, the exhausted archbishop insisted. He deliberately waited until his birthday which would make the resignation not only more gracious in the

eyes of the public who loved him but more welcome to the suffering cardinal.

The luncheon prepared by the devoted Sisters of St. Joan of Arc for the Apostolic Delegate, for Monsignor McGuire who served him so loyally, and for me was a steak and a bit of birthday cake. But the cardinal could eat only ice cream, and not much of that so far advanced were the lesions, the tumors and the pain in his very body. After lunch and a little bit of laughter at the thought of the joyful mysteries and some invisible tears at the thought of the sorrowful mysteries, the Apostolic Delegate withdrew to phone his office concerning his travel plans. I was left alone with the cardinal. It was a terrible minute but characteristically, he broke up the melancholy. He said: "John, I am through now and I am glad. But when I am gone, if anyone asks if anything I ever said or even did somehow may have hurt the Church, what do you think the answer will be?"

And I answered as everyone here present would have said: "Archbishop, everyone will say that if you ever seemed to hurt the Church, even a little, it was in your loving desire to serve it—to make it stronger and more beautiful and beloved, to build it up as a more powerful means to the Kingdom of God!"

He thought for a moment and then he said: "I hope so. Now we have to pray for the man who is coming, to pick up some of the broken pieces, maybe, but above all to build higher and better!"

Then he smiled painfully with a face that already showed signs of the beginnings of the glorious mysteries, the glorious mysteries in the life, the death and the victory of everyone who loves God and loves his neighbor as did Cardinal Cushing. He obviously was thinking back to things as they had been 30 years before and he said: "The next man will make it all new again, won't he?"

#### HEAD HIGH

This was less than three months ago and it was the beginning of the end, but not quite the end. For the promise of Christ and the faith of Job enabled him a few weeks later to walk, head high, out of this cathedral after he had thrilled to the glorious mystery of seeing his successor installed, firmly and unchallenged, in the sanctuary from which the now dead cardinal's voice rang out so often, as priest and later as prelate, the promises of Jesus and the faith of the Fathers.

On that wonderful day, so recent and so proud, your applause of the dying man helped him to persevere, joyful and glorious, to the end, all sorrow being left behind. Your applause of his successor was heard around the world. It told our new archbishop to fear not, that the way will be made straight, the wilderness will be broken open with new paths and new directions, and that as God was with our Fathers, so will He be with us. God now wipes away all tears from the eyes of Richard Cushing, since death for him shall be no more, nor pain nor evil for the former things have passed away—and by that same power God gives to Archbishop Medeiros the full share of divine power needed to make all things new again!

This is the point of the Church; there is no other. This is the point of the apostolic succession; there is no other. This is the point of the priesthood; there is no other. This is the point of the Christian fact and of all the people who share it or whose lives it touches; there is no other that matters enough to mention. This is why all mysteries—joyful, sorrowful and glorious—blend in the exultant cry: "I know that my Redeemer liveth, and in the last day I shall rise out of the earth . . . and in my flesh I shall see my God!"

Confirmed in this faith, we commend this

valiant newsmaker to the history books, this holy man, this zealous priest, this uncommon prelate we commend to the God who gave joy to his youth, the Christ who consoled his age, the angels and saints with whom he now shares eternal life, undying love!

Mr. BROTZMAN. Mr. Speaker, as the sponsor of H.R. 14161, the Horse Protection Act, I am pleased to rise in the support of S. 2543, a nearly identical bill.

The bill, reported by the Interstate and Foreign Commerce Committee, seeks to eliminate the heinous and inhumane practice of soring Tennessee walking horses. As a member of this committee, I want to thank the distinguished Chairman, the gentleman from West Virginia (Mr. STAGGERS), and the distinguished ranking Member, the gentleman from Illinois (Mr. SPRINGER), for moving this important piece of legislation onto the House floor.

The Horse Protection Act makes it unlawful for any person to move a sored horse in interstate commerce, or to exhibit in any show a sored horse which has been moved in interstate commerce, or for any person to conduct a show or exhibition in which a sored horse is shown unless he can establish compliance with regulations designed to keep sored horses out of shows. The Secretary of Agriculture is given the necessary authority to enforce the law, and he may impose civil penalties of up to \$1,000 for violations. In the case of willful violations, 6 months imprisonment and a fine of up to \$2,000 may be imposed.

Mr. Speaker, I have yet to encounter the person who will defend the practice of soring horses. Even those who engage in the practice deplore it, but they seem to fear that soring is necessary so long as competing horsemen sore their animals.

While the sheer cruelty of soring is sufficient reason for Congress to pass the Horse Protection Act, I believe there is another reason, an equally valid reason, for congressional action. When a horse wins a prize, its value increases significantly. Those who want to buy a horse for breeding purposes prefer an animal which has demonstrated its ability. However, when a horse's gait is the result of soring, and not ability, the purchaser is defrauded. At the same time, the owner of a legitimate Tennessee walking horse is wronged because his horse will not bring as much money on the open market as it would have had it not had to compete with sored horses.

I fondly recall my boyhood days in Northeastern Colorado when I owned and cared for a horse. To this very day, Mr. Speaker, I occasionally have the opportunity to enjoy a little horseback riding. It is hard for me to imagine a person torturing a horse for any reason. By passing the Horse Protection Act, we in the Congress can bring an end to soring and we can restore integrity to the show horse industry.

Mr. MATSUNAGA. Mr. Speaker, as one deeply concerned over the inhumane practice of "soring" walking horses, I rise in support of S. 2543, the Horse Protection Act of 1970.

It does not require membership in the

posh walking horse set to recognize the evil of the soring of the Tennessee walking horse. "Soring," the practice of using mechanical and chemical means—commonly, oil of mustard—to make a horse's feet tender so it will lift them high in the show ring and bring ribbons to its owner, is both cruel and disgraceful. Once a good clean sport, and it still could be one, the training of walking horses has degenerated into an exhibition of the most despicable type of human dishonesty.

The Tennessee walking horse is a magnificent animal, known for its intelligence, sensitivity and grace. Its distinctive high-skipping gait is normally achieved through long and careful training. But unscrupulous individuals discovered that the desired gait could be created artificially by deliberately "soring" the front feet of the horse. Instead of training the horse, these individuals have been inflicting painful sores on the animal in order to have it perform in the desired manner.

This bill we are considering is designed to end this callous practice. S. 2543 would prohibit the shipment of any "sored" horse in interstate or foreign commerce, for showing or exhibition purposes. It would make unlawful the exhibiting of a "sored" horse in any horse show or exhibition in which that horse or any other horse was moved in interstate or foreign commerce. Finally, the legislation would prohibit the holding of any horse show in which a "sored" horse is exhibited if any of the horses in that show were moved in commerce. Commerce is given a broad definition to make the legislation effective, and it includes the shipment of the described horses not only from a point within any State or U.S. possession to any point outside thereof, but it also includes shipment of such horses between points within the same State or U.S. possession through any place outside thereof and from any foreign country to any point within the United States.

To achieve maximum deterrence in this practice, the legislation also provides for civil penalties for nonwillful violations as well as the usual criminal sanctions of fine or imprisonment, or both, for willful violations.

Mr. Speaker, this legislation is needed to stop the inhumane practice of inflicting extreme cruelty on defenseless domesticated animals. It deserves our unanimous support.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to end a shockingly cruel practice—the deliberate "soring" of Tennessee walking horses. Prized for their brisk and precise gait, Tennessee walking horses are a celebrated attraction at horse shows. They are so celebrated, in fact, that breeders and trainers have largely abandoned the traditional means of producing the horse's haughty strut: long and painstaking training. Many breeders now "sore" the horses' front feet, making them so keenly painful that even the most mediocre horses can reproduce the stride of a champion. Blistering agents—oil of mustard, for example—are often used to irritate the horses' feet. Nails,

tacks, chains, and chafing agents are alternative methods.

These practices, Mr. Speaker, are outright savagery. Deliberately torturing a helpless animal merely to entertain the crowds at horse exhibitions is reminiscent of the Roman arena 2,000 years ago.

The bill now before us would end such barbarity. By prohibiting the shipment or exhibition of a "sored" Tennessee walking horse, the bill would effectively eliminate "soring."

I urge its prompt passage.

Mr. WHITEHURST. Mr. Speaker, I hope the House will pass and send to the White House the Horse Protection Act, S. 2543. This bill should go a long way toward eliminating the inhumane treatment of walking horses known as "soring." It will provide the Secretary of Agriculture with the power to fine up to \$500 and/or imprison for up to 6 months anyone found guilty of shipping a sored horse in interstate commerce.

When I introduced the original legislation on June 25, 1969, I had little idea that the bill would receive such widespread support. Not only was a companion bill, S. 2543, introduced in the Senate, but at least 23 of my colleagues in the House also introduced companion bills.

The walking horse class is probably the most graceful and beautiful event in a horse show. A well-trained Tennessee walker is a monument to the painstaking, time-consuming, and expensive breeding and training that produced it.

But for many of us, this description is based on memories only and does not stand up under present heavy scrutiny.

The difference between a first-place and a second-place award in a horse show can be over \$10,000, and it is perhaps this fact, more than the pride of being a winner, that has caused the tremendous growth in the use of soring. Over the past 20 years soring has increased so rapidly that unless a horse is sored it stands little chance of winning, and thus those trainers and owners not employing soring are actually under a financial handicap. It is indeed unfortunate that cruelty has been given such financial reward.

There are several methods used to "sore" a horse, and each trainer specializes in one or another. The most common method involves applying oil of mustard or oxide of mercury "creeping cream" to the pastern area of the foreleg, the part just above the hoof. After the burning chemical is applied, the hoof is further prepared by wrapping the area with chains or metal rollers. During a show these are removed and replaced by a boot. The boot is ostensibly to protect the foreleg, but in reality it further heightens the pain and causes the horse to throw the forelegs forward, producing the desired walking gait.

As cruel and widespread as this practice has become, we should not be led to believe that such methods are condoned by all those involved in showing this class of horse.

The passage of this legislation will be welcomed not only by millions of Americans but also by the American Horse Show Association and the Tennessee

Walking Horse Breeders & Exhibitors Association of America.

Mr. Speaker, I wish to express my deep appreciation for the support I have received from literally thousands of people across this great Nation who are interested in animal protection legislation. They are the ones most responsible for this bill's being brought before this body and for its overwhelming approval. I am most grateful for their contribution.

I certainly hope that the bill will be approved and sent to President Nixon for his signature.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 2543, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, S. 2543.

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

There was no objection.

#### WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1355) concerning the war powers of the Congress and the President.

The Clerk read as follows:

H.J. RES. 1355

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.*

Sec. 2. It is the sense of Congress that whenever feasible the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

Sec. 3. In any case in which the President without specific prior authorization by the Congress—

- (1) commits United States military forces to armed conflict;
  - (2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or
  - (3) substantially enlarges military forces already located in a foreign nation;
- the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

Sec. 4. Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Joint Resolution 1355 is a reassertion of congressional responsibility in the matter of warmaking.

It is not, however, being put forward as a reflection of criticism or as a reprisal against the actions of Presidents, past or present. Rather, this resolution seeks to define arrangements which will make it possible for the President and Congress to work together in mutual respect and maximum harmony toward our shared goal of national peace and security.

While House Joint Resolution 1355 is, for that reason, of considerable importance, it is also—in my view—noncontroversial because it represents a clear and firm consensus of members of the House of Representatives.

This consensus emerged during consideration of 17 bills and resolutions on the war powers, sponsored or cosponsored by some 36 Members of the House, in hearings held by the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments.

Last summer the subcommittee held 11 days of hearings on war power proposals, receiving testimony from 23 witnesses, including 11 Members of Congress, noted constitutional and legal experts, and distinguished political scientists and historians.

Following close of hearings, the subcommittee, with strong bipartisan participation, drafted a new resolution. It drew both on prior proposals and the testimony which had been received. This version was approved unanimously by the subcommittee on August 12 and was subsequently introduced into the House by me, with 15 cosponsors. Cosponsors include nine members of the subcommittee, from both political parties. Other cosponsors were authors of earlier proposals relating to the war powers.

Mr. Speaker, at this time I wish to draw particular attention to the efforts of two members of the Foreign Affairs Committee who have cosponsored legislation in this area and have done yeoman work in forming this legislation and working for its passage. They are the gentleman from Florida (Mr. FASCELL)

and the gentleman from Illinois (Mr. FINDLEY).

Further, I wish to point out that a list of other sponsors of war powers legislation with a comparison of the bills may be found on page 477 of the printed hearings.

On September 24, the full House Foreign Affairs Committee considered House Joint Resolution 1355 in executive session and ordered it favorably reported. The vote, it should be noted, was unanimous.

Moreover, because of the spirit of cooperation which marked consideration of war powers legislation, representatives of the executive branch were willing to provide consultation and advice during the period which House Joint Resolution 1355 was being formed. While House Joint Resolution 1355 does not have the formal endorsement of the administration, executive branch officials have made known that they find nothing in the proposal which is objectionable.

Without presuming to speak for the President, I believe he would sign this resolution if it is passed by Congress.

Why should legislation in so controversial an area as the war powers be, at the same time, so broadly acceptable?

The answer lies in the consensus which is embodied in House Joint Resolution 1355—a common agreement on objectives which new war powers legislation should fulfill.

First, House Joint Resolution 1355 reaffirms and reasserts the constitutional grant of power to Congress to declare war, while recognizing the responsibility of the President to defend the Nation against attack, without specific prior congressional authorization, in emergency circumstances.

Second, the resolution makes clear that to the maximum extent possible, the Congress should be consulted prior to Presidential action involving the commitment of U.S. forces to combat even if the Congress does not permit Congress to act first.

Third, House Joint Resolution 1355 places a new reporting requirement on the President. It directs that he must promptly present to Congress a formal, written explanation whenever he takes certain actions involving U.S. Armed Forces without prior congressional approval.

Among Presidential actions included are the commitment of troops to armed conflict or the risk thereof, the initial movement of significant numbers of U.S. forces to foreign soil, and the substantial enlargement of units already stationed abroad.

That is all that House Joint Resolution 1355 does—no more and no less. Finally, Mr. Speaker, section 4 of the proposal makes explicit, that the resolution does not alter the constitutional authority of either Congress or the President, nor does it affect the provisions of existing treaties.

While it neither increases nor diminishes the existing war powers of Congress and the President, House Joint Resolution 1355 does offer an opportunity for greater understanding and co-

ordination between the two branches of Government in the greater national interest.

We may reasonably expect situations to arise in the future as they have in the past, which will threaten conflict between the Congress and the President over the exercise of the warmaking powers. I submit passage of House Joint Resolution 1355 will prevent such strife at critical periods in our Nation's history.

Key to this effect of the resolution is section 3 which imposes a reporting requirement and thereby opens up a formal channel for communication between the President—the Commander in Chief—and the Congress.

Since the reporting requirement contained in section 3 of the resolution is the heart of the proposal, it requires some further explanation.

House Joint Resolution 1355 calls for the President to file a report with the Congress in three situations in which he acts without specific prior congressional authorization.

Those situations are:

First, when he commits U.S. military forces to armed conflict.

This would include commitments of U.S. forces into situations or areas where conflict already is taking place and there is reasonable expectation that American military personnel will be subject to hostile fire.

For example, if the resolution had been in force in 1965, the President would have been required to make a formal report to Congress about the Dominican Republic action.

Second, the President would be required to report to Congress in any situation in which he commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to routine matters such as supply, repair, training, or for humanitarian purposes.

This provision is designed to cover those commitments of troops in situations where there is no actual fighting, but some risk, even if it is small, of our forces being involved sooner or later in hostilities.

Thus, for example, the dispatch of Marines to Thailand in 1962 and the Lebanon landing of 1958 would have required a report to Congress.

Third, the President would be required to report whenever he substantially enlarged numbers of U.S. military forces already located in a foreign nation.

While the word "substantial" is subject to interpretation, it is possible to have a commonsense understanding of the numbers involved. A thousand additional men sent to Germany or Vietnam would not be a substantial enlargement of U.S. forces there. If, however, such a contingent were sent to Guantanamo Bay, Cuba, it would increase U.S. forces by some 25 percent and would require a report.

The report itself is prescribed in some detail by the resolution. It is to be submitted promptly, that is, within several days, in writing, to the President of the

Senate and the Speaker of the House. Moreover, to the maximum extent possible, the report is to be unclassified. If the President wishes to make classified information available to the Congress as additional justification for his actions, he is free to do so.

The legislation also specifies information which is to be contained in the report. It includes: The circumstances requiring the President to act; the constitutional, legislative, and treaty provisions from which he derived authority for his action. The President's reasons for not seeking specific prior congressional authorization; the estimated scope of activities, and such other information as the President believes necessary to aid the Congress in fulfilling its responsibilities.

Requiring such a report from the President is fully consistent with the traditional relationship between the Congress and the Chief Executive. Fully one hundred reporting requirements have been imposed in the past on the executive branch by Congress as part of foreign affairs and national security affairs legislation.

While it is not unusual for Congress to require Presidential reporting, the reports themselves should be an unusually effective way of keeping Congress informed about the use of the U.S. Armed Forces abroad. They may lead to increased harmony and cooperation between Congress and the President in national security matters.

In time of future crisis, the safety and salvation of our Nation could well depend on just such harmony and cooperation.

Therefore, Mr. Speaker, I urge that the Members of this body suspend the rules of the House and approve this resolution.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may require.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. ADAIR. Mr. Speaker, the gentleman from Wisconsin has explained in some detail the provisions of House Joint Resolution 1355.

The legislation before us today concerns the war powers of Congress and the President. This legislation grew out of extended hearings which explored in depth the constitutional issue as it concerns the authority that the Founding Fathers gave the Congress and the President over the war powers of the National Government.

The hearings were conducted with a full recognition of the sensitivity of the constitutional issue. The subcommittee was extremely diligent in its work, compiling a significant hearing record on a complicated and potentially volatile subject without fanfare.

The resolution before us reaffirms the power of Congress under the Constitution to declare war, while recognizing that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

The resolution also declares it the sense of Congress that whenever feasible the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict. As noted in the committee report, the phrase "whenever feasible" recognizes that occasions might arise where the need for swift action would not allow the President to take time to consult first with Members of Congress.

The third and most significant section of the resolution is the mandatory reporting requirement which sets forth the circumstances under which a report is required. These circumstances have been described in detail in the committee report which is available to the Members. In brief, the reporting requirements would give the President an opportunity to explain his actions to the Congress and to the public, while providing the Congress with a statement upon which to base subsequent action.

Mr. Speaker, I urge the adoption of House Joint Resolution 1355.

I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, it may well be that in the closing days of the 91st Congress the Committee on Foreign Affairs will have another piece of legislation to bring to the floor, but that is speculative at this point. Therefore, I am emboldened to say a word of regret to our colleague, ROSS ADAIR, of Indiana, that this may indeed be the last legislation in which he has a part, at least in the immediate future, and to extend to him our best wishes in whatever may lie ahead and our gratitude to him for the fine leadership he has provided in the field of foreign affairs during his many years of service on the committee.

Mr. Speaker, House Joint Resolution 1355 represents, I believe, an historic advance in establishing a proper relationship between the Congress and the President concerning war powers, a relationship which will be beneficial to each branch of the Government, and to the broad interest of the American people.

It is historic, because it represents the first time the Congress has specified when the President must make formal reports concerning his use of military forces.

It is beneficial to the President, because it leaves no doubt as to the circumstances under which the Congress wishes formal report and the content expected. Because of the reporting requirement, the President will be constrained to give full weight to the reaction of the Congress and legal aspects as he adds up the pros and cons of a particular course of military action or movement, and to give weight to these factors at a very early stage in his decisionmaking process.

It is beneficial to the Congress, because it establishes a formal role for the Congress in a vital area which heretofore has been unclear if not murky.

Under the Constitution, the Congress has vast authority in the warmaking field but in recent years it has seemed to

be relegated more to the passive role of supply sergeant.

This legislation will bind the Commander in Chief to make a formal case for any major movement or use of military force within a matter of hours, or a very few days at the most, of any such commitment.

In the case of the Cambodian incursion, for example, the President would have been required to place before the Congress very promptly a formal document setting forth the circumstances necessitating the action, the estimated scope of activities, and the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking prior congressional authorization.

This would have provided the Congress with a means for reviewing promptly the action, and, if it deemed such to be advisable, passing judgment.

To the best of my knowledge, no such detailed report has to this date been made on the incursion, or for that matter, on any other Presidential commitment of military forces in memory.

At the same time, I can state that President Nixon has stated that he considers a requirement of "prompt report" in such circumstances to be proper. He made the statement in response to a question I raised when the Foreign Affairs and Foreign Relations Committees met with the President a few days after our troops entered Cambodia. Pending at that time in the House was an amendment I had offered to an appropriation bill. It would have required that the President "report promptly" to the Congress if he decided that ground combat forces should enter Cambodia, Laos, or Thailand without prior consent of Congress.

I asked the President if he considered such reporting requirement to be proper. He answered, "Yes, I do."

The advancement of this important legislation is a tribute to the diligent and imaginative leadership of my able colleague, Chairman ZABLOCKI of the Subcommittee on National Security.

There are two basic objectives toward which the Congress should strive as it works to devise language reasserting Congress' power over the sword.

First, when a decision to deploy U.S. military personnel is made which might lead our Nation into war, Congress must be brought into the decisionmaking process at a point sufficiently early to influence the eventual outcome of the decision. Anything short of this makes a mockery of the constitutional grant of power to Congress "to declare war."

Second, a mechanism is needed for continual congressional scrutiny, review and oversight of the exercise of the warmaking power once the decision to commit the Nation to war has been lawfully made. While the President as Commander in Chief has the primary responsibility for the conduct of the war effort, Congress should insist upon close and continued consultation. Basic policy decisions as to the extensiveness and duration of the war, the number of U.S. troops and the amount of money which

will be required, and the final objective of our military and diplomatic effort should be made only after consultation between the President and Congress.

Its binding provisions are limited to defining circumstances in which the President must report to the Congress and prescribing the form and content of these reports.

Under this bill the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military units, and that report must be submitted "promptly." The objective should be to report at the same time orders are issued, or as close thereto as possible. At the very least, this will remind the President and his advisers forcibly and before the commitment—the decision—occurs, of the responsibility and authority in this area which the President shares with the Congress.

As a practical matter, I am hopeful that such a requirement of prompt reporting will require that the President in fact take the legislative branch of Government into his counsels in the formulation of policy. A president would think twice before making a questionable commitment of U.S. troops if he knew that at the time of public announcement, congressional leaders would be armed with the facts surrounding the decision and would be prepared to call the President to account for his stewardship of the Nation, rather than for lack of information feel compelled by the emotional tide of the moment to fall in line behind him.

Parts of the report may carry, if necessary, the highest level of security classification, but this will not relieve the President of the duty of preparing it promptly, of fully disclosing his actions and their justification, and then transmitting the report to the highest elective officers of both the House and the Senate.

The resolution spells out the circumstances in which the President is required to submit a report:

Included would be military action or risk thereof at any level, from the use of guerrilla units to attack submarines and nuclear missiles. It would have covered the placement of our fleet near Quemoy and Matsu during hostilities in the 1950's, the dispatch of Marines to Lebanon in 1958, the defensive quarantine of Cuba in 1962, the dispatch of Marines to the Dominican Republic in 1965, and voyages in the coastal waters of the Mediterranean during the 7-day war in the Middle East in 1967.

A report would be required upon the introduction of U.S. combat forces into a country for the first time, such as the recent incursion into Cambodia, or the earlier bombings of North Vietnam and Laos, would require a detailed Presidential report.

Hostilities, or the threat of hostilities, need not exist before a report is required. Excluded are routine port calls, as well as emergency aid and other peaceful measures which might be required to aid victims of natural disaster or to evacuate Americans or other nationals.

Report is required on the substantial enlargement of forces already located in

a foreign nation. "Substantial" is open to varied definitions, but I do not feel admits of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. However, that same number sent to Guantanamo Bay in Cuba, especially in light of recent reports that the Soviets may once again be building up a defensive and offensive capability on that island nation, would require a report.

In this circumstance, the aim is not only to facilitate the fulfillment by Congress of its responsibility for committing the nation to war, but also "for the regulation of its Armed Forces." Congress is more than a supply sergeant to the Nation's military needs. The Constitution gives it a specific responsibility to watch closely the deployment of our troops. Of course, only the Commander in Chief can actually order the deployment of our military forces, but when major decisions are made which may affect national security and foreign policy, the Congress should receive immediate reports.

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent. Too often Congress, and the American people, have found out too late where American men are stationed in hostile circumstances. Laos is a perfect example. Congress was not kept adequately abreast of U.S. armed force participation in the war going on in that country. When the extent of our involvement actually became known, a surprised public quickly heaped the responsibility and blame upon the President rather than upon the body charged by the Constitution with regulating our Armed Forces. Congress must share the responsibility, influence, and the decisions for major commitments of U.S. troops.

As noted above, the primary purpose of section 2 is to encourage consultation between the President and the Congress during times of armed conflict.

After the U.S. incursion into Cambodia, President Nixon met with members of congressional committees at the White House. I know that each of us felt the meeting to be worthwhile and was glad to have the opportunity to share thoughts with the President on this vital decision. As a result, each of us understood better the problems and issues evaluated by the Commander in Chief, even though not all agreed with his decision.

At the same time, the President undoubtedly was made aware, perhaps for the first time, of important aspects of congressional sentiment toward his decision to move into Cambodia. Had such joint meetings been occurring on a regular basis throughout the Vietnam war, President Nixon and his predecessors would have been better informed on congressional and public sentiment prior to basic decisions such as bombing the north, or sending troops into Cambodia.

In 1967 I testified before the Subcommittee on Separation of Powers of the Judiciary Committee of the U.S. Senate, in support of the concept later embodied in this resolution. On that occasion, I said:

I believe that this power—the power of the sword—along with the Congress's traditional control of the purse strings, is fundamental to any meaningful role which the representatives of the people may fill in the field of foreign policy. A President will be much more reluctant unilaterally to set policy and make national commitments when he knows that he must subsequently go to Congress to get the men and the money to fulfill those commitments. But the need for the President to go to Congress to finance and supply troops already in the field is not a sufficient brake. Regardless of the wisdom of the basic war policy involved, what Senator, what Representative will vote to cut off or limit the supplies that might mean life or death to men in the field? Such a move would not only be politically unfeasible but morally unconscionable.

It is for this reason that the power of the sword, one of the two great powers which the Constitution gave to the Congress, must be retained by the representatives of the people. It is my hope that through the work of this committee, a legislative way to clarify and strengthen this reservation of power will be found.

There can be no doubt that the Constitution of the United States commits the conduct of foreign policy, particularly when it involves the use of American troops, to the Congress as well as the President. Since there was no executive under the Articles of Confederation, that document committed the conduct of foreign policy strictly to the Congress. Indeed, the defense of the nation was left mainly to the state militias. That a declaration of war by the Congress amounted to more than a "legal characterization" (as the State Department has recently called it) is evidenced by the fact that the Articles prohibited any state from granting "commissions to any ships or vessels of war, nor letters of marque or reprisal, except . . . after a declaration of war by the U.S. in Congress assembled . . ."

It would seem that if this history is to mean anything today, it must indicate that a declaration of war draws certain substantive powers along with it—powers, without which the President cannot act. And only the Congress may declare war.

By the time the founding fathers convened the Constitutional Convention they had had some experience upon which to base their concept of how a government should function. The only powers given to the President relative to the commitment of troops were those in Article II, Section 2, that "The President shall be commander in chief of the army and navy of the United States . . ." and those in Section 3, that "he shall take Care that the Laws be faithfully executed . . ." Hamilton, writing in the *Federalist*, No. 69, described what the Convention had meant by the phrase "commander in chief."

"It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature."

The fact of the matter is that one of the great controversies during the Convention was whether to give the Federal government the right to maintain a standing army and navy at all, or merely to rely upon the state militias. The fear was that such a Federal army would endanger the individual states. Given the founding fathers' distrust of executive authority, which resulted from their experiences with the King of England, it is obvious from any reading of the Debates of the Convention that it never occurred to them that if such a power were to be given to the Federal government, it would reside any place but in the Congress. As Maj. Pierce

Butler, a delegate to the Convention from South Carolina recalled:

"It was first proposed to vest the sole power of making peace or war in the Senate; but this was objected to as inimical to the genius of a republic, by destroying the necessary balance they were anxious to preserve. Some gentlemen were inclined to give this power to the President; but it was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war whenever he wished to promote her destruction."

It was finally decided that the Congress, the representatives of the people, would have to be trusted with the control of the armies, though even Madison would have preferred otherwise.

"I wish there were no necessity of vesting this power in the general government. But suppose a foreign nation were to declare war against the United States; must not the general legislature have the power of defending the United States?"

The framers of the Constitution would have been aghast had they thought one man, even the President, would ever have such a great power as to commit unilaterally troops in war.

A further analysis of the Constitution gives additional support to the thesis that only the Congress may authorize the commitment of troops. Under Article I, Section 8, clause 15, it is left to the Congress to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.

Therefore, if only Congress can commit the troops of the states, would it make sense that the President should be able to commit Federal troops? It would seem that the danger to be guarded against is the same. In each case, of course after the Congress has made such a commitment, the President is the commander in chief of the troops committed.

In the first exercise of the President's power in this area, President Jefferson sent a squadron to Tripoli in the Barbary War. Since he had no authorization from Congress, the mission was limited in the narrowest sense. He ordered the liberation of a warship U.S. forces had defeated because he had no sanction from Congress to go beyond the line of defense.

This action on the part of the first President to exercise this power of troop commitment should give us some guidance today as to the circumstances under which it may legitimately be invoked, and when the President must first come to the Congress for authorization.

I maintain that there are three instances, and only three, where the President, as commander in chief, is not required to seek prior congressional approval before sending American military personnel to foreign soil. These are to (1) repel attack, (2) protect the lives and property of United States citizens, and (3) fulfill American treaty obligations. However, when he goes beyond these three—for example, in order to intervene in the internal political affairs of another country—under the Constitution the President must seek specific prior approval from the Congress.

Nor should these three exceptions to the general rule of prior congressional approval be interpreted loosely. Rather, like most exceptions they should be strictly construed. Thus, a President should not automatically invoke as authorization the need to protect American lives or property when in fact there is no clear showing of danger to them at the time of the intervention. Loose interpretation too often has been the practice, or the excuse, throughout our history.

It would be a major contribution if this committee could devise some way to discriminate between legitimate appeals to this highly emotive justification of Presidential action, and appeals which are thrown in merely as a saving catch-all.

To require a prior showing of good faith by the Executive on any of these three instances might tip the balance too far in the opposite direction and impinge upon Presidential powers. But I see no reason why the President should not be required by law to present to the Congress after such a commitment a documentation of his reasons for believing it was required. Such a formal practice, and the attendant glare of publicity, would do much to deter any unjustified or questionable exercise of power on his part.

Similarly, the power to repel attack is not an unlimited one. Basic to the President's role as commander in chief is the right to respond when American forces are attacked. Indeed, the right of self-defense seems so obvious that it scarcely needs mentioning. But, as in the case above, this authority permits only a limited response to a specific situation, and it terminates when the need for self-defense terminates. Beyond this, any intervention by American forces becomes political in nature and must be preceded by Congressional approval.

Even in the area of treaty commitments there are varying levels of authorization to which the President may appeal. Under the NATO treaty we have helped to set up a unified military command, and it would seem that an attack upon any member of NATO would be immediately followed by a response by the President as commander in chief and, for that matter, as ex-officio leader of NATO. Here, legislative enactment has prescribed as being essential to the security of the free world a course of automatic commitment of forces under certain conditions. Other treaties differ in this respect and do not authorize the President to act unilaterally. The SEATO treaty is one of these. It requires the United States to act "in accordance with constitutional processes," and during the hearings on the treaty the then Secretary of State, Mr. Dulles, stipulated that this meant prior congressional consultation, even if that would require the reconvening of the Congress by the President. While the United States will always honor its treaty obligations to protect and maintain peace and security, it can only do so within the confines of the given treaty. No treaty gives the President carte blanche to act as he pleases, and no President would want that power.

I believe these matters can and should be clarified by law.

The commitment of troops by the President is an immense power and the problem it presents has been a dominant theme throughout history. The words of John Lansing, a delegate to the Constitutional Convention from New York, ring true today. Speaking of European monarchs, he said:

"Not possessed of pecuniary revenues, or a standing military force, he was, whenever the barons withdrew their aid, or revolted against his authority, reduced to a feeble situation. While he possessed not the means of carrying on his wars, independently of his nobles, his powers were insignificant, and he was unsuccessful. But, sir, the moment he gained the command of revenues and an army, as soon as he obtained the sword and the purse, the current of success was turned . . ."

Mr. Chairman, members of the committee, it is time for the Congress of the United States to regain control of the sword. For us to fail to assert our proper responsibility will result in placing the President where kings have always stood.

As a member of Congress, Abraham Lincoln was concerned with the question of bypassing Congress in the exercise of war powers. He wrote to his law partner, William Herndon:

"Allow the President to invade a . . . nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow

him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us'; but he will say to you, 'Be silent: I see it, if you don't.'"

Mr. Speaker, I urge support of this resolution.

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

Mr. ZABLOCKI. I yield to the gentleman from Illinois for a question.

Mr. PUCINSKI. Mr. Speaker, in view of the language of this joint resolution, "The Congress recognizes that the President in certain extraordinary and emergency circumstances," and so forth, what would be the situation if this had been in operation at the time the President sent U.S. troops into Cambodia? What would have been the effect of language on that move?

Mr. ZABLOCKI. The President would have to make a report to the Congress, and under section 2, he should have consulted at least with the leadership of the Congress prior to taking action.

Mr. PUCINSKI. Before he would have taken this action?

Mr. ZABLOCKI. Before he would have taken the action.

Mr. PUCINSKI. In other words, this resolution then more definitively spells out the conditions under which the President may take this sort of overt military action?

Mr. ZABLOCKI. Whenever feasible, the President would have to take appropriate consultation steps.

Mr. PUCINSKI. In other words, am I correct in assuming, if this language were in operation at the time of Cambodia, the President would have had to consult the leadership?

Mr. ZABLOCKI. As the gentleman from Wisconsin has attempted to clarify in his opening statement, this resolution is not intended to define a past situation or reflect on any action of a President in the past or at the present time. It is intended to set up procedures to allow closer consultation and liaison between the executive and the legislative branches in the warmaking area.

Mr. PUCINSKI. If the gentleman will yield further, how would this have applied in the instance where President Johnson sent troops into the Dominican Republic?

Mr. ZABLOCKI. When the President in his judgment feels the safety or welfare of American citizens is in jeopardy, he could take emergency steps without consulting with the Congress. If this legislation were a part of the statutes, however, he would then immediately have to report and give a full explanation as to why he took such steps.

This would not preclude, I might say to the gentleman from Illinois, the President from taking any steps when, in his judgment, he determines the safety and the welfare of American citizens are at stake and where swift action on his part is necessary.

Mr. PUCINSKI. In the case of Cambodia, the President went on a nation-

wide hookup and said the troops are at this moment going into Cambodia. How would this affect or alter that kind of operation?

The President did report to the people after the fact. What I am trying to find out is: What are we achieving? What is the main force of this resolution?

If the President can send troops, as he did, into Cambodia, and subsequently report to the Congress and the American people his actions, then I am wondering what is the need for this particular resolution.

Mr. ZABLOCKI. If I may answer the gentleman from Illinois, this resolution very indelibly and clearly states that the Congress is deeply concerned about the warmaking powers. In the past several decades, the powers of the Congress have deteriorated. By passing this resolution not only do we spell out our concern and our intent and our will to re-assume the responsibilities of Congress in this important area, but also we serve notice on the executive branch that there is a gray area in our Constitution on war powers we as Members of Congress desire that the legislative branch be consulted and informed by the executive branch in actions taken to commit our troops.

I believe it will serve a laudable purpose. I believe it will serve notice on the President that he must consult with the Congress and indeed report to the Congress when he takes steps to commit our military in foreign lands.

Mr. PUCINSKI. I thank the gentleman for this information. I gather from this explanation that this resolution instructs the President to consult with Congress, or at least its leadership, before any overt move is made to commit American troops to combat. The bypass which permits the President to commit U.S. troops without consulting Congress applies only to extraordinary circumstances, and I emphasize the word "extraordinary." I believe this resolution should serve notice on the President that he can no longer commit U.S. troops to combat without prior consultation with Congress and if he does, he will have to explain to Congress in detail the extraordinary circumstances which necessitated his unilateral action. I would want legislative history to show that should this resolution be adopted, it would be grounds for impeachment if the President should fail to give full meaning to the fact that the bypass applies only to most extraordinary circumstances.

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

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Indiana.

Mr. ADAIR. I would invite the attention of the gentleman from Illinois to the language on the bottom of the first page of the joint resolution, and continuing on the second page:

It is the sense of Congress that whenever feasible the President should seek consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

So, as the gentleman will see, there is a provision here, where feasible, for the type of consultation about which he was inquiring of the gentleman from Wisconsin.

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

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

Mr. PUCINSKI. I appreciate the gentleman's explanation.

The fact of the matter is that it really does not mean very much. We have not done much. This is a good resolution, an expression of some concern, but the gentleman and I both know that the President, by virtue of being head of a co-equal branch of Government, the executive branch, reads the Constitution one way, while the Congress reads it another way, and the third branch, the judicial branch, reads it still a third way.

The words "whenever feasible" do not mean a thing unless we agree that they apply only to a most extraordinary situation. If the President wants to send troops into the Middle East tomorrow under the broad powers of the Constitution he can do so, and there is nothing in the language of this resolution that would preclude him from doing that. I believe my colleague knows that is a statement of fact. This is why I want this legislative history to show that the "whenever feasible" bypass can be used by the President only under the most extraordinary of circumstances. Should he use the bypass frivolously, he does subject himself to severe censure and maybe even impeachment. Within this framework, I shall support the resolution because it does cut down the free-wheeling actions of Presidents in sending American troops into combat.

Mr. ADAIR. The effort here is to establish, as the gentleman from Wisconsin said a few moments ago, some guidelines. I would agree with the gentleman from Illinois that they are not entirely specific, but I believe they are as specific as can be done at this time. I believe they give us certain directions which will be very helpful to the legislative branch and to the executive branch.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I am supporting this resolution and I should like to say a word or two about my own views about the warmaking powers of the President.

I am a strong critic of past policies of the President. In general I believe it is not useful for the Presidents to act as they have acted in the past.

I do not believe it is in the interest of this country or in the interests of the Congress that the President should take upon himself the responsibility for committing U.S. forces abroad without securing the maximum of consent and approval and authorization from the Congress before taking such action.

On the other hand, I am reluctant to see the hands of the President tied in advance as many sought to do by various proposals that came before our subcommittee.

Such instructions would be analogous

to the unfortunate tendencies of the military to prepare to fight the last war over again. Efforts to tie the hands of the President are prompted by U.S. actions taken in Southeast Asia. But to legislate restrictions would only find us unable to respond effectively when some new or unforeseen contingency arose which required a considerable degree of flexibility on the part of the President.

I must say, however, that I take this position with some reluctance in view of the actions of the executive branch in recent years—again I include both Presidents Johnson and Nixon—both in failing to be honest and open in informing the American people and the Congress of what they are doing and in providing instead misleading and deceptive reasons for the actions which they take instead.

The intervention by the United States in the Dominican Republic came under a rather transparent guise of seeking to protect American lives, but it is a fact that it was an intervention which in many ways bore similarities to actions taken by the Soviet Union. It was done in order to prevent the emergence of a hostile ideology or the threat of a hostile ideology close to our shores.

One of the things that worries the American people the most today is the lack of candor on the part of the Government, and I share that feeling very deeply. For example, I resent the fact that neither the State Department nor the Pentagon were willing to come before the Inter-American Subcommittee just a few weeks ago and give us the full story of what was transpiring on the island of Cuba with respect to the so-called Soviet naval base there.

The Congress cannot play an effective role if the administration—and I want to be quite bipartisan here—if the administrations are going to refuse to be candid and open with Congress and with the responsible committees.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FRASER. If it should be the case that administrations are not going to be candid with Congress and are not going to send witnesses over to tell us what is going on, then the next occasion that arises I am going to vote to restrict severely the President in the exercise of the warmaking powers, because the responsibility of this Congress is to the American people. We cannot do our job unless we have the facts. I am fed up to the teeth with administrations peddling false and deceptive stories and giving this Congress in effect the runaround so that we cannot exercise our constitutional obligations. Unless this administration and other administrations are going to play it straight and honest, we will continue to have an enormous credibility gap which will undermine the confidence of the people in their Government and in the Congress.

Mr. ADAIR. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I note with approbation section 3 of this resolution, which reads in part:

Sec. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation.

the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authority;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities . . .

and so forth.

I say that I note this provision with approbation, but I regret that the House of Representatives, when it approved standby authority to the President in the matter of wage and price controls and standby authority to the President to take over the complete financial and credit structure of this Nation, did not in those two bills, enacted this year, require of the President the same kind of concurrent explanation of why he took the action, if he does put into effect wage, price, and credit controls in this Nation.

Mr. Speaker, I support the resolution.

Mr. STRATTON. Mr. Speaker, will the gentleman from Iowa yield to me for the purpose of asking a question?

Mr. GROSS. Yes, I yield to the gentleman from New York if I still have time.

Mr. STRATTON. Mr. Speaker, I would like to ask the chairman of the subcommittee if I understood the gentleman correctly, I am one of those who feels that the President would have been well advised to have consulted with Congress before going into Cambodia. But I understand the reason he did not is that he felt that some Members, possibly those in the other body, might leak the information out to the press.

The gentleman from Minnesota (Mr. FRASER) talked a moment ago about candor. But we cannot always have complete candor in some of these situations. We are all aware of the fact that the enemy reads our newspapers and listens to our radio.

So my question is this:

Do I understand the meaning of this resolution correctly to be that if the President should feel that such prior consultation might jeopardize the lives of American troops, then he is under no obligation to so consult under the provisions of this resolution?

Mr. ZABLOCKI. That would be my understanding of the resolution.

Mr. ADAIR. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker,

at the outset let me indicate as others have here today that in my opinion the Congress and the American people have lost a real expert in the area of foreign affairs with the unfortunate political tragedy involving our colleague, the gentleman from Indiana (Mr. ADAIR). He has been a long and close personal friend. But I think he has been an outstanding member of the Committee on Foreign Affairs and a real leader and knowledgeable expert in this particular area that is so vital to America's future.

Mr. Speaker, in reference to House Joint Resolution 1355 I think the most important provision is section 4, and let me read section 4 to the Members of the House:

Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

Mr. Speaker, that language is very clear and forthright. It means that this President can do, as other Presidents have done, and as he has done, in those emergency situations that involve the national security of the United States. It means that the Congress, this one, and those in the future, will have the same authority then as they have had in the past to do what they want to do relative to authorizations or appropriations concerning the military, or foreign affairs, or foreign aid.

This resolution, in effect, changes nothing under the Constitution, nothing whatsoever.

May I add a comment about what the gentleman from Minnesota said a moment ago, if the gentleman would listen while I comment upon his observation?

It has been my privilege to have served in the House of Representatives under Presidents from Truman to the present one, President Nixon. I have not agreed with every decision made or action taken by previous Presidents, or even this one. However, I can say without hesitation or qualification that I know of no Presidents during that span of time who have been false or deceptive in the information that has come from the White House. I know of no President during that period from Truman to Nixon who has sought to give the Congress and the American people the runaround.

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

Mr. GERALD R. FORD. I will be glad to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, does the gentleman believe that the Congress was fully informed as to the intentions of President Johnson with respect to the Gulf of Tonkin resolution at the time it was offered to the Congress? Do you think you were fully informed as to what the President proposed to do under that authority?

Mr. GERALD R. FORD. I believe that I and the important and responsible committees in the Congress knew what President Johnson had in mind at the time the resolution was submitted to the Congress. What he did after that may be somewhat different from what he had in mind at the time the resolution was sent to the Hill. But I do not believe that

President Johnson in setting up the proposed Gulf of Tonkin resolution had some hidden or deceptive intent concerning prospective action at that time. His attitude may have changed as events changed, but I in complete frankness believe that his intentions coincided with the resolution at the time it was made.

Mr. FRASER. I would just say to the gentleman that if one reads the history of that period and the memoirs and accounts by various people, I think serious question is raised as to whether the gentleman's impression accurately reflects what took place. But I would also ask the gentleman: Do you believe, in fact, we went into the Dominican Republic just to save American lives?

Mr. GERALD R. FORD. I happen to have been present in one or more conferences at that time concerning the action which was taken by then President Johnson, and I think there may have been a dual purpose. I say "may." I believe there may have been good justification for a dual purpose.

Mr. FRASER. Well, were we given candidly the full range of the reasons?

Mr. GERALD R. FORD. A good many Members of the Congress were given the broad basis for our action.

Mr. FRASER. I serve on the Committee on Foreign Affairs, and I can tell the gentleman that I was not informed. Perhaps others were. Let me ask the gentleman whether the public was informed?

Mr. GERALD R. FORD. So far as I know the public was given the main reason for going in. There may have been other reasons to bolster the principal reason announced to the press and the American people.

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

Mr. ADAIR. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. GERALD R. FORD. I repeat, Mr. Speaker, I do not believe that any President from Truman to Nixon, and those are the only ones that I have served with or under, and in my opinion none of them took action which was false or deceptive, and there was no information issued which was false or deceptive, so I doubt if the Congress and the American people were given the runaround.

Now, if I might relate this particular House joint resolution to the situation in Cambodia, in my judgment as events have unfolded, I believe that President Nixon for all intents and purposes has carried out step by step what is intended in this resolution. He took action to save American lives, and subsequently made a report to the Congress and to the American people. He has put the facts on the line the way I presume this resolution provides. So what we have is a resolution that does not change the Constitution. It is a resolution where a recent event tends to coincide with the requirements of it. So in my opinion it is a resolution that ought to be approved, and I intend to support it.

Mr. ADAIR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, it has been a pleasure and a compelling responsibility to be a co-

sponsor of this historic resolution, House Joint Resolution 1355 of the 91st Congress, entitled "Joint resolution concerning the war powers of the Congress and the President." As a member of the competent subcommittee working on this issue, basic to the division of powers in our U.S. Government provided by the U.S. Constitution, the obligation to obtain a successful method of interrelation between the Congress and the Executive as guidelines and recommended procedures for the future, in these fields of the use of U.S. military power and the Armed Forces abroad, is a frightening and mandatory requirement, as past U.S. history over the last 25 years since World War II, clearly demonstrates.

We members of the subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs, took this responsibility most seriously. I believe we have by the provisions of House Joint Resolution 1355 and the report, No. 91-1547, arrived at basic answers which can stabilize and proceduralize the relations between the President and the Congress where no war has been declared by the U.S. Congress, but military conflict abroad and the use of U.S. Armed Forces is about to begin, or just as seriously, to be materially increased, or U.S. involvement escalated. This historic resolution restates the duties, prerogatives and interrelated courses of action between the U.S. Congress, and the executive department which includes the State Department, Defense Department, Commerce Department, Central Intelligence Agency, U.S. Information Agency, and U.S. Mission to the United Nations. This includes just as importantly U.S. missions and delegations in all international bodies, and multilateral institutions, for regional or individual country defense, and otherwise.

This resolution firmly states that Congress intends to take its responsibilities and jurisdiction under the U.S. Constitution in future U.S. use of force and military actions or escalation in the future.

This resolution is aimed at setting a pattern for all of the relations, procedures, interrelations and dealings between the Executive and the Congress in cases where the United States is involved abroad, either by U.S. forces already in a region or country, or U.S. forces to be placed in a region or country by the President under the constitutional powers of the Executive.

Mr. Speaker, I agree with the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, in his statement. Section 4 of this resolution is a tremendously important section. This section explicitly states that it does not change any of the constitutional obligations or authority of either the Executive or of the U.S. Congress.

I would point out that provisions of this act do require the President to report to the Congress.

The President in his report must give the circumstances necessitating his action, the constitutional, legislative, and treaty provisions under the authority of which he took such action together with

his reasons for not seeking specific prior congressional authorization, in the use of U.S. military power abroad. This resolution provides the basis of fact upon which the U.S. Congress and the American people can participate, postpone, block or reduce in whole or in part the foreign expedition, prevent secret escalation by executive action or agreement, as long as U.S. security is not at stake. This resolution can by its very passage help prevent U.S. future Vietnams, and save lives of our U.S. military forces. This resolution broadens the base of judgment so that sole decision, and sole power of commitment of U.S. military power abroad does not rest on one man, the President. But it is a shared obligation and action of the President, and the U.S. Congress, as representatives of the American people. This resolution setting by law guidelines and procedures within constitutional limitations and authority is therefore really historic, and major functional history of the U.S. Government being formed.

The fact that the U.S. House of Representatives takes this action by approving this resolution is notice to all U.S. Presidents of the guidelines to be used, regardless of inaction or contrary action by the other body of the Congress.

Another point of the resolution that I think is good are the provisions that ask the President to give to the Congress the plan of what shall occur in the future, and really by this approach, the Congress is stating that a plan of action must be made and must be definite, for Congress to make necessary basic decisions.

On page 2, under section 3(c), the estimated scope of activities are required to be outlined by the Executive.

Likewise under section 3 subparagraph 3, there is covered the point, as to the guidelines between the President and the Congress, when substantially enlarging the military forces already located in a foreign nation, by the President's sole decision and action, which in effect requires joint and continuously interrelated action with participation by the Congress.

This requires the President to come to the Congress when the Executive makes a substantial increase of forces in any region, or state abroad. This provision is specifically to prevent the situation occurring, so that the American people do not drift into another Vietnam.

Mr. Speaker, I believe this resolution can help substantially to establish a better working relationship between the Congress and the President, and, as a cosponsor, I therefore strongly favor this joint resolution, House Joint Resolution 1355, and urge prompt passage, for the future security of the American people, and the protection of the lives of our young men and women of the U.S. armed services. These basic decisions should be made with a broad base of judgment, consultation, and interrelated action, so that our people and the ones doing the fighting and dying know that they are acting under the judgment and authority of the American people after consultation, and not on the narrower base and awful responsibility of one man, and a select or small group of his close advis-

ers behind closed doors and in secrecy even from members of the President's Cabinet. The decisions arrived at upon this basis can be right. But these basic decisions can be more often and more nearly right, and be better backed and supported by the American people when such decisions are reached on a broader basis of judgment, by interaction, and adequate consultation between the Executive and the Congress, as representatives of the American people. These general guidelines and procedures provided in this resolution are vastly important, as no person, no Executive, and no Congress can predict adequately the future as to how, when, where, nor the manner in which these situations involving U.S. forces and deployment and use abroad may arise.

Mr. Speaker, I agree with the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, that he knows and I know of no President under whom I have served, who has deceived the Congress. This includes Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon, under each of whom I have served on the House Foreign Affairs Committee, as well as on appointments as U.S. delegate to the United Nations, as present adviser on space to our U.S.-United Nations mission, and on many U.S. delegations abroad.

Conditions have often changed quickly after the original Executive positions were taken, so this resolution requires prompt and continuous reporting by the Executive. Of course, there is no one motive by any country, nor any President nor head of government, in dealing with most of these complex and dangerous situations abroad. There have been and always will be in U.S. foreign relations, many motives, large and small, and great and little, present and future moment.

I believe generally the relationships between the President and the Congress have been good and trustworthy, but I believe such relations can be better through development of these guidelines and formalized procedures. I, therefore, recommend the passage of this joint resolution.

Mr. ADAIR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, I can appreciate that this resolution in no way alters the constitutional powers or authority of either the President or of the Congress.

However, I think it points up the need for an agonizing reappraisal of commitments that would in no way be affected by this proposal. I refer to seven international treaties to which the United States is committed to the common defense of some 41 nations in the world.

I look forward to the day when we will have before us a resolution calling for a constitutional amendment that would not only permit the Senate of the United States to ratify treaties, but in cases where a treaty involves a military commitment, I believe it should provide for ratification by the House as well as the Senate. I am also confident that such a

constitutional amendment would be unanimously ratified by the several States.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I certainly support this bill. I appeared before the committee and testified on behalf of a very similar bill that was introduced by our colleague, the gentleman from Florida (Mr. FASCELL). Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ZABLOCKI) for yielding these 2 minutes to me. Of course, it is not time enough to discuss this bill—and I am not criticizing for the lack of time, but we just do not have the time under the parliamentary situation.

Mr. Speaker, I think this is an important bill. I want to compliment the gentleman from Wisconsin and the Members on this side of the aisle and also the Members on the other side of the aisle for bringing this legislation before us.

This joint resolution has been very carefully drawn. It takes into consideration the constitutional powers of the President. It does not try to take anything away from them, nor does it try to add any constitutional powers to the Congress. It does, I think, declare very plainly that the House of Representatives has a great deal to do with the waging of war—whether it be a declared war or an undeclared war.

Mr. Speaker, I think it is full time for the House of Representatives to be consulted prior to, if possible and if feasible, and certainly reported to thereafter in the event that the President does exercise his constitutional powers in behalf of the interests of the United States.

Mr. Speaker, also I would coincide my own thoughts with the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD). I think he stated the situation very clearly.

I think that this resolution will have a salutary effect in keeping the Congress of the United States, particularly the House of Representatives, better informed and informed in a more timely manner than it has been in the past.

I want to emphasize that my interest in this bill, House Joint Resolution 1355, is to define—not limit or curtail constitutional presidential power. My interest in this matter is not focused upon any particular war or President, but upon the meaning of the general war powers granted to the Congress and the President by the Constitution.

I hope that the discussion and debate on this legislation will be constructive, reasonable and based upon fact, and that it will restore some of the confidence that some of our people seem to have lost in our institutions. I also hope that the many expert witnesses which you have had, and expect to have, before this committee, will help us to reach a consensus. Recently, we have seen too much time and energy wasted on useless debate on narrow issues. This debate has only served to confuse our own citizens and give heart to our adversaries.

I have made a study of the historical attitudes of the American people toward

all of our wars; I have found that the attitudes of our people today are not new, nor exceptional.

Clergymen who have disagreed with a particular war have always found that war to be immoral;

The lawyer who disagreed found the war illegal;

The businessman and banker who dissented have without exception found particular wars bad for business;

Young men have found them in violation of their consciences.

And certain Members of Congress have always declared unpopular wars to be unconstitutional.

We will always have dissent. We will always have misinformation and simplistic proposals which feed that dissent. But, when international troubles arise, we need not have a misunderstanding of the constitutional warmaking power to contribute to the confusion.

#### OUR FOREIGN POLICY

We, in California, are vitally interested in the foreign policy of this country. We furnish more of the military manpower than any other State. Presumably, we bury more of our sons because of it. And, we pay more of its cost than any other State.

As I have said, the issue here is not Cambodia or Vietnam. The real issue is that the same circumstances which brought about Korea, Lebanon, Cuba, and Vietnam during the last four presidential administrations, can happen tomorrow in other parts of the world.

We have treaty commitments to countries all over the world. The Communist bloc has solemn commitments also based on treaties. Almost all of our treaties commit us to armed conflict and other action in accordance with our constitutional principles. The vital issue is whether the United States will honor all, some, or none of its commitments to other nations in the world, and whether we will act, when necessary, in our own national interest.

What is in our national interest? Would we now provide combat troops to protect Canada, or Colombia? Would we now send troops to the defense of the Philippines, Japan, Holland, or Israel?

In this nuclear age, how much are we willing to risk?

It seems to me that the Congress must soon make several fundamental decisions regarding our foreign policy.

First, we must decide whether the United States is to continue its apparent shift from a position of free world leadership to a position of isolationism? Are we going to retire behind our missiles assuming a defensive position unrelated to the rest of the world?

If so, Congress should review all mutual assistance treaties and repeal those which are not in support of our revised foreign policy.

Second, we must decide whether the Congress intends to continue the apparent trend toward reduced military manpower and nonreplacement of obsolete ships, aircraft, and equipment.

If so, Congress should repeal certain treaties to reflect our reduced readiness and responsiveness.

Third, Congress must define, for the people, just where our national interests lie in the foreign arena.

#### THE EXTENSION OF OUR FOREIGN POLICY

I will turn now to the execution of our foreign policy as governed by the Constitution, treaty, international law, and Federal laws.

The Constitution establishes the control of foreign policy, including the war-making powers, as a joint responsibility of the Congress and the President.

We, the Congress, have the power to raise and support armies and to provide and maintain a navy, but we have no direction or control over these forces except through the purse strings.

The Congress can declare war, but we have no power to make war. The President, as Commander in Chief, has the responsibility for directing strategy and tactics, and complying with the terms of treaties and the provisions of international law.

The Senate exercises "advise and consent" powers over the appointment of ambassadors, ministers, and consuls, but the President directs their day-to-day activities.

The President through his Secretary of State originates treaty language. The Senate exercises "advise and consent" powers over treaties. Many of these treaties solemnly agree that the United States shall go to war under specified situations.

The Congress participates in foreign policy in many other ways. We approve military and economic assistance, and set conditions on that assistance. We regulate foreign commerce and assess duties on imports. We limit trade and travel with some countries. We also enact laws permitting international cooperation. Many of these laws grant broad discretionary authority to the executive branch.

#### THE ROLE OF MILITARY POWER

Military power is a necessary instrument of both national defense and foreign policy.

There is no doubt about the President's power to deploy our Armed Forces to defend American soil. Neither is his power questioned to employ troops in place in foreign countries to defend our bases and weapons located in foreign areas. Under the terms of House Joint Resolution 1355, however, it may be necessary for him to obtain the authorization of Congress, by law, before he could reinforce or relieve those troops. The authorization of Congress need not in many cases amount to a declaration of war in the strict sense. Examples of this are: The resolutions on Lebanon, Cuba, the Formosa Straits, the Dominican Republic, and the Gulf of Tonkin. In these cases the Congress fully and constitutionally authorized hostile action but did not formally declare war.

House Joint Resolution 1355 defines the power of the President to deploy troops to foreign areas under the terms of a treaty which has received the advise and consent of the Senate. This provision guarantees flexibility and timeliness in complying with our obligations. It takes into account carefully laid contingency plans affecting our allies and

the possible need for secrecy. The bill also recognizes that, in this nuclear age when mutual defense treaties proliferate, a formal declaration of war could trigger World War III by bringing into play international treaty commitments of unfriendly nations.

If this bill should become law, any future declaration of war would be specific as to area. However, the President could deal with the question of contiguous neutral territory, or the entry of other belligerents, under the principles of international law having to do with self-help and self-preservation.

In conclusion, I believe that this bill serves to fill certain voids in the Constitution, especially where undeclared wars are concerned. The power of Congress to support such wars has never been questioned, but the power of the President to initiate these conflicts has always been questioned.

Our people who must fight and pay for wars have a right to know whether armed conflicts rest upon a constitutional basis. In addition, their elected representatives have a right and duty to participate in these vital decisions involving war and peace.

This legislation does not presume to predict each international complication which may arise in the future. Neither does it impede the rightful action of any future President. It is, instead, aimed at consultation and cooperation between the two branches of Government responsible for our foreign policy and the exercise of the war power.

Mr. FASCELL. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, today we are considering what may be called, without hyperbole, legislation of the gravest national importance.

House Joint Resolution 1355 represents a triumph for the often-maligned deliberate processes of this body. For in the emotion-charged atmosphere in the aftermath of the Cambodian action last May, we spoke with many voices—concerned, but not coordinated.

At that time several of our distinguished colleagues joined me in expressing a concern wider than the more immediate nature of the commitment of American ground forces in Cambodia. The larger issue involved the constitutional implications of this unilateral executive action. Had the Congress in these years of "crisis policymaking" tacitly relinquished our constitutional responsibilities in the area of foreign policy?

To the end of promoting a discussion of this vital question I introduced last May a bill, H.R. 17598, which sought to define the authority of the President of the United States to intervene abroad or make war without the express consent of the Congress. I frankly questioned the constitutionality of that bill, but along with similar legislation introduced by colleagues in both Houses, it served as a catalyst for the extensive and important hearings of the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs.

The published report of those hearings, entitled "Congress, the President,

and the War Powers," is a powerful document, for it contains the judgment and testimony of academic spokesmen, Government leaders, and citizens concerned about the congressional-executive relationship in the field of war powers. It is to the great credit of our esteemed colleague, Chairman ZABLOCKI, that the dialogue was conducted on a high level commensurate with the seriousness of our purpose and that he brought this bill to the floor of the House.

The result of the discussion and the subcommittee's members' considered reflections on the testimony is the resolution we see before us today. The reasoned processes of our Chamber have produced what the strident voices of spring could not.

Perhaps in considering House Joint Resolution 1355 it is best to recognize what this legislation does not do.

It does not jeopardize the security of the United States by tying the hands of the President, but rather acknowledges the right of the President to defend the Nation against attack without prior authorization of Congress in emergency situations.

It does not usurp Presidential prerogatives in the field of foreign policy, but rather reaffirms the original intention of the Founding Fathers to reside the power to declare war solely in the National Legislature.

It does not alter the provisions of existing treaties, but rather asserts the sense of the Congress that Executive action alone cannot satisfy the constitutional process requirements in the implementation provisions of mutual security treaties to which the United States is a party.

Nor does it constrict the President's constitutional authority to conduct declared wars as "Commander in Chief." Rather, by requiring his prompt report to the Congress in instances where American forces are committed without prior authorization of Congress, it insures that the benefit of congressional advice and counsel will be available early in the series of decisions leading to war.

Finally, House Joint Resolution 1355 casts no reflection on persons or policies. As the Honorable McGeorge Bundy warned us in his testimony:

It is dangerous to try to deal with the future by legislating against the past.

Mr. Speaker, I urge our colleagues to join in support of this positive, constructive, and important reaffirmation of the constitutional responsibilities of the Congress of the United States.

Mr. ADAIR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE.)

Mr. PICKLE. Mr. Speaker, I merely wish to comment on some colloquy that took place earlier because of the inference, intentional or otherwise, that perhaps this Congress or the American people were not given all the information necessary or that was deemed pertinent at the time of the passage of the Gulf of Tonkin resolution.

Now, the Congress was fully advised, both the House and the Senate. We made a firm decision. Only history will deter-

mine whether it was a correct decision. I think it was the right decision. I do not want to try to roll back 4 or 5 years and determine by hindsight what the President of the United States at that time should have done, and whether or not the President gave us full information. I think he did, and I resent the efforts of those who wish to read into the actions of that time anything to the contrary.

It is good to have hindsight. Maybe all of us would like to have seen things happen a little differently as we view the situation from the vantage point of 1970. But at the time we thought we did what the American people should have done.

You can disagree with the action taken with relation to the Dominican Republic. Personally, I think it was one of the greatest steps taken by the American Government in our time. I think it will turn out to be the greatest victory we have ever had in this hemisphere. There again we were not misled. I do not think at this time, in this kind of debate, we ought to try to use the occasion as an opportunity to say that somebody misled us. We are grown men. We knew exactly what we were doing, and we took the action that we thought was proper at the time.

Mr. ADAIR. Mr. Speaker, if I have time, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I wish to commend also the chairman and the members of this committee for bringing forth this very meaningful and very significant legislation. But I rise primarily to commend the able gentleman from Illinois (Mr. COLLIER) and the able gentleman from California (Mr. HOLIFIELD) for calling attention to the necessity of the revision of the treaty-making authority, so that at least in respect to the commitment of our Armed Forces and the possibility of war ensuing from an agreement, the House of Representatives, which is essential to the implementation of such a treaty, shall be a party to the commitment. I hope we will be able to bring before your distinguished committee an appropriate resolution to that effect.

Mr. ZABLOCKI. Mr. Speaker, in closing, may I again express my deep appreciation and commendation to those who have sponsored legislation in this area. I have mentioned the gentleman from Illinois (Mr. FINDLEY), and on our side of the aisle, the gentleman from Florida (Mr. FASCELL) was one of the leading sponsors of legislation in this area. There were also the gentleman from California (Mr. HOLIFIELD) and the gentleman from Florida (Mr. PEPPER). Their testimony before the hearings was most valuable. Their advice and counsel during the markup time of the legislation resulted in the consensus that we bring before the House today, which, as I said earlier, is non-controversial and very important.

Mr. BINGHAM. Mr. Speaker, I do not believe a resolution of this potential importance should be brought up under a procedure which permits no amendments. Accordingly, I shall vote against

the motion to suspend the rules and pass this bill.

In addition, I am concerned that the wording of section 2 may be construed by the President in such a way as to justify a failure to consult with the Congress before embarking on some military adventure. I believe also that the Congress should assert the power to require the President to desist from hostilities undertaken without a declaration of war, either by action of both Houses of the Congress or by action of one House. The resolution before us, in sections 1 and 2, tends to go in the opposite direction.

Section 3, requiring the President to submit certain reports to the Congress, does represent an improvement over present procedures. If this section had come before us separately, I would have supported it.

Mr. COHELAN. Mr. Speaker, I will vote for House Joint Resolution 1355, but I do so with certain reservations. The provisions of this resolution have been adequately explained and I will not burden the Members of this House with a lengthy repetition of these provisions.

This measure essentially describes the status quo whereby the Congress is informed of executive foreign policy decisions. Its major advantage over the existing practice is in its call for more systematic consultation and its adjuration to the President to consult with Congress prior to any decision to send U.S. troops in conflict situations.

This beneficial feature of the resolution is also its weakest point. This provision is contained in a "sense of the House" language that does not make prior consultation mandatory. I feel that it is just this lack of prior consultation that lead to severe domestic repercussions in the wake of the Cambodian invasion. I would have been more enthusiastic about this legislation had the prior consultation provision been made mandatory.

I do not for a moment question the primary responsibility of the President in conducting our foreign policy. But the Congress, as an elective body, has its responsibility to the American people. Its collective input must come early in the decision process and the Congress must not be used simply as a rubber-stamp for decisions that are not made without their adequate consultation.

Mr. Speaker, I am voting for this resolution in the hope that it will insure greater participation of the Congress in our foreign-policy decisionmaking process, but I am skeptical that this resolution will attain that desirable goal.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the joint resolution (H.J. Res. 1355).

The question was taken.

Mr. FULTON of Pennsylvania. 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 289, nays 39, answered "present" 4, not voting 102, as follows:

[Roll No. 352]

YEAS—289

Adair	Forsythe	Nelsen
Addabbo	Fountain	Nichols
Albert	Fraser	O'Hara
Alexander	Frelinghuysen	O'Konski
Anderson,	Frey	Olsen
Calif.	Friedel	O'Neill, Mass.
Anderson,	Fulton, Pa.	Passman
Tenn.	Fuqua	Patman
Andrews, Ala.	Gallifianakis	Patten
Andrews,	Garmatz	Pelly
N. Dak.	Gaydos	Pepper
Arends	Gettys	Perkins
Ashley	Gibbons	Philbin
Ayres	Gonzalez	Pickle
Baring	Gray	Pike
Belcher	Griffin	Pirnie
Betts	Griffiths	Poff
Bevill	Gross	Preyer, N.C.
Blester	Grover	Price, Ill.
Blackburn	Gubser	Pryor, Ark.
Blanton	Gude	Pucinski
Boggs	Haley	Quie
Boland	Hall	Quillen
Bolling	Hamilton	Randall
Bow	Hammer-	Rees
Brademas	schmidt	Reid, Ill.
Brasco	Hanley	Reifel
Bray	Hanna	Rhodes
Brinkley	Hansen, Idaho	Riegler
Brock	Harvey	Roberts
Brooks	Hastings	Robison
Broomfield	Hathaway	Roe
Brotzman	Heckler, Mass.	Rogers, Colo.
Broyhill, N.C.	Hicks	Rogers, Fla.
Broyhill, Va.	Hogan	Rooney, N.Y.
Buchanan	Hollfield	Rooney, Pa.
Burke, Fla.	Horton	Rosenthal
Burke, Mass.	Howard	Rostenkowski
Burleson, Tex.	Hull	Roth
Burison, Mo.	Hunt	Ruth
Burton, Utah	Hutchinson	St Germain
Bush	Ichord	Satterfield
Byrne, Pa.	Jacobs	Saylor
Byrnes, Wis.	Jarman	Schadegberg
Cabell	Johnson, Calif.	Scherle
Caffery	Johnson, Pa.	Schneebell
Carey	Jonas	Schwengel
Carney	Jones, N.C.	Scott
Carter	Kazen	Sebellus
Casery	Kee	Shipley
Cederberg	Keith	Shriver
Chamberlain	King	Sikes
Chappell	Kleppe	Sisk
Chisholm	Kluczynski	Slack
Clausen,	Kuykendall	Smith, Calif.
Don H.	Kyl	Smith, Iowa
Cleveland	Kyros	Snyder
Cohelan	Latta	Stafford
Collier	Lennon	Staggers
Collins, Tex.	Lloyd	Steed
Conable	Long, La.	Steele
Conte	Long, Md.	Steiger, Ariz.
Corbett	Lujan	Steiger, Wis.
Cowger	McCulloch	Stephens
Cramer	McEwen	Stratton
Culver	McFall	Stubblefield
Daniel, Va.	McMillan	Stuckey
Daniels, N.J.	Madden	Sullivan
Davis, Ga.	Mahon	Taft
Davis, Wis.	Mailliard	Talcott
Denney	Marsh	Taylor
Dennis	Martin	Thompson, Ga.
Derwinski	Mathias	Tierman
Dickinson	Matunaga	Tunney
Donohue	Meeds	Udall
Dorn	Melcher	Ullman
Downing	Meskill	Vander Jagt
Dulski	Michel	Vanik
Duncan	Miller, Ohio	Vigorito
Dwyer	Minish	Waggonner
Edwards, Ala.	Mink	Waldie
Edwards, La.	Minshall	Wampler
Erlenborn	Mize	Ware
Esch	Mizell	Watson
Eshleman	Mollohan	Watts
Evins, Tenn.	Monagan	Weicker
Fascell	Moorhead	White
Findley	Morgan	Whitehurst
Fish	Morse	Whitten
Fisher	Morton	Widnall
Flood	Mosher	Wiggins
Flynt	Murphy, N.Y.	Williams
Foley	Myers	Winn
Ford, Gerald R.	Natcher	Wolf
Foreman	Nedzi	Wright

Wyatt	Wyman	Zablocki
Wyder	Yatron	Zion
Wylie	Young	Zwach

## NAYS—39

Bennett	Green, Pa.	Moss
Bingham	Hagan	Ottinger
Brown, Calif.	Halpern	Reuss
Burton, Calif.	Harrington	Roybal
Clay	Hechler, W. Va.	Ryan
Collins, Ill.	Helstoski	Scheuer
Conyers	Hungate	Stokes
Corman	Kastenmeier	Symington
Diggs	Koch	Thompson, N.J.
Dingell	Leggett	Van Deerlin
Eckhardt	Lowenstein	Whalen
Edwards, Calif.	McCarthy	Yates
Ford,	McCloskey	
William D.	Mikva	

## ANSWERED "PRESENT"—4

Celler	Rousselot	Schmitz
Rarick		

## NOT VOTING—102

Abbitt	Farbstein	Mayne
Abernethy	Feighan	Miller, Calif.
Adams	Flowers	Mills
Anderson, Ill.	Fulton, Tenn.	Montgomery
Annunzio	Gallagher	Murphy, Ill.
Ashbrook	Glaime	Nix
Aspinall	Gilbert	Obey
Barrett	Goldwater	O'Neal, Ga.
Beall, Md.	Goodling	Pettis
Bell, Calif.	Green, Oreg.	Poage
Berry	Hansen, Wash.	Podell
Blaggi	Harsha	Pollock
Blatnik	Hawkins	Powell
Brown, Mich.	Hays	Price, Tex.
Brown, Ohio	Hébert	Purcell
Button	Henderson	Rallsback
Camp	Hosmer	Reid, N.Y.
Clancy	Jones, Ala.	Rivers
Clark	Jones, Tenn.	Rodino
Clawson, Del.	Karth	Roudebush
Colmer	Landgrebe	Ruppe
Coughlin	Landrum	Sandman
Crane	Langen	Skubitz
Cunningham	Lukens	Smith, N.Y.
Daddario	McClory	Springer
de la Garza	McClure	Stanton
Delaney	McDade	Teague, Calif.
Dellenback	McDonald,	Teague, Tex.
Dent	Mich.	Thomson, Wis.
Devine	McKneally	Whalley
Dowdy	Macdonald,	Wilson, Bob
Edmondson	Mass.	Wilson,
Eilberg	MacGregor	Charles H.
Evans, Colo.	Mann	Wold
Fallon	May	

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.  
 Mr. Annunzio with Mr. Springer.  
 Mr. Hays with Mr. Devine.  
 Mr. Miller of California with Mr. Teague of California.  
 Mr. Blaggi with Mr. Reid of New Jersey.  
 Mr. Abernethy with Mr. Mayne.  
 Mr. Colmer with Mr. Goldwater.  
 Mr. Teague of Texas with Mr. Bob Wilson.  
 Mr. Rodino with Mr. Sandman.  
 Mr. Gallagher with Mr. Roudebush.  
 Mr. Fulton of Tennessee with Mr. Beall of Maryland.  
 Mr. Eilberg with Mr. McClory.  
 Mr. Glaime with Mr. Brown of Michigan.  
 Mr. Daddario with Mr. Rallsback.  
 Mr. Podell with Mr. Bell of California.  
 Mr. Montgomery with Mr. Berry.  
 Mr. Murphy of Illinois with Mr. Dellenback.  
 Mr. Charles H. Wilson with Mr. Del Clawson.  
 Mr. Henderson with Mr. Smith of New York.  
 Mr. Jones of Alabama with Mr. Landgrebe.  
 Mr. Barrett with Mr. McDade.  
 Mr. Aspinall with Mr. Hosmer.  
 Mr. Adams with Mr. Price of Texas.  
 Mr. Clark with Mr. Thomson of Wisconsin.  
 Mr. Dent with Mr. Whalley.  
 Mr. Macdonald of Massachusetts with Mr. MacGregor.

Mr. Jones of Alabama with Mr. Langen.  
 Mr. Rivers with Mr. McDonald of Michigan.

Mr. Purcell with Mr. Cunningham.  
 Mr. Flowers with Mr. Lukens.  
 Mr. de la Garza with Mrs. May.  
 Mr. Edmondson with Mr. Camp.  
 Mr. Mann with Mr. Harsha.  
 Mr. Karth with Mr. Pollock.  
 Mr. Blatnik with Mr. Ruppe.  
 Mr. O'Neal of Georgia with Mr. Evans of Colorado.  
 Mrs. Green of Oregon with Mr. Pettis.  
 Mr. Mills with Mr. Button.  
 Mr. Abbitt with Mr. McClure.  
 Mr. Landrum with Mr. Brown of Ohio.  
 Mr. Obey with Mr. Skubitz.  
 Mrs. Hansen of Washington with Mr. Coughlin.  
 Mr. Delaney with Mr. Stanton.  
 Mr. Dowdy with Mr. Ashbrook.  
 Mr. Fallon with Mr. Wold.  
 Mr. Farbstein with Mr. Goodling.  
 Mr. Feighan with Mr. Crane.  
 Mr. Gilbert with Mr. McKneally.  
 Mr. Hawkins with Mr. Nix.

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

Mr. ROUSSELOT changed his vote from "yea" to "present."

Mrs. HECKLER of Massachusetts changed her vote from "present" 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.

## GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

## TRAGEDY AT HUNTINGTON, W. VA.

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

Mr. STAGGERS. Mr. Speaker, again this Nation is shocked by an airplane crash wiping out the football team of an important university. On Saturday evening a chartered plane brushed the tree tops on a ridge bordering the Huntington, W. Va., airport, and burst into flames, killing all 75 people aboard. The victims included 37 members of the Marshall University football squad, a number of their coaches, some prominent supporters of the team, and the crew of the wrecked plane.

I am sure the entire House joins me in tendering our deep and sincere sympathy to the families of the victims. The tragedy overwhelms an entire community, and we can only assure that community that we share their grief in a real measure.

Upon notification of the accident, The National Transportation Safety Board dispatched a team of 10 to go immediately to the scene as a first step in their responsibility to make a determination as to the probable cause of the disaster. The

Chairman of the National Transportation Safety Board, John Reed, accompanied the investigating team. Last night after the first full daylight operation at the scene, the investigator in charge, Bill Lamb, conducted a meeting where the several groups of human factors, the structures, power plants, operations, weather, air traffic control, and witnesses, made their initial reports. Meetings of this sort are closed. But to the extent possible after the meeting, the board official in charge outlines the firm results to the press and answers questions.

It is, of course, inappropriate and premature for anyone to take it upon himself to state the cause of this tragedy. It can be said, however, that close attention must be given to all the circumstances surrounding the crash. In order to have full information on all the details, the House Commerce Committee dispatched an investigator to make his own observations. We shall await his report with interest.

Pending the formal report of the National Transportation Safety Board, it is, of course, premature for anyone to take it upon himself to state the cause of the crash. It can be said, however, that close attention must be given to all the circumstances surrounding the accident, to determine if additional air safety legislation may be needed. In order to have first hand information, the House Commerce Committee sent its own representative to cooperate in the investigation, and to report back such conclusions as may be deemed relevant.

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

Mr. STAGGERS. I am pleased to yield to my distinguished colleague.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman for yielding, and I am pleased that my colleague, the dean of the West Virginia delegation, Congressman STAGGERS, has called attention to this great tragedy which occurred on Saturday night, and to explain the action which is being taken by the National Transportation Safety Board.

Mr. Speaker, we in West Virginia have seen more than our share of tragedies, the collapse of the Silver Bridge in Point Pleasant, the Farmington coal mine disaster, and now this most poignantly personal tragedy which occurred Saturday night in my hometown of Huntington, W. Va., involving members of the Marshall University football squad, the coaches, and many prominent physicians and outstanding Huntingtonians. I know that all the Members of the House want to extend their sympathy to the families of those who were lost in this accident, as we work on to honor their memory. Marshall weeps for her sons. The entire community weeps for their sons and daughters.

There are many corrective steps which must be taken, and I can think of no more important one than to build a Midway Regional Airport to serve both Charleston and Huntington.

Mr. STAGGERS. I thank the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, over the weekend this Nation was shocked and saddened by the crash of a chartered DC-9 jet airplane attempting to land at Huntington, W. Va. This crash took the lives of almost the entire Marshall University football team and ended the existence of 75 human beings.

Mr. Speaker, this crash need not have occurred. This crash in my opinion, would not have occurred had there been installed at the Huntington, W. Va., Tri-State Airport an ILS system providing the pilot with an instrument glide slope presentation in order that he could have accurately achieved the right descent onto the airport runway.

Approximately a year and a half ago, Mr. Speaker, I pointed out to this body that in the preceding 6 months there had been eight crashes of airliners while attempting to make approaches to land. Two of these occurred at Bradford, Pa. At that time, I pointed out that in seven of the eight airports there was not a complete ILS system installed. In the eighth, there was and the aircraft successfully reached the runway but the accident was caused by other factors.

At that time I stated, "had there been an ILS system in Bradford, Pa., probably the two fatal crashes which recently occurred there would not have occurred."

I do not know how long, Mr. Speaker, it is going to take the Congress and the FAA to realize that it is necessary to install ILS systems at every air carrier airport but, unless we do, we can look forward to additional tragedies and heartaches for additional hundreds of American families.

In my opinion, the cost of equipment to provide for a glide slope where a localizer is now in operation is less than \$75,000. I am told by the FAA that the site preparation at Huntington, W. Va., would be very expensive to provide for this type of facility. However, how expensive is the loss of 75 American citizens and a \$4,000,000 jet aircraft?

It is regrettable that the pilot of the DC-9 jet had no radio landing aid to help him control the descent of the aircraft because none was installed at the airport. In other words, the pilot was able to point the aircraft in the direction of the airport accurately because there was available a radio beam to guide him to the runway, but unlike major air carrier airports, there was no radio beam to accurately guide him as to his height above the ground during his approach to the runway. I am confident that had there been an ILS glide slope installed at the Huntington Airport that the Marshall University football team and others on board the chartered DC-9 would be alive today.

It is about time that the Congress insist upon the installation of complete ILS systems, including glide slopes at all air carrier airports.

The money for providing for complete ILS systems could be provided through a reallocation of the FAA budget by the

FAA's eliminating a number of large jets from its air fleet which I frankly question as being necessary and certainly are exceedingly costly to the taxpayers. The cost of maintenance alone on the FAA four-engine Boeing C-135 jets was \$2,266,741 or \$1,055 per flight-hour during 1969. For \$2,000,000 we could probably equip at least 100 air carrier airports with complete ILS systems and increase air safety of the traveling public under adverse weather in these airports.

All told, there are fewer than 300 air carrier airports in America which do not have ILS systems. Through a reallocation of expenditures by eliminating the FAA's three- and four-engine large jets, not only can we fully cover the cost of installing this equipment, but we can also fully cover the operational cost through the savings which would be made in the FAA's aircraft operational budget.

Regrettably, Mr. Speaker, we should expect that the accident report when it is finally given will place the blame for the cause of the accident on the pilot by saying he was flying the aircraft too low on approach, but in fact I wonder if we should not place some of the blame on ourselves in the Congress for having been too complacent and not having insisted earlier on instrument landing systems being installed which will guide the pilot safely to the runway without his having to blindly grope for the correct altitude on approach in inclement weather.

#### AIRLINE TRAGEDY AT HUNTINGTON, W. VA.

(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, permit me to join with the distinguished gentleman from West Virginia (Mr. STAGGERS) in extending the utmost sympathy on the part of the Members of the House to the families and loved ones of those who lost their lives in this unfortunate tragedy in Huntington, W. Va. When I read that unbelievable headline, it shocked me and grieved me beyond belief. I wish to extend to the families of those who lost their lives, and the fine educational institution, my deepest sympathy.

#### AIRLINE TRAGEDY AT HUNTINGTON, W. VA.

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

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentlemen from West Virginia and the distinguished gentleman from Michigan in what they have said about one of the most heartrending tragedies of our time. To think that so many fine young people have had their lives snuffed out in such a manner is almost unbelievable. I join with those who have spoken, and others, in extending to the families, the loved ones and the friends of these young Americans, and to their university, my deepest sympathy.

In doing so I know that I express the feelings of not only everyone on this side of the aisle, but of the entire Congress and our Nation.

#### THE FRESNO COMMUNITY DEVELOPMENT PROGRAM

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

Mr. SISK. Mr. Speaker, I am pleased to report on a unique approach to urban management now in progress in my district called the Fresno community development program. This innovative program may be a trendsetter for future urban development in this country. If successful, it may provide an answer to the myriad of problems—social, political, technological, physical, and economic which confront the cities in the seventies.

Because of the complexity and inter-related nature of these problems, an innovative approach was required. Drawing upon the technology that launched Apollo, one of the Nation's leading aerospace firms, TRW Systems Group of Redondo Beach, Calif., together with the city of Fresno, has developed a process for a systematic, coordinated communitywide effort to provide a program of renewal and economic development. TRW, as prime contractor, directs a consultant team which is working along with city and local government specialists. Funding for the program is provided by the Department of Housing and Urban Development and the Economic Department Administration of the Department of Commerce.

The end result of a 2½-year planning and design effort will be an integrated, on-going program for the effective allocation and management of available resources to meet community goals.

Specifically, the FCDP, when complete, will provide three primary elements:

First. A community renewal plan which identifies and analyzes Fresno's physical and social renewal needs and the resources available to meet them.

Second. An economic development plan which takes into account the relationship of the community to the surrounding region and describes the steps that should be taken to enhance growth.

Third. A management and information system which directs and implements projects and allows for instant review and updating of the program on an on-going basis.

In essence, the FCDP will never be complete; it will not be covered and filed away to gather dust, but, under the guidance of the management and information system, it will be updated continually and reassessed in order to respond to identified community needs.

In addressing the problems of metropolitan Fresno, the FCDP has been a total community effort, calling upon the talents of citizens' groups, local academicians, urban specialists, engineers, and lawyers who have been brought together in a systematic manner to examine root causes rather than symptoms. A core team of city personnel has taken part in

all phases of developing the program and will provide the technical capabilities for managing the program on an on-going basis in the future.

I believe that this project will serve as an example to the rest of the Nation of the kind of urban planning which can most effectively meet the challenge of the seventies at the local level. All persons involved in the Fresno community development program are to be complimented for launching a pioneering effort to develop a comprehensive and workable system for community resource management.

#### THE CONDUCT OF REV. PHILLIP LAWSON

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

Mr. ICHORD. Mr. Speaker, 21 years ago two American women named Miss Mildred Gillars and Mrs. I. T. D'Aquino drew stiff Federal prison sentences. The circumstances surrounding their trials have now become only vague memories, but once those two women under their infamous nicknames of "Axis Sally" and "Tokyo Rose" was household words, synonyms for sedition.

Their long prison sentences were, of course, for treason in the form of propaganda radio broadcasts they made during World War II, broadcasts aimed at destroying the morale of American fighting men.

Tokyo Rose and Axis Sally are just an ugly footnote in history now but their evil work is still being carried on by a modern day counterpart.

I refer to the Reverend Phillip Lawson, a Methodist minister from Kansas City, Mo., who—admittedly—has made a taped broadcast in Hanoi for Radio Hanoi in which he urges Negro soldiers of the United States who are fighting in Vietnam to disobey their orders and refuse to fight for their country.

This is the same Phillip Lawson who appeared last March before the House Committee on Internal Security, which I have the duty of chairing, and described his efforts in behalf of the radical revolutionary racist Black Panther Party. Among other things, he saw to it that these avowed Marxist-Leninist revolutionaries had an operating headquarters by leasing them church property for \$1 a year. The organization for which Lawson was executive director found several ways to be of material assistance to the Panthers.

Last August, this individual journeyed to Hanoi with two other persons and at the request of Communist officials there taped a broadcast in which he urged American servicemen to violate their oath to this country.

Upon his return to the United States, Lawson was euphoric in his praise of the North Vietnamese Communists who are and have been for a number of years doing their best to conquer, through naked aggression, South Vietnam and in the process killing large numbers of Americans. Regardless of how we feel about American intervention in Vietnam, our

fellow Americans are there, killing the enemy and being killed by the enemy.

Let us hear in its treacherous entirety what Lawson had to say in his broadcast:

For two weeks I have been visiting with the people of Vietnam. I have seen what you have been ordered to do to these people. Very frankly you know that what you are doing is criminal. For the same action many persons were convicted of being war criminals during the Second World War. Do not allow yourself to be made war criminals. You must become men who will stand up and say "no" when you are given criminal orders! You are now fighting oppressed people of color here! Are you going to also fight against your black men and women in the United States? Brothers surely you can see that these people are your brothers and sisters.

Sure the Vietnamese are also fighting you. But you are invading their country, you are killing their men, women, and children. You are destroying their food supplies. In fact, you are raping them! When someone is being raped the only position is not to negotiate peace but for the one doing the raping to withdraw.

Black brothers, do not rape this country for the benefit of business and military interests! Withdraw! You can refuse to rape, by refusing to rape you will maintain your humanity.

Black brothers, do not kill women and children. You can shoot over their heads. You can prevent the racist white soldiers from slaughtering these people. You can disobey all racist officers and their racist orders.

Black brothers the real war for independence, freedom and justice is being fought in the United States. What you do now in Vietnam will determine what you will do back home. If you join the Vietnamese forces for independence, freedom and justice here, your black brothers and sisters in the United States will welcome your return as true Black men, but if you continue to be used against the people of Vietnam your Black brothers fighting for their freedom and justice will surely see you as members of the Black police force in their community.

After delivering that oration, Mr. Speaker, Lawson then identified himself as a representative of the United Methodist Church in Kansas City.

Mr. Speaker, by his deed, Lawson is impugning the Negro-American fighting man whose traditions reach back to the beginning of this Nation.

Black soldiers froze with Washington's troops at Valley Forge and they were there when Cornwallis surrendered at Yorktown.

Black soldiers, both as individuals and in regiments, fought with distinction during the Civil War.

The famous Black 9th and 10th Cavalry regiments were known as among the best, if not the best, through the Indian Wars and during the Spanish-American conflict. Gen. John J. Pershing won his early fame as one of their officers.

And in World War II the 99th Fighter Squadron, composed of Negro pilots, carved out a proud record of combat against the Axis in the skies over Europe.

Now that the unacceptable idea of racial segregation in the military is forever ended, Negro servicemen have performed with outstanding heroism alongside their brothers in arms of all races in every branch of the service in Korea and in Vietnam.

In Vietnam, alone, 19 Negro servicemen have won the Medal of Honor, our

highest decoration for heroism, and of that number, 13 paid the supreme sacrifice to their duty, country, and flag.

Negroes serve in such elite and volunteer units as the paratroopers and Marines vastly in excess of their percentage of the national population.

It is men like these, Mr. Speaker, whom Phillip Lawson seeks to demean and demoralize by his treacherous broadcast over Radio Hanoi and I say it is an outrage.

Now I do not think that his broadcast will have any deleterious effect on the brave young Americans in our Armed Forces. Quite the contrary.

But nevertheless I find it impossible to understand how anyone who professes to be an American and a Methodist minister can display the audacity to urge fellow Americans to dishonor their flag and country.

And yet he remains free to preach treason and sedition. I believe I understand how Abraham Lincoln felt during the Civil War when he said:

Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of the wily agitator who induces him to desert?

Our soldiers these days are far from simple-minded, Mr. Speaker. In fact they are the finest young men ever to wear this country's uniform. But it must sorely trouble them when they hear the words of a man of the cloth urging them to dishonor their country in behalf of a Communist aggressor.

I know it troubles and distresses me. It also distressed—and angered—some of Lawson's colleagues.

The Reverend Dale L. Pollock resigned his post as a member of the Kansas City Methodist Inner-City Parish when he heard of Lawson's broadcast, saying it was "an inexcusable breach of faith with those who have supported you."

Bishop Eugene M. Frank of the Methodist Missouri West Conference Cabinet said that he and the cabinet of the conference "must join with the vast majority of our people in the conviction that both the content and the intention of Mr. Lawson's speech are offensive and repugnant to United Methodists."

Bishop Frank added that—

We cannot condone the action of the two church agencies who furnished the airline ticket for his trip without any consultation with his Bishop or any other authorized administrator in the church.

Mr. Speaker, Tokyo Rose and Axis Sally were convicted of treason despite the near-impossibility in this country of obtaining a conviction for that despicable crime.

Phillip Lawson's conduct is tantamount to theirs.

#### MORAL LEADERSHIP AT LAGRANGE COLLEGE

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

Mr. FLYNT. Mr. Speaker, at a time when we have witnessed violence and unrest on the campuses of colleges and universities throughout America, and

when a Commission appointed by the President of the United States and chaired by the former Governor of a great Commonwealth condones and encourages unrest and violence as opposed to lawful dissent, it is encouraging and refreshing to learn that there are strong college presidents and administrators who believe that colleges and universities are places for young people to learn—not to burn and destroy.

Dr. Waights G. Henry, Jr., president, LaGrange College, LaGrange, Ga., is one of these clear thinking, levelheaded, and totally fair college presidents. At a time when other college presidents are either reluctant or afraid to provide the necessary moral leadership to the young people they serve, Dr. Henry has exhibited strength of character, the courage of his convictions and his idea of high moral values which the students at LaGrange College endorse and appreciate today and in the years to come will appreciate even more.

At the beginning of this school year, Dr. Henry wrote a letter addressed to all parents of LaGrange College students. This letter reads as follows:

LAGRANGE COLLEGE,

LaGrange, Ga., September 21, 1970.

DEAR PARENTS OF LAGRANGE COLLEGE STUDENTS: You are aware of all of the issues that trouble the campuses of the colleges and universities of America. We have been extremely fortunate at LaGrange College in reference to activism and drug abuse. The best time to deal with any problem is before it arises. We therefore are making it clear to all members of the LaGrange College "family" that we have a set of policies to guide us in relationships and actions.

We are careful in the selection of our students and of the adults on campus that work with them.

We need your understanding and support as we seek to provide the best we can for the young men and young women on this campus. Our society is not altogether healthy. It is our intention to graduate people who can contribute to its well-being. This can best be done when they are intellectually prepared, socially adjusted, and spiritually motivated. We would prefer that your son or daughter remain with us until a degree is conferred.

If you have any comments on the attached Statement of Policy, we would be pleased to hear from you.

Sincerely,

WAIGHTS G. HENRY, JR.

I would like to emphasize and thank heaven that we have such a man as president of one of our colleges who can condense so much commonsense into one paragraph:

You are aware of all of the issues that trouble the campuses of the colleges and universities of America. We have been extremely fortunate at LaGrange College in reference to activism and drug abuse. The best time to deal with any problem is before it arises. We therefore are making it clear to all members of the LaGrange College "family" that we have a set of policies to guide us in relationships and actions.

The following is:

A STATEMENT OF POLICY IN REFERENCE TO THE EXPRESSION OF THOUGHT AND ACTION AT LAGRANGE COLLEGE

The purpose of higher education is to enable persons to understand themselves and their fellows, to comprehend the world, and to prepare themselves so that they may ac-

complish satisfying personal goals and make a contribution to society commensurate with their abilities. This requires a campus atmosphere conducive to study, learning, inquiry, vocalization and expression of thought, and such actions as are appropriate to the academic process. The basic requirement is an atmosphere of calm wherein thought, reason, and reflection may prevail over emotional demonstration.

The college campus is not a battleground for social amelioration. It is not a backdrop for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock-throwing, burning, and badgering. Its fundamental purposes have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word.

As parents and younger members of the family have a meeting of minds, not through screaming at one another, but in quiet conversation, just so the academic community calls for the quiet but strong interplay of minds and the mutually respectful confrontation of senior and junior scholars. Riots on campus are as out of place as the sacking and pillaging of one's own home. Reason and good will must characterize the milieu of the campus as truly as they are expected to reflect the condition of ideal family living.

Therefore, actions and attitudes that interfere with the optimum conditions under which sound academic performance can be displayed will not be countenanced on the campus at LaGrange College. Intelligent persons can express dissent or differing views in an atmosphere of calm and reason. Persons may differ in view points and still have a respectful regard for one another. It is not supposed that scholars are peas in a pod, all looking and thinking and acting exactly alike. They should, however, in all relationships demonstrate a boundless and courageous good will. Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College.

Whereas growing persons are expected to be the keepers of their own consciences and the determiners of their own destinies, LaGrange College has a responsibility to express its approval and disapproval as affecting courses of student conduct that improve or destroy life. It tacitly disavows the misuse of drugs and will not retain in the academic community persons who smoke marijuana, or who ingest other drugs. Dismissal of persons involved in the misuse of drugs is not to be considered punitive but as an effort to remove negative influences. Smoking "pot" or taking drugs is considered regressive behavior. Repeated users of drugs will be dismissed. Those who are known to sell or "push" drugs will be remanded to law enforcement authorities.

The peril of the nation and of individuals is purposelessness. It is the aim of this institution to provide within the limits of its ability every opportunity for positive growth and development. Sound learning and spiritual integrity are strongly bound yoke-fellows. Morals and manners go hand in hand. Ethics and aesthetics have as a common end the development of the whole person. The strong body and the clean spirit are the surest allies of the vigorous mind. Major attention cannot be given to forward thrusts of mental development on the college campus if valued time must be assigned to putting out the brush fires of distraction and regression. Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose. Those not committed to it are invited to exercise their subverting influences elsewhere.

The foregoing clearly expresses in language that any young person can and

must understand the guidelines which apply alike to the students, faculty, and the administration of LaGrange College.

The great thing about this is that, so far as I have been able to determine, this statement of policy has been fully accepted and wholeheartedly endorsed by the student body of LaGrange College. So far as I know there has not been a dissenting voice raised by any member of the faculty of LaGrange College. I am informed that many parents have taken the time to personally reply to Dr. Henry's letter. Every single reply has been favorable. To this date Dr. Henry has not received a single letter of protest, disagreement, or disapproval from any source on or off the campus of LaGrange College.

Newspapers, radio and television stations, as well as interested citizens have taken the time to publicly comment on Dr. Henry's statement of policy.

A news article concerning this statement of policy appeared in the LaGrange Daily News, LaGrange, Ga., on Wednesday, September 16, 1970. This newspaper article follows:

MILITANT LC STUDENTS WILL BE DISMISSED—HENRY

Dr. Waights Henry Jr. laid down the rules of conduct in no uncertain terms this morning, telling LaGrange College students that the campus is not a battleground for howling, rock-throwing, burning, and badgering.

President of the local college, Dr. Henry made his statement of policy before students at the opening session of the 140-year-old Methodist institution.

It included a stern warning that students will be dismissed from LaGrange College for noisy demonstrations, violence, or the illegal use of drugs.

A copy of the policy will be sent to parents of all students in brochure form, together with a letter from Dr. Henry asking for parental understanding and support.

The LC president, beginning his 23rd year in that position, told students this morning that the basic requirement for a college education "is an atmosphere of calm wherein thought, reason and reflection may prevail over emotional demonstration."

LaGrange College has not yet had any major campus demonstrations, Dr. Henry pointed out. However, he said that actions and attitudes that interfere with the optimum conditions under which sound academic performance can be displayed "will not be countenanced on the campus at LaGrange College."

"Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College," he stated.

President Henry said the college has a responsibility to express its approval and disapproval as affecting courses of student conduct that improve or destroy life. The college disavows the misuse of drugs and "will not retain in the academic community persons who smoke marijuana, or who ingest other drugs."

He said the dismissal of persons involved in the misuse of drugs is not to be considered punitive but as an effort to remove negative influences. "Smoking 'pot' or taking drugs is considered regressive behavior," he continued, "and repeated users of drugs will be dismissed."

The LC president promised that those who are known to sell or "push" drugs will be remanded to law enforcement authorities.

"It is the aim of this institution," President Henry concluded, "to provide within the

limits of its ability every opportunity for positive growth and development . . .

"Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose," he stated. "Those not committed to it are invited to exercise their subverting influences elsewhere."

Earlier in his convocation address, President Henry said the college campus should not be a battleground for social amelioration. "It is not a background for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock-throwing, burning, and badgering."

The fundamental purposes of a campus, he continued, "have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word."

President Henry said, "Riots on campus are as out of place as the sacking and pillaging of one's own home. Reason and good will must characterize the milieu of the campus as truly as they are expected to reflect the condition of ideal family living."

On Thursday, September 17, 1970, the LaGrange Daily News editorially endorsed the statement of policy. The editorial of the LaGrange Daily News follows:

#### STRONG COLLEGE BEHAVIOR POLICY IS GOOD

Thank you, Dr. Henry! You said what a lot of other college presidents should have been saying this month as students returned to campuses across the nation.

Dr. Waights Henry, Jr., laid down a statement of policy on student behavior as classes began at LaGrange College Wednesday.

Basically, the president said the local Methodist institution will not tolerate riots, violence, obscenity, or illegal use of drugs.

Said Dr. Henry: "The college campus is not a battleground for social amelioration. It is not a backdrop for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock throwing, burning, and badgering."

"Its fundamental purposes have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word."

We could not agree more. But apparently many college and university presidents across the nation have lost sight of the basic purposes of institutions of higher learning.

Their timidity in the exercise of authority has contributed to the riots, burnings, and violence that now is close to becoming the accepted custom on college campuses.

We think that the vast majority of parents who foot the bills for their children to attend college still want their children to get an education and do not condone the violence on campuses.

But as our nation began to lean further backward in a misguided attempt to give self-expression to everyone, the right of authority to deal with what ultimately became lawless behavior slowly crumbled.

Social reformers became more interested in what caused a particular individual to burn, loot, and even murder, than the fact that the innocents' property had been destroyed or that a life had been taken.

But college officials are not completely to blame for the gradual decline in the respect for law and order. Our Federal government must accept much of the credit for this.

The recent report of the National Commission on the Causes and Prevention of Violence, created by President Johnson, is a good case in point.

This Federal group, composed of an attorney and two sociologists, advocated that the

use of marijuana be made legal. "There is no reliable scientific evidence," the report says, "of harmful effects of marijuana, nor is there evidence of marijuana's being a stepping stone to hard narcotics."

The commission seemed to be more interested in statistical crime reports than anything else, apparently reasoning that by legalizing the use of marijuana there naturally would be fewer drug violations.

Now, that is sound reasoning, at least from the statistical standpoint.

We would add, however, that if all laws forbidding armed robbery were suddenly repealed, the statistical crime rate would be drastically reduced in every major city of the nation.

There would be at least as many armed robberies, and probably more, but since it would not be a crime, statistically the city would seem on paper to be a more law-abiding place.

How foolish can we get? This sort of reasoning, and even worse, these sort of recommendations, from a Federal commission contribute to the mounting disrespect for law and the resulting decline in authority which would call for moral and legal adherence to the respected rules of society.

Those in positions of importance, on our campuses, in our schools, police departments, and government, must either assume the authority of leadership or we all will watch the decay of society.

On Thursday, September 24, 1970, Mr. Ray Moore, editorial director for WAGA-TV station, Atlanta, Ga., wrote and delivered the following editorial:

#### LAGRANGE COLLEGE PRESIDENT TELLS IT LIKE IT'S GOING TO BE

All over our nation colleges and universities are starting a new academic year with a sense of nervous tension about what's going to happen. Will there be sit-ins, demonstrations and other tactics of student protest disrupting the routine and purpose of the institutions? Plenty of college presidents are nervous, and it's a ridiculous commentary on the times.

Dr. Waights G. Henry, Jr., of LaGrange College is one President who is not nervous. He has taken the time to draft a Statement of Policy which lets students and faculty and everybody else know exactly how the College Administration stands and what it will do.

Dr. Henry acknowledges that the college campus is a place for different viewpoints to be expressed and explored. But it is no place for demonstrations . . . "not a backdrop for political activism." So the policy is clear, and clearly stated, in writing:

"Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College. Repeated users of drugs will be dismissed. Those who are known to sell or 'push' drugs will be remanded to law enforcement authorities."

The policy statement embraces much more than this, of course. But it boils down to a clear stand on student behavior and the rules that will be enforced. The statement has been mailed to parents, presented to the student body, and printed in full in the campus newspaper. Nobody is left in doubt.

LaGrange College is not large. But it's 140 years old and still going as an independent institution of learning. Our State Board of Regents and other colleges in Georgia have adopted policies to discourage demonstrations that have no place on a campus. We think they all need the simple language and clear position that prevails at LaGrange:

Respect the rules and the law or get out . . . or be thrown out.

On Tuesday, the lead editorial of the Augusta Chronicle, Augusta, Ga., re-

ferred specifically to the statement of policy announced at LaGrange College. Before quoting in full the Chronicle's editorial, I would like to point out that the Augusta Chronicle is the South's oldest newspaper which has been in continuous publication. It is an independent newspaper which was established in 1785, by coincidence the same year the University of Georgia was established. The masthead of the Augusta Chronicle contains the following statement:

The history of liberty is a history of limitations of government power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.—Woodrow Wilson

The editorial which appeared in the Augusta Chronicle follows:

#### THE HEAT IS ON

Dr. Logan Wilson, president of the American Council on Education, told President Nixon the other day that college and university administrators are "standing up to be counted" on the issue of campus unrest.

His statement reflected what does, indeed, seem to be a rapid diminishing of the timorous permissiveness which let burning, looting mobs run wild on many campuses. It seems to mark a probable elimination, even more importantly, of the Nazi-like intimidation by which lawless minorities shut down classes and deprived the great majority of students of the education so important in today's complex society.

Take the University of Wisconsin, where some of the worst recent violence has occurred. Undercover agents, complete with long hair and gaudy garb, are reported by news dispatches to have been thoroughly infiltrated into every student group. And if the information they can gather for the university authorities is not enough, a special \$10,000 "informants' fund" has been set up to reward those who report in advance any plots to launch new violence.

Or take the University of California at Berkeley, where the promotion of anarchy got its main start. The security force has been doubled, and buildings have been wired for alarms including heat-sensing and smoke-sensing devices.

Here in Georgia, to take another example from the small-college field, the LaGrange College president, Dr. Waights G. Henry, whose institution has not had any major demonstrations, showed that he is going to keep it that way. He promises: "Members of the academic community" (and we interpret that to mean faculty as well as students) "who resort to noisy demonstrations, violence, obscenity or ugly behavior to express their thought and feelings will be dismissed" and the college "will not retain in the academic community persons who smoke marijuana or who ingest other drugs."

That is about as flat a warning of summary action as a college president can give. All such measures as listed above will without question be hailed with satisfaction by a long-suffering public which feels that crime should have no sanctuary on the campus.

Public opinion has resulted in clear indications from some state legislatures that administrators of tax-supported institutions either restore the students' right to an uninterrupted education, or appropriations will be sharply curtailed. In New Mexico, the legislature showed it took a no-nonsense view by conducting an investigation, paid for by reducing the University of New Mexico's appropriation by the exact amount of the probe's costs. And in Illinois, the point was dramatically made by reducing the appropriation for Illinois State University by ex-

actly the amount of the salary of a radical professor.

In short, the people and their representatives are now well past the point of being fed up. And college and university administrators, no doubt equally sickened by violence, now can feel they have the backing and the mandate of the public enabling them to declare emphatically that the anarchists' fun and games are over.

It is important that they do.

Certainly, the just-released report of the President's Commission on Campus Unrest offers little by way of a constructive nature in its solution to the national problem.

The cure-all, end-all list of platitudes offered by the committee, with its appeal to reason, is all well and good if reason prevails. Until it does, however, colleges and universities of the United States must be operated for that vast majority of young Americans who want an education, not for the relatively few dissidents for whom anarchy seems to have become a way of life.

In early October, Mr. Robert C. White, the editorial director of WJBK-TV, the Detroit voice of the Storer Broadcasting Co., asked Dr. Henry for his permission to quote from "your eloquent statement of policy." Dr. Henry immediately wrote to grant such permission. Dr. Henry's letter to Mr. White was so extremely courteous and gracious that it prompted Mr. White to write the following letter:

STORER BROADCASTING CO.,  
October 19, 1970.

DR. WAIGHTS G. HENRY, JR.,  
LaGrange College,  
LaGrange, Ga.

DEAR DR. HENRY: Thank you for your courtesy in allowing us to quote from your eloquent Statement of Policy, as well as for furnishing the photographs of yourself and the beautiful LaGrange campus.

We feel that these materials enabled us to develop a strong editorial, copies of which are enclosed, which hopefully had good effect on Michigan campuses.

Please accept our congratulations on the excellent example which your administration and LaGrange College are setting for colleges and universities across the nation.

Cordially,

ROBERT C. WHITE,  
Editorial Director.

On Monday, October 19, 1970, WJBK-TV in Detroit, Mich., carried the following editorial:

#### A FAIR WARNING ON CAMPUS DRUGS AND DISRUPTION

Many college and university presidents are nervous this fall over the potential for new campus disorders. One president who is not nervous is Dr. Waights Henry of LaGrange College in Georgia.

In a firm Statement of Policy mailed to all 600 LaGrange students and their parents, Dr. Henry defined what higher education is supposed to be: an opportunity for young people "to prepare themselves so that they may accomplish satisfying personal goals and make a contribution to society . . ." What the college campus is not, the statement continued, is "a pentagon for the drafting of plans for . . . howling, rock-throwing, burning, and badgering . . . Riots on campus are as out of place as the sacking and pillaging of one's own home . . ."

Therefore, the Statement of Policy warned, "members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College . . ."

Dr. Henry also asserted the responsibility of his administration to condemn "courses of student conduct that . . . destroy life." In other words, he wrote, "repeated users of

drugs will be dismissed. Those who sell or 'push' drugs will be remanded to law enforcement authorities."

In conclusion, Dr. Henry noted, "Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose. Those not committed to it are invited to exercise their subverting influence elsewhere."

TV2 believes that the unambiguous Statement of Policy on disorder and drugs at LaGrange College could serve as a worthy model for similar fair warnings by college and university presidents in Michigan.

Mr. Speaker, I join in commending Dr. Waights G. Henry, Jr., president, LaGrange College, for his intelligence, courage, and commonsense approach to the only real solution to the problems of campus disorders. If we had a few more men like Waights Henry serving as presidents of American colleges and universities, in my judgment there would be no campus violence, no assaults, no homicides, or organized violence. There would be no burnings of campus buildings and there would be no kidnaping of college deans and presidents.

I respectfully suggest to the President of the United States that if he ever again has an occasion to appoint a Commission on Campus Unrest that he might well look in the direction of LaGrange, Ga., for an articulate, gentle, and dedicated man to serve as chairman of such a commission.

Mr. Speaker, you and many of our colleagues may well remember that Dr. Henry once served as guest chaplain of the House of Representatives. It was my pleasure and privilege at that time to have joined in the invitation to him, and it was also the pleasure of Mrs. Flynt and myself to have Mrs. Henry join her husband as our guest on that occasion.

#### FREE THROW FOR FREeloadERS

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

Mr. SCHERLE. Mr. Speaker, the time-honored practice of freeloading has been given a sophisticated new twist. The latest refinement in the fine art of bilking the taxpayer under the guise of helping the poor was developed by Florida basketball coach Joe Williams. According to the National Collegiate Athletic Association, he recruited seven-foot-two Artis Gilmore for Jacksonville University's team by promising him a plush property post as a summer job. Gilmore was paid \$75 a day in Federal funds by Greater Jacksonville Economic Opportunity, Inc., to act as a playground instructor. In 2 months of summer vacation, the high-riding hoopster "earned" \$3,412.50.

The NCAA resolved to reprimand and censure Jacksonville University because, in its judgment, Gilmore's employment "was primarily on his utility to the employer as an athlete" and not on his merits for the job. His staggering salary, according to the NCAA, was not only "not commensurate with the going rate in that locality," but was also "excessive in light of his qualifications." It was obvious to the supervisory council that the promise of this sinecure "was an influ-

encing factor in the young man's eventual enrollment at Jacksonville University."

The investigations which preceded the council's report disclosed, interestingly enough, that Coach Williams got the idea from the Mayor of New York, John V. Lindsay. His Nibs, of course, is an expert at draining away the taxpayer's money and has made Fun City a veritable sink for Federal antipoverity funds.

Gilmore was subsequently removed from the Federal dole and his freeloading is at an end. Said the disgruntled dribbler when he heard the news:

Nothing would have been said if this had happened in a larger, more liberal town.

What Mr. Gilmore does not realize is that honest citizens everywhere would be indignant at the idea of poverty programs being used as payola. Any antipoverity project which truly aids the poor to become self-reliant, self-respecting members of society will have my support. But I will continue to expose and oppose poverty payoffs like Gilmore's. That kind of free throw only catches the taxpayer on the rebound.

#### KING PETER II, OF YUGOSLAVIA

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

Mr. DERWINSKI. Mr. Speaker, on Saturday, November 14, King Peter II of Yugoslavia was buried in Libertyville, Ill., on the grounds of the Serbian Orthodox Diocesan Monastery. He had requested to be buried there and in accordance with his will, his wish was honored.

May I remind the Members of the tragic career of Peter II, one of the first victims of the cold war. He lived in exile for most of his life after being driven from his country by the Nazi invasion, then refused reentry into his country when, at Stalin's insistence, Tito was given control of Yugoslavia.

Peter II, King of Yugoslavia, was a descendant of the first modern Serbian King, Karageorge, and ascended to the throne in October 1934, at the age of 11, when his father, King Alexander, was assassinated in Marseilles, France. He took control of the Government in 1941 when the ruling regent, Prince Paul, was deposed by the peoples of Yugoslavia. The regent had entered into a pact with Nazi Germany which King Peter heroically repudiated.

When the Germans invaded, Peter's troops were soon overwhelmed and within a month after he took over the Government, he fled to England where he had studied, where he had royal relatives, and where he expected political support.

The King established a government-in-exile in London, but Yugoslav resistance against the Nazis was divided between the Chetniks, loyal to Peter and led by Gen. Drazha Mihailovich, and the Communist partisans, led by Tito.

During World War II, the Chetniks under General Mihailovich rescued hundreds of U.S. airmen and other allies who were shot down over Yugoslavia. General

Mihalovich, commander in chief of the Royal Yugoslav Armed Forces, was awarded the Legion of Merit Medal by our Government for his extremely effective service on behalf of the Allied effort in World War II.

At the insistence of Stalin and Churchill and with the acquiescence of President Roosevelt, Allied aid was transferred from the forces of General Mihalovich to those of Tito. The Communists obtained the upper hand in the internal struggle concentrating their efforts on achieving control of the postwar government rather than mounting any major effort against the Nazi occupiers of Yugoslavia. The Royal Yugoslav forces opposed both the Nazis and Communists and were often caught in a vice between the two.

Tito barred the King's return to his homeland and the people he loved. When foreign dignitaries along with representatives of U.S. veterans gathered around the crypt in Libertyville's Serbian Orthodox Church on Saturday, the unhappy story of the exiled King's life was brought to mind.

Even though King Peter did not regain his throne, he was considered by most Serbians throughout the free world as their legitimate leader and until his fatal illness, he remained active in patriotic and religious activities of Serbian emigres throughout the world. Peter II fought an 8-month-long battle with a kidney disease in a Los Angeles hospital before his death. His last days were spent connected with an artificial kidney machine.

It was my privilege, Mr. Speaker, to have maintained a long friendship with King Peter and I knew him to be devoted to his people, dedicated to world freedom and deeply conscious of the historic responsibilities and complications that he faced. He was a very genuine and natural individual with a deep concern for the political misfortunes that beset his country.

One must wonder about the tortured path of history when noting the burial within days of each other of General de Gaulle who saw his country regain its freedom and of King Peter II who persisted in a lonely struggle after being victimized by World War II diplomatic maneuvers. Despite the personal, diplomatic, and political misfortunes that befell him, King Peter II demonstrated perseverance to the cause of a free Yugoslavia and true devotion to his people. Only history may in time reflect upon his efforts for true peace and freedom for the people of Yugoslavia. Had he been permitted to return and re-establish a government in the postwar era, the history of Europe may have been vastly affected.

But at this time, Mr. Speaker, as we pay our final respects to Peter Karageorge, the man, not the monarch, those of us who knew him are saddened by the loss of this outstanding individual. His widow, son, family, Serbian people, and people of Yugoslavia have lost a man who despite the misfortunes of his life, remained loyal to his principles, the traditions of his land and his people. His was a sad yet full life and he fought it well. "Requiescat in pace."

#### DE GAULLE'S DEATH—AMERICA'S LOSS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the death last week of Charles de Gaulle brought to a close a lifetime of service to the cause of human dignity and grandeur of the spirit that is almost without parallel in human history.

While his service concentrated exclusively on what he deemed best for France and its people, the accomplishment served all mankind, including, of course, the interests of the people of the United States.

What would the world be like today had not a man of De Gaulle's spirit, courage, and leadership been available to raise from the ashes of Vichy? Had France been afflicted with the infirmities that still plague Italy, Western Europe might today be a continent of Finlands, dominated by the Soviet Union.

Overwhelmed by insecurity, Germany could have faced a Hobson choice, a subversive to Soviet pressure or return to independence backed by national arms.

In the emotional tides that inevitably rise with the death of a great person, excessive tribute is natural. And so it may with De Gaulle.

One conclusion cannot be disputed. But for De Gaulle, the problems confronting this Chamber as it prepares for the 92d Congress would be vastly different and more difficult. To our oldest ally, her spirit broken by a quick surrender to Hitler, he brought strength. To the long years of resistance during the Nazi occupation he brought hope. To a nation torn asunder over a debilitating, unpopular war in Algeria he brought peace. To a people burdened with a paralyzed parliamentary system, he delivered a strong new constitution.

But above all, De Gaulle made his countrymen once more proud to be called Frenchmen.

In the process of this achievement he ruffled some feathers, including American feathers. I can recall many speeches in this Chamber ringing with denunciation of De Gaulle policies, particularly in the 1964-66 period.

But in restoring French dignity, pride, and grandeur, he served us all, because we all risk darkness when the French flambeau of freedom flickers.

Since I helped organize the House Republican Task Force on NATO in 1963, I have frequently sought to explain French problems and policies—so much so that I became known on Capitol Hill as the American Gaullist. It was not always a comfortable assignment, but even in the days when De Gaulle policies were under heaviest attack, I proudly accepted the title. I knew that any person who serves ultimately the cause of human independence and who would exult personally of whatever nationality in the long term serves all mankind.

As chairman of the House Republican factfinding mission to Paris in 1965, I received a communication from President de Gaulle, transmitted orally to me by a young member of the French Par-

liament, Charles de Chambrun, who attended a dinner party given for the congressional group. De Chambrun came to the dinner from a meeting with De Gaulle and said the President asked him to convey this message to the American Congressmen. I copied the message on a card and have carefully preserved it. The message:

I hope you win victory in Vietnam. I do not believe you can. If you continue your present success in five years you will be involved in 10 places. Then the American people will become tired and return to isolation. And in saying this, I do not dislike you. Remember that. Neither I nor the French people dislike the American people.

One of my most gratifying moments came in 1969 during funeral rites for General Eisenhower when I had the privilege of shaking hands with President de Gaulle as a member of the official group which welcomed him to Washington. His towering overwhelming personality was unforgettable. I knew that I was at that moment in touch with one of the greatest and most effective patriots of history.

Printed below are a few of the tributes I feel should be preserved in the annual of the U.S. Congress, an institution which serves the same noble ideals of human personality so well advanced by Charles de Gaulle:

STATEMENT BY PRESIDENT GEORGES POMPIDOU FOLLOWING THE DEATH OF GENERAL DE GAULLE, BROADCAST ON NOVEMBER 10, 1970

Frenchwomen, Frenchmen, General de Gaulle is dead. France is a widow. In 1940 General de Gaulle saved our honor, in 1944 he led us to liberty and victory. In 1958 he averted civil war. He gave modern France her institutions, her independence and her place in the world.

In this hour of mourning for the nation, let us bow before the sorrow of Madame de Gaulle, her children and grandchildren. Let us measure the obligations that gratitude imposes on us. Let us promise France not to be unworthy of the lessons that were given us and may de Gaulle live on forever in the national soul.

STATEMENT ON THE DEATH OF GENERAL DE GAULLE BY RICHARD NIXON, PRESIDENT OF THE UNITED STATES, NOVEMBER 10, 1970

The passing of General Charles de Gaulle reminds us of the qualities that make men and nations great. His was the quality of character that enables men to surmount all obstacles, to call up reserves of courage, to turn adversity into triumph. His was the quality of vision that could see the grand sweep of history at a time when others focused on the events of the moment. He provided inspiration to an age in danger of being overwhelmed by the commonplace, and, therefore, his passing is a loss not only for the French nation but for all mankind.

STATEMENT BY CHARLES LUCET, FRENCH AMBASSADOR TO THE UNITED STATES, ON THE DEATH OF GENERAL DE GAULLE, NOVEMBER 10, 1970

The death of General de Gaulle is felt with profound sorrow by the whole French nation.

In 1940, General de Gaulle assured, in a time of distress, the destiny of the country, saved its honor on the battlefield, assured its place by the sides of its allies in victory.

In 1958, responding to an appeal from the heart of the nation, he again assumed command. He reformed the country's institutions and gave it political stability. He re-established conditions for its economic trans-

formation and restored it to its rightful place in world affairs.

At the same time, he offered France's former possessions, along with independence, the aid, the cooperation and the friendship of France.

General de Gaulle came to Washington for the last time to attend the funeral of General Dwight D. Eisenhower, his companion-in-arms and his friend. By his presence, paying his respects to the man and to the memory of General Eisenhower, he thus reaffirmed his feelings of high esteem and deep friendship for the American people and for the United States of America—in his own words, "this great country".

STATEMENT ON THE DEATH OF GENERAL DE GAULLE BY ARTHUR K. WATSON, U.S. AMBASSADOR TO FRANCE, NOVEMBER 10, 1970

My colleagues, my family and I are deeply saddened by the passing of General de Gaulle.

As leader of the people of France in both war and peace, General de Gaulle was one of the great men of our age, and of all ages. He was a giant among giants.

Stubborn in adversity, generous in victory, tempered by the past, faithful to the present, prophet of the future, General de Gaulle joins forever the stream of history in which his role is written hugely.

No man loved freedom more, or served her cause more ardently. Freedom and peace have lost a magnificent defender. We send our deepest sympathies to Mrs. de Gaulle and other members of the family, to the government and people of France.

#### THE LAST OF THE GIANTS

(By C. L. Sulzberger)

PARIS.—When, by his own choice, he was still a political exile, General de Gaulle once said to me: "Giants can do nothing now." Some years later I asked if, under any conditions, he foresaw a new age of political giants and he replied: "I suppose that depends upon the world situation. When that situation is grave the giants come nearer to a return."

"Also, you must remember, people grow in stature. One speaks of giants when it is all over. Sophocles said that one must wait until the evening to see how splendid the day was; that one cannot judge life until death."

Now the evening has come and one can judge Charles de Gaulle. He was unquestionably a giant, perhaps the first since Napoleon that France has produced on the international scene (although both his friends and enemies would quarrel over such a personal comparison) and surely the last Titan on the contemporary world horizon save for the aging Mao Tse-tung.

#### THIRTY-YEAR EPOCH

The general dominated France for 30 years, during which he displayed a gift for foreseeing the inevitable and expediting its occurrence. In some respects, like Napoleon, he reflected that inborn French penchant for disaster and was able to both surmount and produce it, leaving what could become a crumbling edifice behind and yet bequeathing more than legend. Each gave his countrymen passing grandeur—much appreciated in vain France.

It is too early to assess de Gaulle's ultimate historical place. By no means totally loved, his supporters represented a constantly shifting kaleidoscope of political patterns. But, as he once observed: every Frenchman has been, is or will be a Gaullist.

From the start he prepared himself for great events. Convinced that no true leader could be bound by intimate associations, he deliberately held himself aloof. Napoleon conferred friendship on one man: his aide-camp, Duroc; de Gaulle, in truth, on no one.

His rule was laid down in the remarkable lexicon of leadership he published in 1932,

"The Edge of the Sword": "Silence is necessary preliminary to the ordering of one's thoughts. One calls troops to attention before explaining what is expected of them."

#### A STRANGE BLEND

De Gaulle was a strange combination of old-fashioned traits and future visions or, as one French phrasemaker put it: "A man of the day before yesterday and the day after tomorrow."

It was my singular fortune to know him for more than a quarter of a century and, although not in the least sense on an intimate basis, he received me with some frequency and confided many thoughts. The last personal communication I had was a copy of his recent "Memoirs of Hope," which he sent a month ago and in which he had written of his "confidence and friendship."

The general's education, cultural tastes and sense of virtue were strictly classical although more Greek than Roman. He loved grandeur, one of his most savored words, and his preferred reading came within this category: Corneille, Racine, Bossuet, Victor Hugo, Chateaubriand, Shakespeare, Goethe.

Yet, perhaps, he derived most intellectual inspiration from the French philosophers Auguste Comte and Henri Bergson. Once he said to me: "Bergson made me understand the philosophy of action. Bergson explains the role of intelligence and analysis. He saw how necessary it is to analyze questions in search of truth. But intellect alone cannot act."

"The intelligent man does not automatically become the man of action . . . Bergson showed me that action comes from the combination, the combined application of intellect and instinct, working together. All my life I have been aware of this essentially important explanation. Pure intellect cannot by itself produce action and impulse can produce folly if it alone serves as a guide."

De Gaulle admired *les gens efficaces*, those who accomplished things, among whom he numbered Charlemagne, Joan of Arc, Poincaré, Clemenceau, Washington, Jefferson, Theodore and Franklin Roosevelt, Bismarck and Churchill.

The general, as he was known even while president, always showed unusual courage—as befitted his original profession of soldier. He had but one fear, the fear of mental and physical decline, of losing the full capacity of his great powers. "Old age is a shipwreck," he wrote. The merciful speed of instant death has saved him from this ultimate horror.

#### CHARLES DE GAULLE

Few men wanted more than he, from his youth until his death, to be identified with France. Let us hope that Plutarch was wrong when he said that ingratitude toward its great men is the mark of a strong nation.

—From *Le Monde* (Paris).

He was a general who despised generals, an intellectual who loathed intellectuals, and an authoritarian who loved democracy but most of all he loved France.—From the *Evening Standard* (London).

#### CHARLES DE GAULLE

Often he seemed like some lonely survivor in an age before the flood—an age when Titans wrestled amid smoke and fire and roared defiance at one another against a counterpoint of crashing bombs. And in truth he was the last of that wartime breed (if one excepts Chiang Kai-shek on his distant island—a breed that was so powerful for good or ill.

Among them—Roosevelt, Churchill, Stalin, Hitler, Mussolini—Charles de Gaulle made his mark without a state, without a treasury, with only the sketchiest of armies. He did so by force of personality and, above all, by the force of his idea of France. In the ashes of a great defeat, his strong prose and stronger posture stirred a great flame. Like the Duke of Reichstadt on the fields of Wagram, he could evoke a dream of marching men and

waving banners—but De Gaulle was no weakling, born out of his time. He made the men real, and the banners victorious.

He did not die in the ruins, like Hitler and Mussolini, or on the eve of triumph, like Roosevelt, or amid the dark passions of an anachronistic web of power, like Stalin. Rather, it seemed, like Churchill, he was to be relegated to that Valhalla where used-up heroes languish when their day is passed. And, like Churchill, he confounded his critics to return, in a quite different context, to head the state he had saved.

And in that second avatar, he saved the state again. He did so by an apparent contradiction. The onetime defender of the French Empire sacrificed the Empire for France itself, and then held the nation together against those to whom France seemed inconceivable without the tribute and rule of lands across the seas.

In the process, Charles de Gaulle profoundly and perhaps—only perhaps—permanently altered the political structure and political institutions of France. He outraged many of his former supporters and alienated allies of long standing. Storms of protest swirled around his head—storms of criticism followed most of his words and acts. Rebuffed in one of the referenda which he seemed to prefer to the other electoral processes of his Constitution, he resigned.

Charles de Gaulle remains a political enigma to many. There is still room for much argument over his foreign and domestic policies, over the trends he encouraged in France and in the world. Whether these trends, toward nationalism and a measure of authoritarianism, will, on balance, be better for his country and its neighbors, time alone may be able to decide with any degree of finality.

"Grandeur" is a word capable of many interpretations, in a man or a nation, and De Gaulle was, by common consent, neither greatly interested nor particularly competent in what related to the common life of men—in how they earned their living, or for what pay. The result of De Gaulle's half-contempt for the bread-and-butter issues lingers on in France.

Thus at the moment when this last of the Titans has passed from the world stage, even these vital questions do not loom so large as some memories: of a tall young general of brigade in Carlton Gardens; of a voice that spoke so eloquently to his countrymen; of De Gaulle striding into Notre Dame to praise his God for victory, while shots echoed above the chanting of the choir; of the president who held the helm of state so firmly in the army revolt against his Algerian policy.

The critical minds can find many flaws in the career of Charles de Gaulle, but none in his integrity of mind and spirit. And few who have lived through these troubled years, whatever their country or language, can find it in their hearts not to be grateful for his vital presence among us.

#### WORSENING PANAMA SITUATION REQUIRES ACTION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the Spanish press of Panama—*El Panama America*, January 27, 1970—reported U.S. Assistant Secretary of State for Inter-American Affairs, Charles A. Meyer, as stating that the proposed 1967 treaties with Panama would serve as a "basis for the continuation of a process to seek permanent solutions to United States-Panama relations in reference to the Canal." After reading that pronouncement, I wrote the Secretary of State a strong protest on February 5, advising him that Assistant

Secretary Meyer's views had been widely interpreted as indicating the reopening of treaty negotiations with Panama and urging him to make a forthright and resolute public statement on the Canal subject along the lines of those by Secretaries Hughes and Dulles.

Instead of complying with my request, the Secretary of State referred my letter to a subordinate, who on March 3, 1970, almost a month later, replied denying the statement attributed to Assistant Secretary Meyer. In an address to the House on March 11 on "Proposed Panama Canal Treaties: Time for Secretary of State to Support the Constitution," I quoted the indicated exchange of letters and emphasized that officials of the executive branch of our Government are bound by oath to support the Constitution. Article IV, section 3, clause 2, vests the power to dispose of territory and other property of the United States in the Congress—House and Senate—and not alone in the treaty-making power—President and Senate.

Since that time much has happened. The United States has continued in, or appointed to, key Panama Canal policy positions three officials directly involved in the formulation or negotiation of the discredited 1967 proposed treaties: Ambassador Robert B. Anderson, continued as chief negotiator; Ambassador Robert M. Sayre, appointed as U.S. Ambassador to Panama; and Hon. John N. Irwin II, appointed as the Under Secretary of State. A young White House staff member, Daniel W. Hofgren, with no diplomatic or Panama Canal experience, was given the personal rank of Ambassador to the principal assistant to Chief Negotiator Anderson. This is a perfect setup for surrender at Panama.

Despite the earlier denial by the State Department, what facts do we find in the press of Panama? In June of this year, a statement was made by Assistant Secretary Meyer at a meeting with Panamanian Foreign Minister Juan Antonio Tack in Washington that the U.S. Government desired to continue the treaty negotiations. U.S. officials present at the meeting were Secretary of State Rogers; Daniel Hofgren, a member of the negotiating team; Brandon Grove, of the Panama desk in the State Department; and Henry Kourany, U.S. Charge d'Affaires at Panama—Star & Herald, Panama, R.P., September 4, 1970, page 1, column 7.

Notwithstanding the evident purpose of U.S. executive officials to reopen the negotiations, the Panama Government, in a note on August 5 to the Secretary of State, rejected the 1967 draft treaties as unacceptable and indicated its desire to continue the negotiations to arrive at "just solutions to the conflicts" between the two countries.

From the above it is clear that the situation at Panama is not over but that officials in our Government, instead of meeting the problem forthrightly as they should, are still evading their responsibilities and prolonging the confusion over the just and indispensable treaty-based rights, power, and authority of the United States for the maintenance, operation, sanitation, and protection of the Canal Zone and the Panama Canal.

Because this vital waterway is the key target for Soviet conquest of the Caribbean, our policies concerning it should be formulated in relation to other dangers now evident in that strategic area. In spite of mounting evidence, Panama absolutely ignores the Soviet factor in the Isthmian equation and U.S. negotiators, during both the Johnson and Nixon administrations, have also ignored the Soviet factor. Panama apparently assumes that the United States would go to war to protect her ownership of the Canal if that were given her but the citizens of our country would never uphold such an outcome.

It must be clear to every realistic and thoughtful person that should the United States leave the Isthmus the vacuum would be filled by Soviet power; and that the constrictive coils of that pervasive, internationally organized tyranny would further enfold the United States and Central and South America in its strangling operations. These are not the conclusions of radical propagandists but a judgment based upon years of observation and experience. In addition, the takeovers of Cuba, Peru, Bolivia, and Chile, the infiltration and guerrilla tactics employed by Communist power in the United States and other Western Hemisphere countries, including Canada, are proof positive of the perils involved.

The latest development, in line with all that has gone before, is the building of a Soviet submarine base on the southern coast of Cuba with the obvious purpose of advancing Soviet power in the Western World. The plain truth is that our negative and inept policies with reference to what has been done, and what is planned, to bring about world domination by Soviet power, is hastening its sudden confrontation with the United States and the danger of world war III, with all its nuclear destruction.

An illuminating editorial on the worsening situation at Panama by Harold Lord Varney, president of the Committee on Pan American Policy of New York, in a recent issue of that organization's Pan American Headlines, describes the diplomatic setup for surrender. A recent editorial in the Chicago Tribune supplies additional information.

The two editorials together serve to emphasize the importance of prompt adoption by this body of the pending resolutions on Panama Canal sovereignty, which I discussed at length and quoted in the RECORD of September 15, 1970, in an address entitled, "Panama Canal: Hearings Before House Subcommittee on Inter American Affairs, August 3, 1970."

The indicated editorials follow:

[From the Pan American Headlines, September-October 1970]

#### THE PANAMA SITUATION WORSENS

It is becoming painfully clear that President Nixon has no intention of undoing the Johnson blunders in Panama. The latest news indicates that he is listening to the bad advice of Robert B. Anderson Jr. and John N. Irwin II and is going to continue them.

The attempted surrender of U.S. sovereignty over the Canal Zone and Canal Zone renouncing the 1903 treaty was one of the most unpopular moves made by Johnson during his six years. When the terms of the proposed new treaties were announced in

1967, it aroused such a backwash of popular indignation that 120 members of the House, both Democratic and Republicans, rushed to sign petitions of protest.

Nixon himself, who had opposed the proposed Johnson surrender of sovereignty in a speech delivered on Jan. 16, 1964, was under no personal obligation to continue the stalled treaty negotiations. When he entered the White House in 1969, he had an opportunity to clear up the whole situation. He could have dismissed Anderson and Irwin, the two nominal Republicans whom Johnson had used to sell the new treaties to Congress. The negotiations would then have lapsed. Panama's new Dictator Torrijos, might have spluttered for local effect, but he would have accepted the changed situation.

What did Nixon do?

Instead of firing the Anderson-Irwin team, he continued them in office. He then appointed, as the new Ambassador to Panama, Robert M. Sayre, a Johnson hold-over. Sayre had been an assistant to Anderson and Irwin, and was one of the drafters of the giveaway treaties. He favored the policy of surrender.

Early this year, Nixon had another opportunity when Irwin put in his resignation as negotiator. Instead of leaving the post unfilled, he appointed an unknown young man Daniel W. Hofgren, who was a member of Peter Flanigan's staff in the White House. Like Flanigan, Hofgren was known as a Liberal. The New York Times, in announcing the appointment, described him as a man known to be to the left of his White House co-workers.

However, the final blow fell on August 19th when the President announced that he had appointed John N. Irwin II as Undersecretary of State. This post is the key administrative job in the Department, with supervisory authority over all the personnel. This appointment means that the State Department is now in the hands of supporters and participants in Johnson's discredited Panama policies.

Why Irwin was elevated to such a position of power is a moot question. Nothing in his previous career qualifies him for such a distinction. In 1969, Nixon used him as a special envoy to Peru, to try to deter Leftist Dictator Velasco from confiscation of the U.S.-owned International Petroleum properties. Irwin turned out to be a pushover for Velasco. So far from dissuading him, he agreed not to invoke the sanctions of the Hickenlooper Amendment, our only pressure weapon in such a situation.

His weak course in Peru, and earlier in Panama, is consistent with the tolerance which he has shown to Communists and pro-Communists in his private career. Until he went to Washington, he was Chairman of the Board of Union Theological Seminary. As Chairman, he saw Union degenerating into almost a training ground for Leftist preachers, and he did nothing about it. He maintained as President the ultra-Leftist John C. Bennett. Herbert Philbrick, the informed expert on Communism, in describing Bennett in 1960, declared that he had "one of the longest and most notorious Communist and Communist front records of anyone in the country."

The kind of advice that Nixon will receive from Irwin is easily foreseeable. Those of us who have been so long opposing Johnson's Panama policies have lost again. The fight must go on.

[From the Chicago Tribune, Sept. 4, 1970]

#### PANAMA MAKES IT UNANIMOUS

The military government of Panama has formally notified the United States that the three treaties drawn up under the Johnson administration to change the status of the Panama Canal are unacceptable to Panama as a basis for further discussion.

Mr. Johnson's much heralded "solution" to our problems with Panama is thus laid

finally to rest. It was brushed aside in Washington because it gave away too much control over a canal which is essential to our security; it is denounced by Panama because it gives away too little control over the canal. It was dissatisfaction over the treaties, indeed, which led to the military coup which ousted former President Arnulfo Arias in 1968.

By reviving a subject which has been dormant for two years, Gen. Omar Torrijos Herrera, head of the Panamanian regime, has aroused speculation that he may ask the Nixon administration to start negotiations over again from scratch.

It is hard to see what this would accomplish. The fate of the three 1967 treaties makes it clear that no concession that would satisfy Gen. Torrijos would be acceptable in Washington. The draft treaties would have returned to Panama the sovereignty over the Canal Zone which it granted to the United States "in perpetuity" in 1903 in return for our agreement to support Panamanian independence from Colombia. They gave Panama four seats on a nine-man board to govern the canal, and provided that the canal itself would be turned over to Panama in 1999.

Even as they were drawn up, the treaties would have led to constant bickering over canal tolls, the disposition of revenue, the costs of upkeep, and so on, and would inevitably have led to further demands. To yield any more would be to relinquish even the pretense of United States control over a canal which the United States built and which is essential to the defense of this country.

Since the Panamanian nationalists will be satisfied with nothing less than control over the canal, there seems little point in discussing lesser concessions which would not quiet the demands. And since the pressure in this country for concessions to Panama has come chiefly from liberals who abhor military regimes, it is hard to see why they or anybody else should expect Mr. Nixon to do favors of any kind for a military regime in Panama.

So far, the Nixon administration has wisely steered clear of the subject. If it has to take a stand, it should point out politely but frankly that no mutually agreeable settlement is in sight and that Gen. Torrijos can do better things for his people than haggle over a canal which they can't eat or live in and which means little to them except in terms of prestige.

#### THE INSTITUTE FOR POLICY STUDIES

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the American people are watching with disgust the repeated outrageous attacks against our civilization by the shock troops of a foreign ideology.

Many Americans are aware that we are being subjected to a new type of warfare which is capable of killing just as certainly as the bullets and bombs of conventional warfare. The new warfare kills the pride—morale—social advancement—the soul and spirit of a people, just as effectively as would an atomic bomb.

More and more, our people are looking for the command staff—the intelligence behind these morbid assaults against the decency and moral fiber of our people.

A so-called Institute for Policy Study, has established its base of operations right here in Washington in the shadow of the National Capitol Building. It is readily identified as the revolutionary

command post of the programmed violence and terror which are sweeping our land. I had extended my remarks on December 11, 1969, to include a Barron's story by Mrs. Schirley Scheibla on this subversive operation—see CONGRESSIONAL RECORD, volume 115, part 28, page 38598.

The Church League of America, 422 North Prospect Street, Wheaton, Ill., has assembled one of the most revealing documentary reports ever compiled. Because I feel this exhaustive research, based for the most part, upon documentation from the organization's own material to be of great interest, I include it in the RECORD:

#### REVOLUTION BY THINK TANK—INSTITUTE FOR POLICY STUDIES

There's a revolution under way in North America.

Assassinations, bombings, kidnappings, riots, bank robberies and arson fires are only part of the picture. But while the frightened attention of the public is on these hair-raising events, other revolutionaries are busy in a quiet way undermining the basic structure of our society.

The ever-busy Communist Party and its splinter groups have denounced the current wave of violence (while at the same time defending some of the perpetrators, such as Angela Davis). A short time after the murder of the kidnaped labor minister of Quebec, Pierre LaPorte, the Communist Party of Canada condemned the action. Part of the official C.P. statement read:

"Assassination and acts of terrorism are not acts of genuine revolutionaries. They are acts of desperation and of frenzy by anarchist elements who fail to see that social change will not be accomplished by individual acts of terrorism, but only through the united efforts of the people headed by a united working class and the Communist Party . . ." (Daily World, Oct. 21, 1970, pp. 3-11.)

From the standpoint of the Communist Party, (or all Communist Parties of the Moscow International), that fairly well tells the story. No revolution is "genuine" unless it is led by them!

Nevertheless, the anarchist groups—so-called by the Communist Party—are wreaking death and havoc which is cause for most serious alarm. Likewise, the "genuine" revolutionaries led by the internationally organized and trained Communists are diligently at work on a long-range program for world control, of which the visible parts are not so spectacular or so much in evidence. In fact, due to the very secret and sinister nature of the Communist revolutionary program, we must leave surveillance of its inner ring and espionage activities to federal agencies, such as the FBI, which are trained, equipped and financed for that purpose.

There are, however, radical-liberal groups in this country which are not out-and-out subversive, but which pose a threat to our government, our churches, schools and other institutions making up our social structure. There are several such concerns whose mischief is far-reaching, and whose roots connect with those of other mischievous groups in every phase of our social and political life. One of these is the well-publicized Center for the Study of Democratic Institutions of the Fund for the Republic, at Santa Barbara, California. (See Church League Special Report No. 33, "Center for the Study of Democratic Institutions," October 1965, 35c)

While the Santa Barbara group tinkers with education and "peace," with some forays into politics and the field of foreign relations, it is almost benign in comparison with the more recently established Institute for Policy Studies of Washington, D.C.

In a brochure issued in 1966, the IPS states that it began operations in October,

1963. Other sources reveal that it was organized by "a half-dozen young men who were government aides and scholars in the Kennedy years, who conceived the idea of an independent research organization." (Washingtonian reprint, c. Dec. 1969)

Co-directors of IPS since its formation have been Richard J. Barnett and Marcus G. Raskin, while the most vocal of the "fellows" has been Arthur I. Waskow.

Richard Barnett, 41, a visitor to Hanoi in 1969, was graduated from Harvard Law School in 1954. After working for the Boston law firm of Choate, Hall & Stewart, Barnett joined the U.S. Department of State, working in the U.S. Disarmament Administration and serving at one time as the deputy director of political research for the U.S. Arms Control and Disarmament Agency. In 1963, prior to the formation of IPS, Barnett gained some attention in a broadcast over Radio Moscow when he stated that the banning of nuclear weapons tests was in the common interest of both the U.S. and the U.S.S.R.—the date of the broadcast very appropriately was April 1, the Fools' Day!

Barnett was well established in the disarmament camp by the time he helped organize IPS. The publication, *Problems of Communism* (published by the U.S. Information Agency), carried an article by Barnett, "The Soviet Attitude on Disarmament," which was by no means pro-Soviet—but neither was it outstandingly pro-United States.

In 1961 he was a practicing attorney in Washington, D.C., and regarded as a specialist on the subject of disarmament. In 1960 the Harvard University Press had published a book by him, *Who Wants Disarmament?*

His leftist leanings did not become clearly defined until after his association in IPS with Arthur Waskow and Marcus Raskin. Then, however, they came through "loud and clear." (See foregoing on his visit to Hanoi in 1969). His career is ably summed up in a special report on the Louis M. Rabinowitz Foundation by Lawrence V. Cott and Ruth Matthews in the June 1969 issue of *Combat*. The Rabinowitz Foundation had granted him \$1500 for "research."

(Barnett is) with left-wing think tank, Institute of Policy Studies, in Washington. Has written book (with Marcus Raskin) on Cold War Alternatives in Europe, several others on disarmament. Active in get-out-of-Vietnam work, and a sponsor last year (1968) of New University Conference in Chicago, which called for "radical university reform."

*Ramparts* Magazine, a left-wing publication, carried in its April 1970 issue a review of his book, *Intervention and Revolution*, published in 1968 by New American Library. The review stated that Barnett laid America's "interventionist policy" to officials in the State Department, the Pentagon, the CIA and the White House "who manage U.S. foreign relations."

Most prominent among the organizers of IPS was Marcus Raskin. He had been associated with the Radical Education Project (REP), an endeavor of Students for a Democratic Society. He was indicted with Dr. Benjamin Spock and others for conspiring to counsel young men to violate the draft laws, but was acquitted.

An article in *Barron's* of October 6, 1960 about the Institute for Policy Studies provides this information on Raskin:

"(His) Washington career began in 1960 when he served as clerk and free lance writer to several Congressmen, including Representatives ———, Herman Toll (D., Pa.), James Roosevelt (D., Calif.), ———

"Mr. Raskin soon co-authored a report with Mr. Waskow for Representative (blank). Copyrighted in 1961, it was titled "Deterrence and Reality," and so far as can be determined, constituted the first advocacy of U.S. unilateral disarmament on Capitol Hill. Mr. Waskow subsequently expanded the report into a book, *THE LIMITS OF DEFENSE*.

"According to a press release by Representative \_\_\_\_\_, Mr. Raskin also served as group secretary for THE LIBERAL PAPERS, a collection of essays written by more than a dozen professors for a number of Democratic Congressmen, made public early in 1962. Among other things, the essays urged the U.S. to allow Russia to plug into this country's warning defense system (DEW); recognize and admit to the United Nations Communist East Germany, Red China, North Korea and North Vietnam; unilaterally abandon nuclear tests; break up NATO; abandon Berlin and neutralize central Europe under terms proposed by Communist Poland.

"With the advent of the New Frontier (of President Kennedy), Mr. Raskin was called to the White House to join the special staff of the National Security Council as an aide to McGeorge Bundy, who now (1969) heads the Ford Foundation. Mr. Raskin also served as a member of the American delegation to the 18-nation disarmament conference at Geneva.

The National Security Council was a top echelon presidential advisory group which supervised the activities of the Central Intelligence Agency (CIA). (United States Government Organization Manual, 1958-59, p. 65).

At about the time of the founding of the Institute for Policy Studies, Raskin was shunted from the top echelon of government advisors to a post with the U.S. Arms Control and Disarmament Agency. (Human Events, April 14, 1962 and Dec. 14, 1963)

Raskin's radical record is by far too long to deal with at this point, but suffice it to say that while a co-director of the Institute for Policy Studies, he co-edited (with Bernard Fall) an extremely Anti-Vietnam war publication known as *The Vietnam Reader*, and was one of the associate editors of the radical magazine, *Ramparts*.

The Institute had hardly gotten off the ground when it merged with and took over the operations of a concern known as the Peace Research Institute of Washington, D.C. which was under the direction of Arthur Waskow. This group operated on funds supplied by the Institute for International Order, also known as the Earl D. Osborn, or EDO, Foundation, the avowed purpose of which was "to support and strengthen the United Nations through education and research." (Pamphlet, "Ten Minutes for Peace," Institute for International Order, 1954.)

The Peace Research Institute, which was absorbed into the Institute for Policy Studies, was a most interesting organization, on the staff of which we find some of the nation's outstanding liberal-leftists, many of whom became connected with the Institute for Policy Studies, such as Arthur Larson, Donald N. Michael, Harold Taylor, Kenneth Boulding and others. A number of persons on the Advisory Council provided links to still other organizations and endeavors, such as Stewart Meacham, American Friends Service Committee; Henry E. Niles, now (1970) organizer and head of Business Executives Move for Vietnam Peace; Victor Reuther of United Auto Workers; Jerome D. Frank, connected with many cited Communist fronts.

Much more interesting and important, however, the Peace Research Institute distributed a booklet, the "International Peace/Disarmament Directory" of 1962 which listed the important peace organizations of all nations, including the Iron Curtain countries, and those in the United States by states. Communist fronts were mingled with benign peace groups, and official Communist publications were listed among many innocent ones as organs of "peace." (Examples: *Political Affairs* listed on page 49 and *The Worker* on page 51 of the booklet.) It is also

somewhat incongruously amusing to find *Scientific American*, a popular science magazine, listed among the "Peace" Periodicals! This is no doubt explained by the fact that the editor-publisher, Cerard Piel, is one of the "in" liberal crowd, and a member of the 1968 Board of Directors of the Institute for Policy Studies.

Raskin, Barnett and Waskow have been, from the first, the most influential forces in IPS. All have written extensively and have poured out literally volumes of liberal material, ranging from estoteric intellectual distillations to hippy "gut" talk. For instance, in an article in the Spring 1968 issue of *University Thought*, Waskow wrote:

"The Institute is not just an ordinary research center because it's committed to the idea that to develop social theory one must be involved in social action and in social experiment. And therefore, the Institute stands on the bare edge of custom in the United States as to what an education research institution is, as against what a political institution is. By standing on that bare edge, it creates tension."

Tension is, one might say, the keynote of IPS. During the past seven years, the motivation behind many anti-war protests and disruptive activities designed to force social change—which in plain terms would be called revolutionary—can be traced directly to the Institute for Policy Studies.

During the same period the Institute has operated a major "peace" offensive among Senators and Congressmen in Washington, attacking government spending on defense and the war in Southeast Asia in writings, speeches and by personal contact. (See later list of agencies of various branches of government whose personnel have taken part in IPS seminars.)

Also, among those financed by the well-heeled Institute are none other than the leaders of self-styled revolutionary movements. Some of those who have benefited from the largess distributed by the Institute are: Students for a Democratic Society (SDS), the New Mobilization Committee to End the War in Vietnam (New Mobe), the Committee of Returned Volunteers, the New Party and the so-called underground press in Washington, D.C.

Waskow's rationale for involvement with these revolutionary groups is explained in a continuation of his above statement:

"I have a gut preference for disorder . . . If one has identified an end goal which one considers desirable, then if one translates that good bodily into the present as a means to the achievement of the end, one has avoided the problem of judging whether certain means are legitimate to achieve certain ends."

IPS is a non-profit, tax-exempt institution incorporated in the District of Columbia, with an annual budget variously estimated at between \$225,000 and \$400,000. The budget for 1966-67, as published in its 1966 brochure, was \$239,000, broken down into Administrative Costs at \$109,300, and Faculty Salaries at \$130,500.

Various foundations have provided most of the support. These include the Edgar Stern Family Fund, the Samuel Rubin Foundation, the Ford Foundation, the Milbank Foundation, the Commonwealth Fund, the Jacob Ziskind Trust, the Pallasades Foundation, the National Board of Missions of the Presbyterian Church, the Field Foundation, the Edward Janss Foundation, the Cudahy Fund, Community Research and Development, Inc., and the Louis M. Rabinowitz Foundations. Private donations have come from such individuals as Michael Gellert, Walter E. Meyer, Jennifer Cafritz, Irving Lauck, who also supported the Center for the Study of Democratic Institutions, and the late James P. Warburg, whose millions were spread over dozens of leftist causes.

The original Board of Trustees in 1963, as listed in IPS literature, consisted of Thurman Arnold, formerly a Court of Appeals judge, at that time a senior partner in the law firm of Arnold, (Abe) Fortas & Porter, Washington, D.C.; Richard J. Barnett, previously mentioned; David F. Cavers, a law professor and former dean at Harvard; James Dixon, president of Antioch College; Freeman Dyson, physicist, Princeton, New Jersey; Robert M. Herzstein, attorney; Arthur Larson, then director of the World Rule Law Center; Hans J. Morgenthau, professor of Political Science, University of Chicago; Steven Muller, director of the Center of International Studies, Cornell University; Gerard Piel, editor and publisher of the afore-mentioned *Scientific American*; Marcus Raskin, previously mentioned; David Riesman, professor of Political Science, Harvard University; Philip M. Stern, former Deputy Assistant Secretary of State, and the aforementioned James P. Warburg.

Before proceeding further on the continuity of the Institute, let us pause to take a look at the backgrounds of the original trustees.

Thurman Arnold: (Died November 7, 1969) Before 1963, when he headed the list of IPS Trustees, Arnold was most famous for his role of "trust-busting" as assistant Attorney General during the regime of President Franklin D. Roosevelt; he was associated in his law firm with Abe Fortas, who had a record of leaning leftward. In 1939, Arnold was listed as a member of the cited Communist front, the League of American Writers; he was at one time vice president of the National Lawyers Guild, also cited as a Communist front, and a patron of another cited Communist front, the Congress of American-Soviet Friendship. In 1961, after he had left the Department of Justice, he signed a clemency appeal on behalf of Carl Braden and Frank Wilkinson, jailed for contempt of Congress for refusing to answer questions about their membership in the Communist Party, after witnesses had so identified them. In 1962 he signed a petition for a pardon for Junius Scales, a leader of the Communist Party in North Carolina convicted under the Communist "membership clause" of the Smith Act. Before joining the New Deal team, Arnold resigned as a judge of the federal Court of Appeals for the District of Columbia; as a "trust-buster" he grappled with some of the mighty: the American Medical Association, Standard Oil of New Jersey and the Associated Press.

David F. Cavers: In 1958, an Associate Dean of the Harvard Law School, he signed a statement of the Committee on Security Through Arms Control to establish international control of nuclear weapons and testing. (*Congressional Record*, July 25, 1958, p. 13865). He attended the leftist festival, the Pugwash Conference of 1961; in 1962 he signed a petition to President Kennedy on behalf of Communist Party leader, Junius Scales; in December 1964, he signed an "open letter" calling on Congress to abolish the House Committee on Un-American Activities. He signed a number of protests against the Vietnam war, sponsored rallies against it, etc., from 1964 onward; opposed the antiballistic missile system in 1969, and in 1969 was a sponsor of a Legal Aid Fund for Dr. Jeremiah Stampler (who had run afoul of rules of the House Committee on Un-American Activities for refusing to answer questions pertaining to his relations with the Communist Party).

James Dixon: As president of Antioch College, one of the nation's most liberal colleges, Dixon has followed a pattern of his own in signing an ad (*New York Times*, Feb. 22, 1962) against the House Committee on Un-American Activities, and the above-mentioned petition asking a pardon for con-

victed Communist, Junius Scales. He was also on the Jeremiah Stamler Legal Aid Fund, and in August 1970, he wrote a letter to a questioner about the policy of Antioch, stating in part:

"Our experience at Antioch during the national student strike last spring showed that a campus can be agitated in a non-violent way and a tremendous amount of learning can take place. During the strike we came to grips with issues of war and human freedom. We are the better for it . . ."

At this point the pattern of the 1963 Trustees is fairly well established. Hereafter we will study only a few of the most outstanding.

Arthur Larson: He has endeavored to create an image of great stature and prestige in the Republican Party as well as in government and academic circles. In fact, he was a consultant to President Eisenhower during his term of office, and later consultant to the State Department and to President Johnson. (*Christian Century*, Oct. 7, 1964, p. 1229 and other sources). He was at one time director of the U.S. Information Agency.

At Duke University he headed the World Rule of Law Center, and later organized the National Council for Civic Responsibility, and was a member of the Institute for American Democracy. (See *News & Views*, March 1965 and January 1967.

His liberalism has taken the direction of "anti-anti"; he has been an extremist on the subject of right-wing extremism, speaking and writing on it on numerous occasions. For instance, *Look Magazine* of January 26, 1965, stated about him in an article on right-wing extremism: "His entire background and efforts have been against the right wing."

He has slanted his efforts toward the Republican Party in particular, and in his book, *A Republican Looks at His Party*, he urged the GOP to turn to the left.

In 1966 he was one of the vice presidents-at-large of the National Council of Churches, and a delegate from NCC to the World Conference on Church and Society in Geneva, Switzerland in July 1966.

He has opposed the Vietnam war in debates and articles as a pacifist, and from a lofty point of view. That is, he didn't get down and mingle with the unwashed rabble of noisy and violent demonstrations.

At present writing, he is on the Board of Trustees of the Fund for Education in World Order, a heavily-financed organization made up of businessmen and educators "working toward peace, and to encourage others in developing research orientation on the problems of war prevention and worldwide welfare and justice." Fellowships are intended for graduate students in international studies programs of Columbia, Duke, Howard, Michigan, Princeton and Yale Universities, and for the United Nations Institute for Training and Research, and the World Law Fund. Help is being considered for an International Order of World Peace and the Institute for International Order, among others.

Top flight business executives as well as the elite of the academic world are being drawn into the Fund for Education which has set a minimum of \$2 million in the way of a two-year budget. On the Board of Trustees of the Fund are such prestigious figures as: John C. Bennett (Union Theological Seminary); Senator Blank, Herbert Brownell, former U.S. Attorney General; Norman Cousins and Harrison Salisbury, both figures of importance in the publishing world; Stewart Rawlings Mott, financier and philanthropist; Matthew B. Rosenhaus, industrialist; Andrew W. Cordier, president of Columbia University, and others of similar stature.

We are bringing out these ramifications

here to show how far the influence and contacts of the Institute for Policy Studies reaches.

Original IPS trustee Hans J. Morgenthau of the University of Chicago is at the far end of the political spectrum from Arthur Larson. While it cannot be said that he engaged in the "rough and tumble" type of demonstrations, he was often in the vanguard of noisy and turbulent anti-war protests. Nevertheless, he was a liberal of stature. In 1961, he was on the National Board of Americans for Democratic Action; at the University of Chicago he headed the Center for the Study of American Foreign Policy, and was long active in his opposition to nuclear weapons. He was a participant of a three-day conference in Wingspread, Wisconsin, under the auspices of the Center for the Study of Democratic Institutions, as a preparation for the so-called *Pacem in Terris* convocation; he was a member of (Arthur Larson's) National Council for Civic Responsibility, and a consultant to both the State and the Defense Departments. In May 1965, he participated in a teach-in opposing the war in Vietnam, and took part in numerous protest rallies against the war. He was a member of the National Committee for an Effective Congress, and on the Lawyers Committee on American Policy Towards Vietnam.

Morgenthau's contacts also reach into church groups: in 1967 he was a member of the National Emergency Committee of the Clergy and Laymen Concerned About Vietnam.

With regard to Phillip M. Stern, who is now (1970) the chairman of the 19-member IPS Board of Trustees, he was one of the sources of funds for IPS. He administers the sizable Phillip M. Stern Family Fund, and according to the *Chicago Sun-Times* of December 3, 1969, "spends his money to support what he thinks is right," and the article went on to say he was "angry about the Establishment."

Stern's wealth came from his parents; his mother was the daughter of the Chicago businessman-philanthropist, Julius Rosenwald.

It is interesting to note that the Stern Family gave \$1,000 to newsman Seymour Hersh, connected with the obscure *Dispatch News Service*, for "research" which uncovered the story of the alleged Pinkville-My Lai massacres in Vietnam.

Last, and probably most important of all on the original IPS Board of Trustees was James P. Warburg, who died in June 1969. A listing of Warburg's contribution, both monetary and otherwise, would be impossible. His obituary in the *New York Times* of June 4, 1969, stated that he was a member of an international banking family, the roots of which were in three great German banking families—the Loeb's, the Schiffs and Warburgs. James was born in Germany, son of Paul M. Warburg, who, with his brother Felix, came to the United States when James was young. At the age of 35 James became president of the International Acceptance Bank, and a year later became a director of the Bank of Manhattan Company. From there he "branched out" in finance and industry; he held directorships with various railroads, some of which he severed when he became disenchanted with "big business."

There was hardly a major financial firm in the United States to which James Warburg was not connected, either by family relationship or interlocking directorates. The *New York Times* reported that Warburg mustered a group of bankers representing the Harriman, Rockefeller and Kuhn, Loeb firms to invest in a photographic process developed by Edwin H. Land in Cambridge, Massachusetts. It became known as the Polaroid process.

The *New York Times* obituary states: "In a sense he was . . . a spokesman of the idealists, of those who sought disarmament and accommodations with the Soviet Union and Communist China. Probably his closest approaches to the centers of power were in his associations with Franklin D. Roosevelt and John F. Kennedy. He was an early champion of the New Deal and served as monetary adviser to the American delegation at the London Economic Conference of 1933. Two years later, however, he broke with Roosevelt over monetary policy and wrote several books attacking the New Deal. In World War II he again rallied behind Roosevelt, and served as deputy director of the Office of War Information.

He was a prolific author, pamphleteer and letter-writer, as well as a renowned and much-sought-after speaker until 1961 when an operation for cancer of the tongue left him with a barely perceptible lisp. He authored 30 books on almost as many subjects.

There is hardly a liberal cause Warburg did not support. His writings and personal prestige spread over a veritable rainbow of causes, organizations and endeavors, including various ones that were Communist-infiltrated and served the Communist purpose. The list of his organizational associations is far too long to give here, and while it cannot be proven, it is an easy assumption that in most instances his money was put into those with which he was associated. He was "honored" by the left for his writings and statements; it was sought after by them for his money.

It is safe to assume that Warburg contributed heavily to the organization of the Institute for Policy Studies, not only in the form of funds, but by putting the eager young organizers into contact with the nation's wealthiest people and with those in the highest echelons of government, to say nothing of scores of active leftists in the various organizations to which he belonged.

The Institute for Policy Studies is now overseen by nineteen trustees under the chairmanship of Phillip M. Stern. Other trustees are: Robert Hertzstein of the law firm of Arnold & Porter; Arthur Larson; Gerard Piel; James Dixon, Hans Morgenthau, most of whom we have dealt with previously. Other trustees, according to the *Washingtonian*, December 1969, are drawn from among the founders of the organization and include:

Richard J. Barnet, whose background we have given;

Robb Burlage, described in IPS literature (1966) as a Resident Fellow; A.B., University of Texas; Research Fellow, Harvard University; formerly Director of Research, State Planning Office, State of Tennessee, and author of articles on economics. Other sources reveal that Burlage had been a member of Students for a Democratic Society since its founding and was a member of the National Committee in 1963. He also signed a petition for the defense of Eldridge Cleaver.

Christopher C. Jencks, Resident Fellow (in 1966), A.B., Harvard University; formerly an editor of *The New Republic*; co-author (with David Riesman) of book, *The Academic Revolution*, and of numerous articles on education policy and government programs on poverty in *The New Republic*, *Harper's* and *The Saturday Evening Post*. At the present time (1970) he directs a group allied to IPS in Cambridge, Massachusetts.

Jencks was a member of an investigative team set up by the University of California Regents in 1965 to investigate disturbances on the Berkeley campus during and immediately following the Free Speech Movement. The report, made by the chairman of the committee and favorable to the Free Speech Movement, did not specify any contributions by Jencks, but material in his book appears to be the result of his work on the Regents' committee.

He contributed an article with Milton Kotler from *Ramparts* of July 1966, interestingly titled: "A Government of the Black, By the Black and For the Black."

Milton Kotler was a lecturer in the Urban Training Center for Christian Missions in Chicago before joining IPS. He was instrumental in founding a community corporation in a Columbus, Ohio neighborhood which gave him material for his book, *Neighborhood Government*. He is a contributing editor of *Ramparts* Magazine. While a fellow at IPS he was a guest at a cocktail party given for the Black Panther Defense Fund in Washington, D.C. by Dr. and Mrs. Fern Wood Mitchell. (*Washington Post*, June 18, 1970.) (Note above collaboration with Christopher Jencks on the *Ramparts* article.)

Donald N. Michael, Resident Fellow on indefinite leave from IPS, was formerly a senior staff member of Brookings Institution and author of a number of books and articles, the most significant of which was one on the political implications of technological change in the leftist *Bulletin of Atomic Scientists*.

Michael was Director of Research for the aforementioned Peace Research Institute, which merged with the Institute for Policy Studies and brought Arthur Waskow into IPS.

Numbered among the trustees of IPS are the co-directors, appointed annually by the nine "resident fellows," and earning between \$10,000 and \$20,000 for the academic year. Resident fellows, according to a recent report, are: Milton Kotler, Arthur Waskow, Frank Smith, Christopher Jencks, Robb Burlage, Marcus Raskin, Richard Barnett, Gar Alperovitz and one or two others.

Next in IPS's hierarchy are the very numerous "associate fellows" who are involved with specific lectures, seminars, projects, etc. At the bottom are the Institute students. Until the fall of 1969, the Institute had some twenty students each academic year; but with no curriculum and no traditional teaching, the practice has been ended. However, students are still a part of IPS's structure and are recruited from Antioch College, the University of California at Berkeley, the University of Illinois, Reed College, and the Virginia Theological Seminary. These students are called "research fellows: and receive a stipend for a specific project.

Gar Alperovitz was legislative assistant to (blank) Senator (blank) in 1966, during which time he was active in IPS. He was also a visiting professor at Cambridge University and author of a book, *ATOMIC DIPLOMACY: HIROSHIMA AND POTSDAM*, which was highly praised by Communist Party theoretician, Herbert Aptheker, in *World Marxist Review* of October 1966 (page 31). The radical magazine *Ramparts* of December 1965, carried a laudatory review of it by Carl Marzani, writer, publisher and friend of Herbert Aptheker. (Testimonial dinner program, *Human Events*, April 16, 1965). Alperovitz spoke on a panel at the 1968 Socialist Scholars Conference, supported war protest events, signed a statement by the Committee to Defend the Conspiracy, (those on trial in Chicago for conspiracy to riot at the 1968 Democratic Convention), and was active in the National Conference for New Politics in 1967. The *New York Times* of September 24, 1967, carried an item on "revisionist" historians who were rewriting the history of the Cold War, placing the blame on the United States, Alperovitz, then a Fellow at the John F. Kennedy Institute of Politics, was mentioned as one of the historians. His associates on the endeavor were named as: William Appleman Williams of the University of Wisconsin; David Horowitz, an editor of *Ramparts* and one-time supporter of the extreme left May 2nd Movement, and Carl Oglesby, then president of Students for a Democratic Society.

By far the most actively involved co-director of IPS is Arthur Waskow. His writings, statements and activities receive more attention in the press than those of any other member of the IPS top echelon. He is a veritable "Scarlet Pimpernel" of the current revolution, although he doesn't do the clever disappearing acts attributed to the Scarlet Pimpernel of the French Revolution. There is little doubt but what his ebullient activities set the "tone" of the Institute for Policy Studies. There is hardly a phase of radical action which has been initiated or has taken place in the past five years with which Waskow has not been involved in some manner. A thumb-nail sketch of him in an article, "A Spectator's Guide to the Trouble-Makers" in *Esquire*, February 1969, shows a picture of him, bearded and professorial-looking, linking arms with Black Panther Eldridge Cleaver and Yippie Jerry Rubin. The caption reads as follows:

"Arthur Waskow: Fellow of the Institute for Policy Studies, the New Left think-tank that includes Marcus Raskin of draft-resistance counseling fame. He was a delegate to the Democratic Convention (of August 1968) but spent much of his time in Grant Park. Turned in his 4-F draft card which was reclassified 1-A. In 1963 (he) tried to integrate Gwynn Oak amusement park and was arrested by authority of Baltimore County executive Spiro Agnew."

The 1966 IPS brochure states that Waskow received a B.A. from Johns Hopkins, Ph.D. from University of Wisconsin, was a legislative assistant to a U.S. Congressman (which other sources identified as——). He was author of various books, a contributing editor of *Ramparts* Magazine, and a member of the Board, American Committee on Africa.

Other sources state that he contributed an essay to *The Liberal Papers*; he wrote a pamphlet for the Center for the Study of Democratic Institutions, and a number of books on "peace" disarmament, U.S. foreign relations, and so on.

He was a supporter of the "new student movement," kicked off by the Free Speech Movement at the University of California, Berkeley; he was a vociferous opponent of the war in Vietnam; a proponent of better relations with Red China and Ho Chi Minh.

He took part in Socialist Scholars Conferences, 1965 through 1969; he was on a steering committee of 1966, laying the groundwork for the National Conference for New Politics of Labor Day week-end, 1967, and emerged from the Conference as a member of the NCNP Executive Board.

He was associated with the SDS Radical Education Project, and was active in the Washington Mobilization to End the War in Vietnam, and wrote for the *Vietnam Summer News*.

He wrote a letter to the *Christian Century* of October 18, 1967 (page 1321) suggesting that as a form of direct action in protest against the war in Vietnam clergymen and rabbis, carrying large crosses and Torahs, should block a napalm plant, and that their arrests should be publicized as "the sharpest kind of visual imagery."

As stated in the *Esquire* thumb-nail sketch, he was in Chicago for the Democratic National Convention in August 1968. The investigation of "Subversive Involvement in Disruption of 1968 Democratic Party National Convention," by the House Committee on Un-American Activities, mentions him as one involved in disruptions (much of which took place in Grant Park). Pages 2295, 2361, 2363, Part I; Page 2614, Part II; Pages 2770, 2771, 2776 and 2783, Part III). He took part in the Tax Resistance Action (refusing to pay taxes which would be used for the Vietnam war).

In 1968 he was among the dissident Democrats to start a movement for a New Party, and is designated by *The Guardian* of Sep-

tember 7, 1968 as one of the founders of the New Party.

He has written several articles urging "community control of police," notably one in *Trans-Action* of December 1969, replete with castigations of police, accusations of police brutality and urging "citizens" groups, particularly in black neighborhoods, that would control the police, or what he called "counter-police organizations."

He was arrested in June 1969 for not leaving the Pentagon after demonstrating there against the killing of servicemen in Vietnam. He was charged with "interfering with the orderly process of government." (*New York Times*, June 18, 1969). He was a member of the Committee to Defend the Conspiracy (on trial for the riots at the Chicago Democratic Convention of 1968); and an advocate of "Free Churches" in which social action programs are central rather than peripheral.

Waskow was among some 40 demonstrators who appeared at the Justice Department in Washington demanding that the government indict Illinois State's Attorney Edward Hanrahan of Chicago (for prosecuting protesters led by the SDS Weatherman faction who rioted and smashed windows in Chicago's Loop in October 1969).

On October 10, 1969, he sent a \$500 Western Union money order to Neil Burnbaum of Chicago, who was in charge of coordinating efforts to obtain bail bond fees for the 284 persons arrested in the above-mentioned disturbances. (Report of the Illinois Crime Investigating Commission, issued April 1970).

We have no way of knowing if this donation was from Waskow personally, or if it came from IPS funds.

In his book, *Freedom Seder*, (published 1970 by Holt, Reinhart & Winston, Inc.), Waskow took the text of the traditional Jewish Passover Seder and added the words of "our modern prophets," Cleaver, Thomas Jefferson and Gandhi.

He acted as coordinator of the New Mobilization Committee to End the War in Vietnam and issued a "Call to Action," published as an advertisement in the *New York Times*, June 7, 1970.

Waskow registered at the Strategy Action Conference, a conference of radical groups from all over United States held in Milwaukee the last weekend in June 1970. He listed his affiliation as the MOBE (New Mobilization Committee to End the War in Vietnam) and Jews for Urban Justice, showing his address as that of the Institute for Policy Studies, 1520 New Hampshire Avenue, N.W., Washington, D.C. At that conference he distributed a six-page report which he had authored, "Reflections on the Mobe," critical of a demonstration in Washington the previous May 9, which did not come up to Waskow's expectations.

At the Milwaukee conference, he and Renie Davis (convicted in the Chicago Conspiracy trial) took part in the Student Resistance Summer Conference Workshop and presented a detailed plan for "liberating" Washington, D.C., as a protest against the United States involvement in the war in Southeast Asia. The proposal was linked to five demands:

1. The immediate withdrawal of all U.S. troops from Southeast Asia.
2. The immediate provision of \$5,500 a year guaranteed income for every family of four.
3. The immediate liberation of all political prisoners, including the Black Panthers, the Conspiracies, draft resisters, and G.I. deserters.
4. The immediate liberation of the people of Washington from their special colonial status.
5. The immediate end of the complicity of all American institutions—colleges, universities, corporations, synagogues, churches—with the war machine and the machinery of police repression at home.



### ACCOUNTS OF DECEASED VETERANS

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

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation that would cancel any indebtedness for excess leave of a serviceman who is killed in action.

I recently learned from the family of a Connecticut serviceman, who was killed in action, that deductions were made from the back pay and allowances due to him as a result of 15 days excess leave taken before he went overseas. Though the Office of the Secretary of the Army is unable to provide specific statistics on the number of servicemen killed in combat and similarly affected, it is clear that this Connecticut case is only one of many.

Maj. Gen. William A. Becker of the Office of the Secretary of the Army has written me that—

The records in the Finance Center do show as of 31 August 1970 there were 4,671 deceased members' accounts where collection action has been suspended because there are no amounts due the deceased member. A statistically valid random sample of these indebtedness cases revealed that excess leave type debts had a 63.9 percent incident rate. When a deceased member has amounts due, collection action to satisfy the indebtedness to the Government is taken. Statistics involving this type of collection are not readily available.

Corrective legislation is clearly needed. My bill would simply provide that a set-off may be made against an amount for pay and allowances due a serviceman whose termination of service resulted from his being killed by enemy action. The bill would be retroactive to January 1, 1964, thus conforming with Executive Order 11216 by which the President designated Vietnam and the waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code.

The widows and families of those servicemen killed in action should not have to become embroiled in the anguish and bureaucratic redtape involved in trying to obtain that money to which these servicemen are entitled. We are powerless to compensate the serviceman who has given his life, but his family should not be penalized for excess leave which he had been unable to make up before his death. Immediate consideration by the Congress of this remedial legislation is proper and necessary.

### VA ADMINISTRATOR JOHNSON HONORS OUR VETERANS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, on Veterans' Day, November 11, Don Johnson, Administrator of Veterans' Affairs, represented President Nixon at the traditional ceremonies in Arlington National Cemetery. His remarks consist of an eloquent tribute to those who have served our country so unselfishly. I com-

mend his excellent address to all of my colleagues:

A few moments ago, representing the President of the United States . . . and on behalf of a grateful nation . . . I placed a wreath at the Tomb of the Unknown Soldiers of Freedom.

This symbolic tribute . . . is a wreath of hope and a prayer for peace . . . peace with justice and honor . . . from this nation to all the nations of the world.

Last year at this time a great voice was raised across these hallowed grounds . . . a heartfelt cry . . . Let there be Peace . . . peace for the souls of those who lie with fallen comrades across the world . . . peace for those who fought to save freedom . . . peace for those who survived to live it.

Two weeks ago, an elementary school teacher in Cincinnati, Ohio, telegraphed President Nixon asking what she could tell her second-grade students about Veterans Day. She asked the President:

"My name is Tanya. I'm a second-grade teacher and in charge of the Veterans Day assembly. I wanted my father to give a talk on what Veterans Day means but he can't because he died in the Korean War. Since the President is supposed to be our guiding light and father of the country, would you take the place of him now and give me some fatherly advice on what to do and say as if you were on that stage in his place?"

On behalf of the President, I replied in part:

"Dear Tanya: Your father desired and deserved to live as much as any American and any father. No man, however much he cares for his country and his family, willingly wants to die to save them. That some do is the tragedy of humankind. It is a deeper tragedy for those he loved . . . and left in sorrow.

"What I would say in your father's place, Tanya, is that November 11 is a day for all Americans . . . every man and woman whose heart beats with pride and love . . . to stay strong in search of peace. I would say that every man who defended his country is a patriot of freedom, of peace and faith in America. I would say that your father paid the highest price man can pay for freedom, not because he wished it but because he had the courage to face the total consequence of his country's call to duty without flinching.

"I would say, Tanya, I honor your father in full today, as a man . . . and on behalf of his country. We owe him much. We honor him and your own spirit and courage to endure his loss. His valor helped save freedom.

"In saving it he provided you . . . all of us . . . with the freedom to ask questions today about the blunders of our past that permitted his death in Korea.

"He was a man, as were all who walked beside him in battle.

"In remembering his sacrifice let all Americans remember the need to keep alive the spirit of unity in America, to help revitalize our sense of one nation, one people, dedicated to Peace with Honor for all mankind."

Just as we are assembled here, men and women of good will . . . are assembled across this land of yours and mine . . . in schools and churches . . . in parks and cemeteries, marching men and women . . . offering their tribute to men like Tanya's father . . . who marched in the endless ranks of patriots . . . the 28 million men and women who have worn the uniform of their country seeking peace and defending freedom.

It is a day to remember the rattle of drums . . . to salute with pride the flag unfurled . . . to stand tall for honor, duty, country.

Our people may be uncertain about many things today . . . but they are not uncertain about the respect and honor owed to those who served their nation . . . the veterans of America.

President Nixon, in a letter to our hospitalized veterans, said, "This is a day when America pays solemn tribute to those who were willing to sacrifice everything to defend our heritage and our lives. The brave veterans in our nation's Veterans Administration hospitals give evidence to an unflinching love of country and an undiminished adherence to the traditions we cherish."

"I know," he wrote, "that I am joined by every fellow citizen as I reassure you of this nation's enduring gratitude for your courage and for the suffering you have endured so that we might live in peace and with the fullness of our blessings as Americans."

The President's concern for those who still wear the scars of battle is echoed by thousands of our fellow citizens today who are visiting at each of our 166 VA hospitals . . . knowing . . . remembering . . . that freedom extracts a price and that our veterans of today and yesterday have paid that price.

Remembering . . . knowing . . . that those who paid in full desired and deserved . . . as much as Tanya's father . . . to live as much as any American; that those who were disabled desired peace and good health as much as any American.

Knowing . . . and remembering that a veteran stands for peace, for courage, for faith in America.

Knowing and remembering veterans stand for peace, because they fought for it; knowing and remembering that veterans stand for courage because they stood tall in the face of danger; knowing and remembering that veterans stand for faith because they returned from battle in confidence . . . to work, to rear a family, to participate in the affairs of this Republic as full and honored citizens.

To those who remember the mud of Flanders Field . . . the hurt and savagery of Iwo Jima, the cold and misery of Pork Chop Hill . . . the jungle heat and ambushed trials of Vietnam . . . of those who remember . . . to our veterans we say today . . . here is a man for his nation, who in his particular moment of truth, said . . . this is my land, my people . . . my America . . . and if need be I will die to defend her.

To these men and women . . . America is saying today . . . here is a patriot . . . born free in this land of ours . . . seeking to right the wrongs he finds, working to better his life and that of his fellow man . . . an American who speaks the word with reverence and respect . . . knowing full well that he has earned the right to stride his land as a free man, a man who has measured up to freedom's standards.

To those who know and remember . . . we are saying today America will, in the long roll call of generations unborn . . . and in solemn testament to those who served . . . America will one day awaken to a world of total peace . . . knowing and remembering that we must and will remain strong, defend our rights and fight if need be for our freedom.

The valor of those who served saved America from tyranny.

That same valor and courage . . . the unity and spirit of men and women who marched in relentless cadence to keep us free . . . that unity and spirit can and must rally the will and energy to solve the problems of peace that beset us today. In candor, we have them . . . in courage we will solve them. Let us use this day and this hour of honor to our veterans to remind ourselves that unity at home is essential to peace across the seas.

Let us pledge on this Veterans Day to respect . . . by our actions and deeds . . . the sacrifices of those who defend us today and those who died to keep us strong.

In the sacred order of things which govern the lives of Americans there is no higher duty than serving our veterans.

We may serve our country out of a sense of duty.

We may serve our community out of a sense of need.

But in serving our veterans we do so out of love. Let us continue to help those who helped their country . . . in deep love and affection.

Let us . . . the living . . . repeat the prayer for captives of tyranny, "Lord, shelter the prisoners of war in Southeast Asia. Open the hearts and minds of their captors that they may be restored to their homes and loved ones."

"Each has carried the burden of battle. Each has discharged an obligation to this country. Each has been subjected to hazard, pain and imprisonment beyond the lot of the soldier."

"O Lord, these gallant men who bear so great a burden must not be forsaken."

"God of justice to whom we pray, thy compassion we beseech: Lift their burden, give them strength and strike the shackles that deny them freedom."

Let us repeat this prisoner's prayer in willing voices . . . voices that will be heard in every land where slavery and injustice are a way of life.

Thus . . . I ask that Veterans Day 1970 be dedicated . . . in each of our hearts . . . to all of the great, unselfish, courageous Americans who served and fought and died in Vietnam.

They have made the proud title of "veteran" . . . even prouder.

For the past decade . . . each Veterans Day has given us greater cause to count the cost of freedom . . . because the death of a single American adds to that cost.

Today . . . however . . . I think we dare look forward to that Veterans Day when we need no longer memorialize *more* war dead . . . when we need no longer honor *more* war veterans . . . when we will find all of our servicemen in Vietnam back home . . . and an America and a world at peace.

If this day is to dawn . . . and to last . . . we must pray . . . and we must always work . . . to preserve the freedoms which America's veterans have given us.

If our prayers . . . and our work . . . are rewarded . . . there is nothing which this greatest nation the world has ever known cannot achieve.

Yes . . . even the greatest achievement of all . . . Peace With Honor.

Thank you.

#### TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There have been 17 modern Olympic games since 1896. The United States has won the competition 14 times.

#### THE "DELTA QUEEN"—AN ELEMENT OF DISAPPEARING AMERICANA

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I rise to join my colleagues in support of legislation to exempt permanently the river vessel, *Delta Queen*, from the provision of the marine safety law enacted in 1966.

This law, I might point out, was passed in response to the safety problems in-

volved with oceangoing passenger vessels. It was Public Law 89-777, popularly known as the safety-at-sea law, and came about largely as the result of two disastrous ship fires in the Atlantic Ocean. Its thrust was to protect American travelers from substandard safety features and conditions of ocean passenger vessels.

The law requires that vessels which haul passengers overnight or longer be constructed of fire-resistant material. The *Delta Queen* is historically resplendent with fine woods. The hull is steel, but the decks and interiors are of teak mahogany, iron wood, and oak. The carved staircase is mahogany trimmed in brass.

These polished woods are part of the vessel's charm, and with it the *Delta Queen* truly represents a vivid page from American history. From our earliest colonial beginnings, through till far into the 19th century, the waterways provided us with our best means of transportation. Our great inland rivers were our first long-distance highways.

The *Delta Queen* is a sternwheeler. At one time there were hundreds of boats like this plying our rivers and streams on overnight service. But the *Delta Queen* is the last of them and we have this final opportunity to save the vessel. This is not a static museum display, but an actual service performed by an authentic representative of the past.

Lest I convey the impression that the *Delta Queen* is of truly ancient vintage, the vessel is 44 years old—old enough to afford us a glimpse of the past, but not so old as to be unsound and unsafe.

And, on the subject of safety, I think a few points should be made. The vessel never goes into the ocean, many miles from shore. Instead, it is never more than a hundred yards or a few minutes, according to the vessel's owner, from a river bank. Also, unlike ocean liners, the *Delta Queen's* staterooms open directly on outside decks, and not on long, enclosed corridors.

The vessel's wooden area constitutes the part which runs afoul of the 1966 law. But steps have been taken to minimize the fire hazard. The wood surfaces have been coated with fire-resistant substances, and a sprinkler system has been installed. Granted, there is a certain amount of risk in the operation of the vessel, but there is a certain amount of risk involved in any transportation, regardless of the mode of the character of equipment used.

The vessel was constructed in Scotland in 1926. It was originally placed in service in the San Francisco area. During World War II, the *Delta Queen* was turned over to the Federal Government and used to ferry troops in the San Francisco Bay. I make this point because the vessel obviously was considered safe enough for our servicemen at that time—which it was. Moreover, the San Francisco Bay is wider than the rivers on which the vessel has traveled for more than two decades since World War II.

It has been suggested that the woodwork be ripped out and replaced with fireproof materials. The cost of such a major change would be prohibitive. Moreover, it would mean a sacrifice of

most of the vessel's authenticity and charm. This same criticism goes for the proposal to scrap the *Queen* entirely and build a new all-metal vessel. How shortsighted it would be to stand idly by and allow a vivid, living symbol of a chapter of American history disappear before our eyes.

I ask my fellow Congressmen and Congresswomen to imagine they are a passenger aboard the *Queen* as the vessel glides down the mighty Mississippi River. You are moving along, quietly and serenely at about 8 miles an hour. Off to either side are the levees. Beyond them, perhaps a busy town, or open country. No phone. Everything unhurried. A way of life completely different from that of today, different from water travel of any period of any other nation.

Mr. Speaker, this is what we have an opportunity to preserve. It is our last chance. For this reason, I strongly urge the Members of the House to join me in support of legislation which will exempt the *Delta Queen* from the safety-at-sea law, and permit it to continue to carry people back through a colorful chapter of our history.

The Senate has now added provisions exempting the *Delta Queen* from the deep-draft safety statutes to a private bill, H.R. 6114. Join me in preserving one of our few remaining elements of Americana by urging prompt and favorable action on this bill.

#### STOPPING A TRADE WAR

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, why the New York Times in its lead editorial today refers to the Mills bill and initiating a "trade war" is beyond me. Trade legislation to provide an orderly flow of imports into the United States, instead of unrestricted dumping of huge quantities of any goods on our markets does not trigger a trade war at all. It merely provides a reasonable measure of protection to American industry that employs hundreds of thousands of men and women in this country whose livelihood is at stake at this hour.

To describe such legislation as "an act of aggression against American consumers" is editorial extremism. It is no such thing. Prices in the American market will not increase from such wise legislation. On the contrary they will, if anything, stabilize, as will the jobs of these substantially untrainable workers.

For too long we have been considered a soft touch by our foreign competitors whose labor is paid but a fraction of the wages paid in the United States of America. For too long we have failed our obligation to our workers and employers to furnish them a ceiling against which they can plan—a ceiling that is quite liberal under the Mills bill, being the high average of the period from 1967 to 1969.

Certainly the legislation will curb uncontrolled imports of huge quantities of disastrously competitive cheap labor products. But the President is left free

to negotiate a varying schedule of imports on a voluntary basis, and this will control if agreed to by the importing nations.

Illustrative of the extreme claims made about the Mills bill is the Times editorial which I include in the RECORD at this point:

#### STOPPING A TRADE WAR

If President Nixon intends to block the highly protectionist Mills bill that would legislate compulsory quotas against imports of textiles, apparel, shoes, oil and eventually a long list of other products, he will have to start fighting now that Congress is back in session.

The trade bill already has been approved by the House Ways and Means Committee, and the Senate Finance Committee has sought to make it unstoppable by attaching it as an amendment to Social Security liberalization. A majority now appears ready to support the measure in both House and Senate.

As is usual with trade legislation, the special interests lobbying for protection of particular industries reinforce one another. A formidable coalition is now pushing for this bill, even though it would, almost certainly, ensnarl the United States in a worldwide trade war. Leaders of the European Common Market have made clear the certainty of retaliation. Many American export-oriented industries—including such important ones as agriculture, aircraft and electronics—would suffer. What is less well understood by many Congressmen is that the nation as a whole would also suffer.

American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is, in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this country's most important allies.

There is a good chance that this reactionary trade legislation can be blocked in the Senate if strong Presidential leadership is forthcoming. The Senate includes a group of at least twenty dedicated liberal-trade supporters who might be joined by many other Senators shrinking from the bill's more extreme provisions, such as the "Byrnes trigger," which would impose compulsory quotas on a long list of items whenever imports of these items exceeded a certain share of the American market.

One problem for the President in fighting against the Mills bill has been his own political commitment to the American textile industry—especially its Southern department—to restrict Japanese textile imports one way or another. The failure last summer to work out a deal with the Japanese for voluntary quotas led the Nixon Administration to ask Congress for compulsory quotas on textiles—thereby opening the floodgates to the Mills bill.

Now the President's special assistant, Peter Flanigan, and Japanese Ambassador to the United States Ushiba are making a final effort to work out a "voluntary" deal that will permit the President to consider his obligations to the American textile industry discharged—and enable him to come out solidly against the Mills bill. If that can be done, the chances will grow that the protectionists can be prevented from railroading the Mills bill through Congress this year. The new Congress assembling in January will then have a chance to weigh more carefully

the kind of trade legislation needed to serve the true interests of the nation.

#### TELEVISION FINALLY FINDS THE BANKS—BUT AS CRITICS AND CENSORS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for many months, I have been calling attention to the big banks' boardinghouse reach into all types of businesses across the land. I knew this boardinghouse reach had gone pretty far, but never did I realize that the banks would establish themselves as television critics and censors.

Last week, the National Education Television Network—a noncommercial enterprise—presented a documentary entitled, "Banks and the Poor." The great majority of NET stations apparently carried this program, but I regret that some of these stations apparently caved in to pressure from the big banks who set themselves up as television censors.

In my own State, the Texas Bankers Association pressured all of the educational channels in an effort to block presentation of this documentary. The attempt was apparently partially successful.

I have also received correspondence from Pittsburgh, Pa., indicating that the educational channel in that city canceled the program at the last minute. My office has also received phone calls from other locations indicating that the program did not make an appearance as scheduled, and the Washington Post of November 11 reports that the Richmond, Va., outlet, WCVE, did not present the show.

The American Bankers Association became so concerned about the program that its vice president, Allen P. Stults, issued a statement describing the show's producers as "intellectually dishonest fanatics." Mr. Stults added a few other uncomplimentary remarks about the show and his attitude is obviously a reflection of the banking industry's horror about having its activities detailed on the television screen.

It appears that it was common practice for these noncommercial educational channels to call in the bankers to view the show before it went on the air. In Washington, the American Bankers Association received an opportunity to view the show some days prior to its appearance on any channel. It is interesting that these channels decided that it was important to have only the bankers invited to view the show prior to its release. The very title of the show, "Banks and the Poor," indicates that there were at least two sides presented in the film and it is surprising that only one side—the banks—was invited to these special previews. This would indicate something less than an objective view of the issues raised in the film by the various program directors of these noncommercial channels. Why did they consider it so important to receive advice

and counsel from the banks and no one else involved in the show?

Mr. Speaker, I commend the NET network and its producers for having the courage to present a honest show on banking. They can now expect to be attacked and smeared by various banking spokesmen. Any critic—any serious critic—of the banking industry can expect such attacks. It is not necessary to endorse every detail of the NET show to say that banking and its relation to the people should be discussed fully on the Nation's radio and television networks. In many respects, I wish the show had been stronger in presenting the shortcomings of the big banks, but, the mere fact that these issues were raised is highly beneficial to the public interest. To their great credit, many television critics—particularly, Jack Gould of the New York Times, John O'Connor of the Wall Street Journal, and Lawrence Laurent of the Washington Post—placed the program and its bank critics in the proper context.

Seldom are banking issues presented in the newspapers or on the television screens as issues which actually affect people. Many newspaper financial pages present an analysis of banking news through the simple expedient of interviewing a half-a-dozen bankers with an occasional economist and/or stock analyst thrown in along with the ever-present "Government experts."

The NET show went beyond this age-old news formula and indicated that there are real, live, flesh-and-blood people on the receiving end of the policies set by the big banking institutions. Such coverage of the financial community is revolutionary and it must be shocking not only to the banks but to many of the writers for the business and financial pages.

For many years, I have attempted to encourage a wider discussion of the issues surrounding the financial community. I have always felt that a full and free discussion of these issues would result in beneficial reforms of the banking system. The people have never had the full facts on which to demand a change in the policies of the financial institutions.

Last June, I wrote the three major commercial networks pointing out shortcomings in their coverage of banking and economic news. I received courteous, but, generally unresponsive, answers from all three networks. Mr. Speaker, I insert in the RECORD copies of this correspondence:

JUNE 5, 1970.

MR. RICHARD SALANT,  
President, CBS News Division,  
New York, N.Y.

DEAR MR. SALANT: For many years, I have been deeply concerned by the general absence of economic news on the major television and radio networks. These are issues which touch the lives of every single citizen of the nation, but they are given only the most surface treatment on most news programs and little or no attention on the longer special news programs.

Today, with unemployment soaring, with interest rates at tremendously high levels, and with inflation still apparent, the economic issues become even more important.

The so-called "experts," particularly those representing the special interest groups, attempt to paint these issues in complex terms and to discourage full popular discussion. As a result, too often the networks, and the newspaper columnists, limit themselves to reporting of economic statistics and "informed experts'" opinions.

For example, in recent months, interest rates have climbed to their highest levels in more than one hundred years. Virtually every American family has been caught in this interest rate squeeze, and for many, the high interest rates have actually forced a major change in their style of life. Yet I am not aware of a single network news program devoted to an in-depth analysis of the causes of high interest rates, and their effect on the economy and the individual citizen. Fewer events have had greater impact and less discussion on the radio and television news programs.

Many of the subjects in the banking, monetary, and economic fields cannot be adequately dealt with on spot news programs and this makes the needs for special news programming even more imperative. In making this request to you, I want to emphasize that I am not urging any particular viewpoint on the networks and their commentators; rather I am asking for a full discussion of all sides and all facets of the monetary and fiscal issues before the nation.

Today, the American public makes up its mind on these issues in a vacuum with only the most limited information from the popular news mediums such as television and radio. The newspapers relegate much of this same news to "financial pages", apparently in the opinion that only businessmen and bankers are affected by the economy.

I urge you to re-examine your news policy and to place a greater emphasis on banking, monetary, fiscal, and general economic programs and to make every attempt to explain them in terms which will make them meaningful to the general American public. I urge that you insist that all opinions be expressed on these programs and not just those of the "experts" and special interest organizations. I urge that the Administration's views of the economy be balanced with opinions and facts of those of us who hold contrary positions. In addition to the spot news programs, I urge that you devote a certain amount of public affairs programming to fuller explanations of the economic issues of the day.

This letter is not meant to be critical of the networks' news policies, but as an attempt to point out an area which I think could be vastly improved. In writing, I realize the great pressures and demands on the networks and I do not count myself among those officials who would use their public position to unfairly criticize the networks for political purposes. I write this in recognition of the tremendous good that the news networks could do in this area.

With best regards, I am,  
Sincerely,

WRIGHT PATMAN.

AMERICAN BROADCASTING CO.,  
New York, N.Y., June 18, 1970.

HON. WRIGHT PATMAN,  
Member of Congress,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN PATMAN: Thank you for your letter of June 5 expressing your concern over what you feel is the general absence of economic news on the television and radio networks.

Permit me to acquaint you with the situation at ABC News. We have on our staff a senior correspondent whose assignment is the general area of business, industry and labor news which includes, of course, the role of the government. He is Louis Rukeyser, our Economic Editor. He took up this assignment

a year and a half ago after a distinguished career as a foreign correspondent in London, Paris and New Delhi.

Besides reporting news stories in the economic sphere as they develop for ABC's Evening News with Frank Reynolds and Howard K. Smith, Rukeyser is the commentator on three radio broadcasts per week on the ABC Radio Networks. Twice a week he delivers a commentary for our syndicated news service which goes to one hundred local stations across the country. As you can see, he has a busy schedule especially so because the economy is so important a part of the news budget these days.

Over the past broadcast season, ABC News has presented four programs dealing exclusively with the economy: three with Sylvia Porter and one entitled "The Great Dollar Robbery: Can We Arrest Inflation?" Rukeyser played a principle part in producing and broadcasting all four.

Our weekly interview program, Issues and Answers, has concentrated on the economy on at least two occasions since August. Guests included Treasury Under Secretary Charles Walker and Jenkin Lloyd Jones, President, U.S. Chamber of Commerce.

The purpose of this recitation is not to take issue in any way with your basic point that these economic issues touch the lives of every single citizen of the country but rather to persuade you that the record so far as ABC is concerned is better than you thought.

I can assure you that we shall continue to give economic news the attention you so correctly point out it deserves.

Sincerely,

WILLIAM SHEEHAN.

NBC NEWS,

New York, N.Y., June 22, 1970.

HON. WRIGHT PATMAN,  
U.S. House of Representatives,  
Washington, D.C.

MY DEAR MR. PATMAN: Thank you for your letter and very pertinent observations on the coverage of economic news by the television and radio networks. With President Nixon's address on the economy this week—and your own involvement in the reaction to the President's message, including an interview broadcast on NBC—the subject is a timely one and I certainly agree that it is important.

The problem of reporting and analysis of economic trends in the news media—including television—is a very difficult one and we are concerned about it. As we both know, the nature of most banking, monetary and economic news is such that it requires detailed and often extensive background information. This is hard to deal with in terms of a medium like television which must make its points quickly and its appeal broadly. A general audience is not inclined to give economic discussion prolonged attention, in any medium. Special interest publications can tailor their subject matter to select audiences, but there is no such thing as special interest television. This is not to say that electronic journalism has to downplay business and economic views. I don't think we do.

Actually, NBC News has been giving an increasing amount of time and attention to the nation's economy and the policies effecting it. As you probably are aware, Paul Duke and John Masterman in NBC News' Washington Bureau have been turning in some solid reports on lawmaking and the economy. NBC's regular news and quite a few public affairs programs have, I feel, been making better use lately of business and economic information. Exclusive of our network news programs, NBC News Program Service, a daily feed to television stations affiliated with NBC, includes a regular business and economic report out of Washington by NBC News Reporter William Littauer.

This report gives many stations an opportunity to use in their own local programs economic news they would not otherwise have.

On the NBC Radio Network, two business reports are carried daily, one focusing on business trends, the other recapping the day's important business and market developments. On weekend "Monitor" programming, business and economic subjects are often given feature treatment, and starting next September, Edwin Newman will anchor three new weekend segments rounding up the week's business and financial news. I believe we are making progress, and I hope you agree.

Sincerely yours,

REUVEN FRANK.

CBS NEWS,

New York, N.Y., June 16, 1970.

HON. WRIGHT PATMAN,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN PATMAN: I have your persuasive letter of June 5. All of us here at CBS News agree with you about the increasing importance of economic news, and we have every intention of trying to deal more adequately with this vital and overriding series of subjects. I would point out however that, as you note, the subject is exceedingly complex and unfortunately the time available is quite limited. Further I would point out that while we in radio and television hate to admit that there is nothing that we can not do better than anybody else, there are some types of stories—including certain aspects of the economic story—that lend themselves better to print treatment simply because one can read and reread sentences and paragraphs but a viewer and listener cannot do that for radio and television expositions.

Having said that, I would note that we have not neglected the subject matter. In the last year, we have had the following interview guests on our major interview segment on The Morning News With Joseph Benti: Dr. Walter Heller, June 24, 1969. Virginia Knauer, July 8, 1969. Hillary Sandoval, July 30, 1969. Dr. Leonard Silk, Specialist, International Monetary Matters, August 12, 1969. Dr. Pierre Rinfret, August 26, 1969. Leon Keyserling, October 24, 1969. Murray Weidenbaum, Assistant Secretary, Treasury, November 24, 1969.

Dr. Pierre Rinfret, December 15, 1969. Raymond Lapin, Federal National Mortgage Assn., December 18, 1969.

Arthur Okun, January 9, 1970. Professor Milton Friedman, February 2 and 3, 1970.

Walter Heller, March 11, 1970. Louis Kelso, March 17, 1970. Dr. Pierre Rinfret, April 29, 1970. Dr. Charis Walker, May 26, 1970. James H. Combes, May 27, 1970. Gerald M. Loeb, Wall St. Market, specialist, June 5, 1970.

On our Face the Nation series, we have had Maurice H. Stans, Arthur Burns, David Kennedy, Senator Proxmire, George P. Schultz, and Robert Haack, President of the New York Stock Exchange. In recent years we have also broadcast these documentaries or segments of documentaries:

"IOU \$315,000,000,000"—dealing with the growth of personal indebtedness and consumer credit;

"Inflation! Passing the Buck"—dealing with the impact of rising prices on an American family;

"The Gold Rush of '68"—a report on the gold crisis in the United States;

"The International Money Game," "The Welfare Mess," "The Negative Income Tax," and "Wichita Unemployment"—with Adam Smith;

I would also note that we have a series of nightly five-minute broadcasts on the CBS Radio Network entitled "The Business Report."

With best wishes.

RICHARD SALANT.

Following the NET show last week, a group of television producers and executives discussed the problems of presenting documentaries on television. Appearing on WNYC-TV in New York, Stephen Fleischman, a producer for the American Broadcasting Co., made some very revealing admissions. I commend Mr. Fleischman for his candor.

In reviewing the discussion, the New York Times states:

Mr. Fleischman noted that no commercial network would attempt a documentary on banks for the simple reason that banks buy a great deal of television time.

It should be noted that the advertising budget for the commercial banks exceeds one-half billion dollars annually.

Mr. Speaker, the almost total blackout of the real facts about the banking industry is a serious problem. It is a problem that affects attempts in the Congress to legislate on banking issues. It is no wonder that the shortcomings and the problems of the banking community go unnoticed and it is no surprise that the banking pressures carry such great weight in this information vacuum.

Mr. Speaker, I insert in the RECORD a series of television reviews from the New York Times, the Washington Post, and the Wall Street Journal:

[From the New York Times, Nov. 10, 1970]

TV: "THE BANKERS AND THE POOR" RAISES ISSUES

(By Jack Gould)

Public broadcasting should stop having the jitters. Morton Silverstein's documentary entitled "The Banks and the Poor" was a job well worth the doing for nonreaders of The Wall Street Journal. Bankers may have some legitimate reservations about the television study of credit policies of the banking industry, but for the layman the program was a fine and laudable example of pinpointing crucial economic practices that require wide discussion.

Special kudos goes to "The Banks and the Poor" for meeting head on the issue of conflict of interest in Congress. Thanks to an earlier study by a special ethics committee of the Association of the Bar of the City of New York, the program ran off the names of Senators and Representatives who have bank connections yet have voted on bank legislation.

As noted by the committee chairman, Louis M. Loeb, who has devoted a lifetime to fighting for scrupulous standards of public service, it isn't relevant that the cited members of Congress may not have voted for their personal interests. Such a possibility should never even be allowed to exist in the public mind. Naturally, Mr. Loeb could not resist citing a precedent for his argument: Plato.

Mr. Silverstein made a minor mistake. He ran the list of Congressional "screen credits" a little too fast. Investigative reporting requires a different film speed from that of the usual crawl listing creative people involved in a show.

The program on "The Banks and the Poor" was seen last night on Channel 13. Before the showing the Public Broadcasting Service unwisely cautioned its 180 noncommercial affiliates that there might be protests. Such a step is not likely to put more spine in timid stations, and those that do not carry the program will have some accounting to do.

If local bankers should protest, the solution lies in putting them on the air to answer Mr. Silverstein, not in dropping the program.

"The Banks and the Poor" explored the extent of the efforts of the banking industry to aid low-cost public housing, chiefly in the form of a colloquy between two veteran adversaries, David Rockefeller, chairman of the Chase Manhattan Bank, and Representative Wright Patman, the Texas Democrat who is chairman of the House Banking and Currency Committee.

Mr. Rockefeller defended the bank industry's record and as expected drew the scorn of Representative Patman. In this sequence Mr. Silverstein showed how TV can register a point so differently from other media. He showed first a luxurious gambling resort in the Bahamas for which Chase arranged the financing, then, by contrast, ghetto conditions.

Perhaps either Mr. Rockefeller or Mr. Silverstein was at fault in not elaborating more specifically on the comparison. It seems a safe layman's guess that Chase Manhattan must be a diversified operation and that a successful transaction in the Bahamas might have a bearing on the success of different activities elsewhere. But here was a demonstration of the program's usefulness: it whether the appetite of laymen to know more.

Certainly, Mr. Silverstein did document the role of banks in lending support to finance companies that charge exceptionally high interest rates to poor people with little or no conventional collateral. The program was fair in quoting executives who said there was nothing illegal about the procedure in many states. But again the program left no doubt that the problem needs urgent Federal and state review.

"The Banks and the Poor" dealt with great effectiveness on the shocking practice of dishonest salesmen contracting to perform a service and then selling the contract to a bank. If the salesman even skips town, the victim still owes the full amount to the bank. Surely, bankers cannot defend this practice. Couldn't self-regulation clean up the matter without waiting for a change of law? Such is the peculiar impact of TV; it invites many innocent questions.

Mr. Silverstein gave a hearing to bankers against whom there were complaints, but undoubtedly some financiers will feel they were unfairly treated. If so, the banking world may wish to revise its own concept of public relations in the television age and learn to live with the tube. Bankers should welcome the development because they have something in common with all viewers: an interest in money. At 8:30 P.M. Friday on "Another Look," Mitchell Krauss will have guests on Channel 13 to review last night's show. The worst might lie ahead for Mr. Rockefeller; a night as a TV critic.

[From the Washington Post, Nov. 7, 1970]

TV SHOW ON BANKS AROUSES PROTEST

(By Jan Nugent Pearce and Lawrence Laurent)

A controversial TV documentary called "Banks and the Poor" has sparked a protest from the Texas Bankers Association to all five of that state's educational television stations.

All the stations confirmed in telephone interviews last night receipt of a letter from a Texas Bankers Association official suggested that the programs unobjective treatment of banking did not present a true picture of financial institutions in that state.

Three of the stations—in Houston, Dallas and College Station—said last night they planned to run the program as originally scheduled. Austin-San Antonio's KLRN has postponed it, and Lubbock's KTXB has decided not to run the documentary.

Broadcasters identified the letter's author as Sam Kimberlin Jr., executive director of

the Texas Bankers Association. He could not be reached for comment last night.

"Banks and the Poor" is a one hour documentary, written and produced by Morton Silverstein of National Educational Television (NET). It concentrates on financial institutions in New York, Philadelphia and Washington, D.C. and their work in three areas: housing, personal loans and consumer credit.

William J. McCarter, vice president and general manager of WETA-TV (Channel 26) said that his staff saw the program on closed circuit and advised him that he had "better take a look." It is scheduled for 9 p.m., Monday. McCarter said he didn't know when a decision would be made on whether to telecast it.

Both Hartford Gunn, president of Public Broadcasting Service (PBS) in Washington and William Kobin, vice president for programming at NET in New York, said that they had received "no protests" about the program.

Robert Schenkken, KLRN station manager, explained that his station had postponed the scheduled Monday night showing to take a closer look at the written transcript. There are a few things in the film that at first glance may appear "unfair and confusing," he said.

Schenkken explained that TBA executive director Kimberlin had seen the film Friday morning in a preview showing at the station. He pointed out that two examples cited in the program are already illegal under Texas law, Schenkken said. These are garnishing of wages and enforced sale of a home to repay a debt.

Schenkken said Kimberlin had made the only protest, but said the show might have been postponed even without his criticism. There have been several programs which his station has not chosen to run, Schenkken explained.

John Henson, program director at KTXB-TV, Lubbock, said a decision not to telecast the program was made before a letter arrived from the Texas Bankers Association. He said that he and station manager D. M. McElroy invited local bankers to watch the closed circuit feed. "They wouldn't tell us not to run it," Henson said. "They felt it was a station decision."

"I thought it was a little biased as far as Texas is concerned."

The American Bankers Association was refused permission by NET to get an advance screening, but three ABA officials saw it last week at a semiprivate preview showing by the Corporation for Public Broadcasting here.

ABA public affairs director George Kelly said his organization had not asked to attend the CPB screening, and CPB officials were unclear about who had invited ABA or why. Kelly said his organization had made no protest at that time and did not intend to make one now.

[From the Washington Post, Nov. 9, 1970]

"BANKS AND THE POOR"

(By Lawrence Laurent)

"Banks and the Poor" is a controversial one-hour documentary containing charges that financial institutions are failing to help people of our ghettos. It is scheduled to be telecast tonight (9 p.m., Channel 26) on most of the 190 stations that belong to the Public Broadcasting Service (PBS) network.

Educational TV stations in Texas received a letter last week complaining about the program. The letter came from an official of the Texas Bankers Association. Three of the five stations—in Houston, College Station and Dallas—have announced the program will be telecast. A station in Lubbock decided not to carry the program and said the decision was reached before receipt of the letter. The head of a non-commercial station in Austin-San Antonio postponed the telecast for later decision.

"Banks and the Poor" is the work of writer-producer Morton Silverstein, and is part of his continuing studies of the economic plight of the poor. His previous productions have included "The Poor Pay More," "Justice and the Poor" and a study of migrant farm workers, "What Harvest for the Reaper."

At one point banks are accused of having "helped perpetuate slum conditions." At another, banks are blamed for the high interest rates charged by loan companies. At still another, the bank winds up as "the holder-in-due-course" of a home improvements mortgage and collects for shabby workmanship.

"Banks and the Poor" is an emotion-charged documentary. Late in the hour, for example, a list of 98 Congressmen "with bank holdings or serving as directors" rolls on the screen. The background music for this list is "The Battle Hymn of the Republic."

The hour closes with a list of recommendations that "might enable an affluent nation and its banking industry to better serve the needs of the poor."

William Kobin, vice president for programming at National Educational Television (NET), says he is satisfied that the facts in the program have been verified. Certainly, every appearance of balance is maintained with film footage given to David Rockefeller, chairman of the board of Chase Manhattan Bank and to Nat Rogers, president of the American Bankers Association.

[From the Wall Street Journal, Nov. 9, 1970]

#### TV: TAKING ISSUE WITH BANKS

(By John J. O'Connor)

Investigative journalism on television is dead, sayeth the critics. Yes, they add, there is the occasional broad treatment of a broad area such as drug abuse, but the hard-hitting, specific attack is a thing of the past.

Well, the critics, and all other interested parties, might tune in this evening to a National Educational Television documentary called "Banks and the Poor" (in most areas it will be shown at 9 o'clock). Produced and directed by Morton Silverstein, the program takes pointed issue with the credit policy of the banking industry and David Rockefeller's contention that "the banking industry has paid special attention to the needs of the disadvantaged."

Most of the targets are familiar to students of banking operations, especially through the long-time critiques of Rep. Wright Patman (D., Texas), chairman of the House committee on Banking and Currency. Mr. Patman appears on the program, dealing point by feisty point with the arguments of Mr. Rockefeller, chairman of Chase Manhattan Bank. The targets are not familiar, however, to the general public, and therein lies the awesome power of the mass medium of television.

Opening with Ginger Rogers and a Busby Berkeley chorus line conspicuously consuming their way through the song "We're in the Money," the documentary takes aim at four general aspects of contemporary banking. There is the bank and conditions in the slums, the bank and the poor man applying for a loan, the bank and the consumer trapped in the "holder in due course" doctrine, and the Washington banking lobby and the question of possible conflict of interest for elected officials who are shareholders or directors of banking institutions.

While the program obviously is not out to praise bankers, neither does it try to portray them as scheming ogres. In all cases where particular banks are involved, they are permitted to give their side of the case. The question becomes one not of insidious overall policy but of, for lack of a better word, insensitivity.

No doubt many banks are insensitive; it's a falling they share with other large and often bureaucratic institutions, governmental as well as private. Bankers, however, are a great deal more sensitive to social problems than they were a decade or two ago. And

there remain questions as to just how far a bank either can or should go. Banks, after all, are dealing with money that belongs not to them but to their depositors, and a primary obligation is to see to its safety.

The television program, for example, focuses on the \$100 million promised with great fanfare by 80 banks for the redevelopment of New York's Bedford-Stuyvesant section. A couple of years later a total of \$8 million has been invested, with Chase's share at \$700,000.

Performance appears to have fallen far short of promise, and yet it is possible that there simply weren't enough projects in the area that were economically feasible. Mr. Rockefeller, at any rate, insists that Chase is "eager to put the money out if the opportunities present themselves." That comment doesn't appease a bank critic such as Mr. Patman, who notes that in the same period Chase was able to arrange substantial financing for very profitable gambling casinos in the Bahamas.

The program also deals with the fact that banks reject many loan applicants who then turn to small loan companies where they must pay much higher rates. The loan company gets much of its capital from the banks, and relieves the banks of much time-consuming paperwork. It's always been true that the man who can get a bank loan most easily is usually the man who needs it least.

Probably many banks are too restrictive, but excessive liberality would endanger the solvency of the banking system.

Another target of the program is the arrangement that permits a dishonest merchant to contract to provide a service and then sell the contract to a bank. If the service proves defective, or even if it isn't provided at all, the bank can legally insist that the customer pay anyway while it assumes no responsibility for the service or product.

In this area the law should be changed to require the banks to assume responsibility, with the banks having recourse against the merchants.

These and other problems are vividly illustrated in "Banks and the Poor" via interviews, hidden cameras and tape recorders, and on location films of slums in New York, Philadelphia and Washington. Near the close the program runs off a (pre-election) list of 98 Senators and Representatives who are shareholders or directors of banking organizations. There is no charge of conflict of interest, but the point is made that "there could be an appearance of conflict to the public which could undermine trust in its legislators." The question is hardly resolved; it is pertinently brought up for debate.

Debate can be healthy, in this as in other areas. The bankers themselves have a heavy stake in improving their services to the community and curbing dubious practices. For them and for others, "Banks and the Poor" is well worth a look.

#### CHILDHOOD LEAD POISONING— THE SILENT EPIDEMIC

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on October 5, the House passed H.R. 19127, the Lead-Based Paint Elimination Act of 1970, under suspension of the rules.

This legislation provides for Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and to detect and treat victims of this silent epidemic.

Lead poisoning is a serious childhood disease which strikes children between

the ages of 1 and 6 in our Nation's inner cities, where housing often dates from before World War II.

This environmental disease has raised a great deal of concern in the Nation recently. H.R. 19127 is a result of this concern.

In March of 1969, I introduced a package of three bills aimed at alleviating the disease. In the following months 30 other Members of the House either cosponsored my legislation or introduced similar bills. Several bills were also introduced in the Senate.

H.R. 19127 contains many provisions of my bill, H.R. 9191, the Lead-Based Paint Poisoning Elimination Act of 1969, and H.R. 9192, the Lead-Based Paint Elimination Act of 1969.

On November 8, the Surgeon General, Dr. Jesse L. Steinfield, released a statement "Medical Aspects of Childhood Lead Poisoning," which creates public guidelines to assist cities and localities in the detection, treatment, and prevention of lead poisoning.

The Lead-Based Paint Elimination Act must be passed before the end of the year. The legislation is presently before the Health Subcommittee of the Senate Labor and Public Welfare Committee. I urge members of the subcommittee, the full committee, and all Members of the Senate to do whatever they can to see that this legislation becomes law before the end of the session.

Lead poisoning is not a political issue. It is merely an issue of whether or not little children are going to continue to become ill enough to be mentally retarded, have cerebral palsy, brain damage, and maybe even die.

I am inserting in the RECORD two items that deal with this health problem. One is the "Medical Aspects of Childhood Lead Poisoning," which is the Surgeon General's report. The other is an article from the September 24, 1970, New England Journal of Medicine entitled "Lead Poisoning—the Silent Epidemic" written by Dr. Edmund O. Rothschild of the Sloan-Kettering Institute.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE PUBLIC HEALTH SERVICE

##### MEDICAL ASPECTS OF CHILDHOOD LEAD POISONING

The U.S. Public Health Service recommends that screening programs for the prevention and treatment of lead poisoning (plumbism) in children include all those who are 1 to 6 years of age and living in old, poorly maintained houses. Children exposed to other special local conditions involving lead hazards also should be screened.

Lead-based paint was commonly used for interior purposes until the 1940's, when it was largely replaced by titanium-based paint; therefore, children living in dilapidated or obviously deteriorating houses built prior to that time are to be given particular attention. Children who frequently visit such neighborhoods—homes of baby sitters, relatives, and playmates—also should be included in screening programs. Today lead-based paint is still used to some extent for the exteriors of dwellings and this potential source of exposure to lead should not be overlooked. Children at risk should be screened periodically during the years 1 to 6, and longer if indicated.

The prime goal of screening programs is the prevention of lead poisoning. The prevention of plumbism can be achieved through the early detection of children with undue absorption of lead, followed immediately by

remedial action before the state of overt poisoning is reached. Consequently, screening programs should not be limited to the detection and treatment of children with lead poisoning. To be effective, such programs must also include adequate plans for medical follow-up of those children screened and found to have high levels of lead absorption, as well as those diagnosed as having lead poisoning. For all of these children, the program must provide for adequate and speedy removal of lead hazards from their homes.

In children, the determination of blood lead, even with its pitfalls, is generally considered the most reliable of the many biological tests or indices of lead exposure and absorption. *The U.S. Public Health Service, therefore, recommends that blood lead determinations be used in screening children for the detection of lead poisoning and excessive absorption of lead.*

Various studies have reported that the median concentration of blood lead in both adults and children in the urban population—without undue exposure to lead—ranges from 16 to 27 micrograms per 100 milliliters of whole blood.<sup>2, 3, 4, 5, 6, 7</sup> The normal range of blood lead is stated to be 15 to 40 micrograms per 100 milliliters of whole blood.<sup>3, 4, 5</sup>

*Until future studies indicate otherwise, it is recommended that a blood lead concentration of 40 micrograms or more per 100 milliliters of whole blood (as validated by the dithizone technique), determined on two separate occasions, be considered evidence suggestive of undue absorption of lead, either past or present. It is essential that the current degree of exposure be determined in children who present such evidence. Since 90 percent or more of the measured lead in blood is attached to the red blood cells, seemingly low blood levels in children with anemia may be misleading.*

In some cities, undue exposure to and absorption of lead among children may be so prevalent that an overwhelming number of those screened are found to have blood lead values of 40 micrograms or more per 100 milliliters of whole blood. Under such circumstances, local resources may not permit immediate evaluation of all such children, and a schedule of priorities will have to be adopted. Programs with inadequate facilities or inadequate financial support may, in their initial phase of operation, give priority to children with blood lead values of 50 micrograms or more per 100 milliliters of whole blood. Among children with blood lead values of 40 to 49 micrograms per 100 milliliters of whole blood, the 1 to 3 year olds should be given priority. This age group comprises approximately 85 percent of the reported cases of plumbism and it also has the highest mortality rate from this disease.

This schedule of priorities is permissible only in the initial phase of operation of programs with limited resources. All programs that adopt such a schedule should plan to expand their operation systematically so that 2 years after the programs have come into existence all children with undue absorption of lead or with lead poisoning will be given adequate care.

#### CHILDREN WITH BLOOD LEAD VALUES OF 80 MICROGRAMS OR MORE PER 100 MILLILITERS OF WHOLE BLOOD

*The U.S. Public Health Service recommends that all children found to have a blood lead concentration of 80 micrograms or more per 100 milliliters of whole blood, regardless of the presence or absence of clinical symptoms or of other laboratory findings, be considered as unequivocal cases of lead poisoning and that they be handled as medical emergencies. They should be hospitalized immediately for chelation therapy. This em-*

phatic recommendation is made because the risk of acute lead encephalopathy in this group is great, the onset of the disease is unpredictable, and its course is fulminant. If encephalopathy develops, at least 40 percent of these children will sustain severe and permanent brain damage.<sup>9</sup> Treatment prior to the onset of encephalopathy may improve this grim prognosis.

#### CHILDREN WITH BLOOD LEAD VALUES OF 50 TO 79 MICROGRAMS PER 100 MILLILITERS OF WHOLE BLOOD

*All children who in screening programs are found to have blood lead values of 50 to 79 micrograms per 100 milliliters of whole blood should be referred immediately for evaluation as possible cases of lead poisoning. Physicians in charge of such evaluation have the responsibility for making a diagnosis of lead poisoning in these children. Symptoms of lead poisoning—such as abdominal pain, anorexia, constipation, and those of central-nervous-system (CNS) origin—are frequently absent in this group of patients. If any of these symptoms are present and cannot be explained otherwise, the diagnosis of lead poisoning should be considered.*

In the absence of clinical symptoms, the following tests are helpful in suggesting a diagnosis of lead poisoning. *The U.S. Public Health Service recommends that those whose blood lead values are in the range of 50 to 79 micrograms per 100 milliliters of whole blood on two successive tests be considered suggestive cases of lead poisoning if they have any of the following conditions:*

1. Urinary excretion in 24 hours of more than 1.0 micrograms of lead per milligram of Ca-EDTA administered intramuscularly at a dose of 50 milligrams per kilogram of body weight—the total dose not to exceed 1 gram of Ca-EDTA;<sup>10, 16</sup>
2. Serum delta-aminolevulinic acid (ALA) level of greater than 20 micrograms per 100 milliliters of whole blood using the Haeger-Aronson method;<sup>11, 12</sup>
3. Urinary output of coproporphyrin greater than 150 micrograms per 24 hours;<sup>13</sup>
4. Urinary output of delta-aminolevulinic acid greater than 5 milligrams per 24 hours;<sup>14</sup>
5. The presence of basophilic stippling of red blood cells, "lead lines" in long bone x-rays, or a strongly positive urine spot test for coproporphyrin<sup>15</sup> may be considered indicative of lead poisoning when laboratory facilities for making the tests designated above are not available.

It is emphasized that while only positive findings are significant, negative findings do not rule out the possibility of lead poisoning. Knowledge and technology related to lead and its effects on human beings is rapidly advancing and the future is sure to hold more accurate and simpler biological indices of increased lead exposure and toxicity. The U.S. Public Health Service stands ready to modify the above recommendations when future research so indicates.

*Children whose blood lead values fall in the range of 50 to 79 micrograms per 100 milliliters of whole blood and who are not diagnosed as suffering from lead poisoning should be closely followed and supervised. Determination of blood lead values at monthly intervals at the very least is recommended, particularly in the summer. Sources of hazardous lead exposure should be identified and promptly brought to the attention of the appropriate local government agency for corrective action.*

#### CHILDREN WITH BLOOD LEAD VALUES OF 40 TO 49 MICROGRAMS PER 100 MILLILITERS OF WHOLE BLOOD

*Where resources permit, all children who in screening programs are found to have blood lead values of 40 to 49 micrograms per 100 milliliters of whole blood should be recalled immediately for evaluation. This*

*evaluation should include another determination of blood lead and inquiry concerning pica and the child's current exposure to lead in his home and in the homes that he frequently visits. Exposure may be significant even in the absence of a history of pica since parents may be unaware of such ingestion, or unwilling to admit it. X-ray of the abdomen is useful in confirming current or recent ingestion of lead.*

*Children whose blood lead values in repeated tests fall in the range of 40 to 49 micrograms per 100 milliliters of whole blood, and who—according to the evidence of their histories—are no longer exposed to lead hazards, do not need to be followed for continued evaluation. For example, those who live in new housing projects, and who do not frequently visit homes with lead hazards, are presumed to be no longer exposed.*

*Those who continue to be exposed to lead hazards in their homes, or elsewhere, should be closely followed, with determination of the level of blood lead at least every 6 to 8 weeks. Closer supervision in the summer months is advisable, particularly among children under 3 years of age. Where possible, determination of blood lead should be made at 4-week intervals in the summer. Dwellings identified in screening programs as potential sources of lead hazards should be brought promptly to the attention of the local government agency responsible for enforcing housing codes and regulations so that proper corrective action may be taken.*

#### TREATMENT AND FOLLOW-UP OF CHILDREN WITH LEAD POISONING

*All children who are diagnosed as having lead poisoning should be:*

1. Treated immediately;
2. Removed from the source of lead exposure at home or in any other environment—until proper corrective action has been taken to eliminate the hazards;
3. Carefully followed until 6 years of age or longer, if indicated, in order to prevent repeated lead exposure and poisoning;
4. Given adequate neurological and psychological assessment at the time of diagnosis and in ensuing years to detect at an early stage any neurological or behavioral deviation, including minimal brain damage, so that proper therapy and school placement can be instituted; and
5. Given additional clinical and laboratory evaluation, when indicated, to assess other sequelae of lead poisoning, such as renal, myocardial, and metabolic disorders.

The treatment and follow up recommended can best be accomplished through development of centers designed specifically for the treatment and evaluation of children with lead poisoning, and integrated into planned or existing community facilities for comprehensive care. Careful medical follow up throughout the preschool years is necessary because of the ubiquity of lead paint in old, deteriorating housing and the persistence of pica in many young children once the habit has been established.

#### REMOVAL OF LEAD HAZARDS FROM THE CHILDREN'S ENVIRONMENT

*Sources of lead must be removed from the environment of children who have lead poisoning or who have absorbed hazardous amounts of the poison into their blood. Immediate follow-up of these children should be initiated with the appropriate local government agencies—with reports on their dwelling units and on other suspect environments or sources of lead hazards—so that proper corrective action may be taken. In fact, effective medical care of children with plumbism is almost totally dependent upon prompt and thorough environmental hygiene to prevent a continuing buildup of lead in their bodies.*

## REPORTING LEAD POISONING AND LEAD ABSORPTION

1. Lead poisoning should be considered a disease that must be immediately reported to the local health department, when suspected or discovered.

2. All laboratories performing blood lead determinations should be required to report to the local health department the results of tests of blood samples having 40 micrograms or more per 100 milliliters of whole blood.

3. A uniform reporting form should be used to record information collected in screening programs in order to provide comparable data and meaningful statistics on the problem of excessive lead absorption and lead poisoning in children.

Approved October 12, 1970, by: Jesse L. Steinfeld, Surgeon General, Public Health Service.

For consultation and guidance in developing community programs to control childhood lead poisoning contact: Public Health Service, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Md. 20852 (301-443-4620).

## FOOTNOTES

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<sup>16</sup> Whitaker, J. A., *American Journal of Diseases of Children*, Nov. 1961, 102:779-80.

[From the *New England Journal of Medicine*, Sept. 24, 1970]

## LEAD POISONING—THE SILENT EPIDEMIC

Lead poisoning is a serious, sometimes fatal, illness of known cause, readily diagnosed and treated and completely preventable in most cases. The disease presents clinically with a continuum of rather nonspecific gastrointestinal symptoms (anorexia, constipation, nausea, vomiting or colic) or central-nervous-system symptoms (irritability, confusion, lethargy, coma or convulsions). It is often misdiagnosed initially unless the physician has a high index of suspicion. Routine laboratory studies, which may reveal anemia, basophilic stripping and "lead lines" in long bones, should serve as clues but are not invariably present, particularly in the more acute cases. Lead presumably exerts its deleterious effects by inhibiting essential enzyme systems. It has been shown to interfere with hemoglobin synthesis and specifically to block delta aminolevulinic acid ( $\delta$ ALA) dehydrase.<sup>1</sup> However, tests based on the finding of elevated urinary coproporphyrin or  $\delta$ ALA have not proved sufficiently reliable for diagnosis although they may be helpful in some cases. The diagnosis of lead poisoning is essentially based on the finding of increased whole-blood lead levels; values in excess of 40  $\mu$ g per 100 g are suspicious and 60  $\mu$ g per 100 g or greater are diagnostic. Treatment consists of the separation of the patient from the source of lead, supportive measures and in cases with marked elevations of blood lead or severe symptoms, treatment with chelating agents (BAL, calcium EDTA and penicillamine).<sup>2</sup> There is as yet no general agreement about a precise level of blood lead at which to initiate chelation therapy, and clearly this is an area demanding prompt definitive investigation. Similarly, a rapid, precise micro-method for the determination of blood lead is sorely needed, as well as investigation of alternative diagnostic approaches.

In their illuminating article in this issue of the *Journal*, Klein and his co-workers have called attention to the serious potential hazard of lead poisoning from ceramic glazes. As they point out, this problem has been recognized throughout recorded history, and its recurrence now may reflect more the alertness of the authors than a major increase in the prevalence of the disease. This comment in no way should minimize their important contribution but rather serves to reiterate the adage that those who do not learn from history are destined to repeat its mistakes. The question of who now has the responsibility to test and certify earthenware as safe for use with food remains unanswered. Furthermore, who will make available to those of us already employing such dishware a means of testing its safety? Apparently, the Lead Industry Association and the United States Pottery Association have initiated a program of testing and certifying commercially produced dinnerware, but this presumably applies only to domestic large-scale production.<sup>3</sup> These questions deserve prompt answers by the Food and Drug Administration. Beyond our national interest there is the equally serious question of education and safety standards in other countries, particularly Mexico, where large-scale daily use of such ceramics must pose a considerable danger.

As the authors have noted, lead poisoning in children is well known, being associated in this country almost exclusively with deteriorated housing, the defective walls and

woodwork of which provide a limitless source of ingestible old lead paint.\* Children between the ages of one and six constitute the majority of cases. Of those who present with encephalopathic signs and symptoms approximately a third have well documented permanent mental retardation, and many will require institutional care for life.<sup>4</sup> Aside from the shocking human tragedy, institutional care for life may cost society in excess of \$100,000 per child! In studies conducted in New York City, Chicago, Baltimore and Philadelphia over the past decade, 5 to 10 per cent of ghetto children in the age group from one to six years have been found to be poisoned, and in selected housing units frequencies as high as 20 per cent have been noted. In spite of these facts only a few cities have any rational approach to this silent epidemic. New York City, in response to relentless citizen and professional pressure, has developed the most serious effort to date to identify poisoned children. New York's blood lead screening is currently obtaining about 4000 samples a week. In an effort to prevent re-poisoning the City health code now requires repair of the child's apartment by the landlord (with tax-abatement incentive) and, failing his compliance, by the City's own housing department.

The screening program has been most effective in areas where efforts have been made to work closely with ghetto residents, including paid teen-age workers. Skepticism remains over whether the repair program will prove adequate to the increasing demand, and already serious delays are being encountered. It should also be noted that this major effort is directed at finding already poisoned children and in no way effectively deals with the problem of prevention of poisoning in families not yet affected. Yet New York's efforts are probably the best in the country. An as yet unpublished study recently concluded by the New York Scientists Committee for Public Information reveals that in only seven of 50 states and six of 30 major cities is lead poisoning a reportable disease. This study found only two states and seven cities with screening programs, and three of these cities have only pilot programs. This observation may be considered against a background of crude estimates in excess of 200,000 currently poisoned children in this country!

Failure to attack this epidemic seriously is a national disgrace.<sup>5</sup> One cannot help noting the fact that the great bulk of affected children are poor and nonwhite. The charge of genocide by neglect has already been leveled against the health profession regarding this situation. This charge cannot be readily dismissed. The problem of lead poisoning in ghetto children will not be solved until we deal with our failure to provide truly comprehensive family care with an emphasis on preventive medicine for all our citizens. Furthermore, in this particular instance of hazardous urban pollution we must reconsider our current attitudes toward housing, which here is clearly the epidemic vector. The solutions will of necessity be radical, but we are dealing with a major epidemic. It would be a beginning for those reading this editorial to explore what their hospital and community are doing about this epidemic made possible by shameful neglect. In this particular situation, it should be clear to all who call themselves health professionals that "if you are not part of the solution, you are part of the problem!"

EDMUND O. ROTHSCHILD, M.D.

## FOOTNOTES

\*After World War II, titanium oxide paint became competitive and to a large extent replaced lead-containing inside house paint.

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Footnotes at end of article.

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<sup>4</sup> Byers RK: Lead poisoning: review of the literature and report on 45 cases. *Pediatrics* 23:585-603, 1959

<sup>5</sup> Currently several bills in congressional committee are directed toward providing funds for lead-poisoning programs. These include HR9191, 9192, 11699 (Ryan), HR17027 (Green), HR17234 and 17260 (Barrett), and S3216 (Kennedy).

#### RICHARD HOFSTADTER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Richard Hofstadter, DeWitt Clinton professor of history at Columbia University, and twice a Pulitzer Prize winner, died on October 24 at the age of 54.

Dr. Hofstadter was one of our Nation's foremost historians—a man who viewed American history and politics in social and cultural terms rather than economic ones. His historical analyses were based upon concepts and methods used in sociology and social psychology.

During his lifetime, Dr. Hofstadter wrote 13 books. Two of these works won Pulitzer Prizes: "The Age of Reform," in 1955, and "Anti-Intellectualism in American Life," in 1964. His books were quite popular and several of them made the bestseller lists.

Dr. Hofstadter taught the history he analyzed in his books from 1942 until his death.

He briefly taught at Brooklyn and City Colleges, and in 1942 taught at the University of Maryland. During his 4 years at Maryland, he was given the Alfred A. Knopf fellowship, which allowed him to write his second book, "The American Political Tradition."

In 1946, he started his teaching career at Columbia University, where he had received his masters in 1938 and his Ph. D. in 1942. Six years later, he was made a full professor and 7 years after that, he was made DeWitt Clinton professor of history.

Dr. Hofstadter brought his interpretations of American historical and political events not only to students in the classroom but to many Americans, who might not have read books on history if it had not been for his readable and lively writing style.

Dr. Hofstadter's death is a great loss for those who love American history and for all Americans. His contributions to the field of American history and politics were great, and they will live indefinitely.

I include in the RECORD two obituaries which appeared after Dr. Hofstadter's death; one from the October 25 New York Times written by Alden Whitman and the other from the October 26 Washington Post by Martin Weil.

I also include an editorial which was presented on WCBS-TV on October 29, 1970:

[From the New York Times, Oct. 25, 1970]

RICHARD HOFSTADTER, PULITZER HISTORIAN, 54, DIES—AUTHOR OF 13 BOOKS RECEIVED PRIZES FOR 1955 AND 1964—NEW DEAL AND MCCARTHYISM AMONG HIS POLITICAL THESES

(By Alden Whitman)

Richard Hofstadter, one of the leading historians of American affairs, died yesterday of leukemia at Mount Sinai Hospital at the age of 54. He was DeWitt Clinton Professor of American History at Columbia University and twice a Pulitzer Prize-winner. He lived at 1125 Park Avenue.

Combining solid history with lively writing, he produced 13 books, several of them best-sellers. These included "The Age of Reform," which won a Pulitzer for 1955; "Anti-Intellectualism in American Life," a Pulitzer winner in 1964; and "The Paranoid Style in American Politics," issued in 1968. His most recent book, "The Idea of a Party System," was published last year.

Dr. Hofstadter was generally considered to be a political historian who borrowed heavily from the disciplines of sociology and social psychology and interpreted American politics in cultural and non-economic terms.

#### EXAMINED THE PRESENT

Many of his books and essays related to such contemporary phenomena as the New Deal, McCarthyism and the conservatism of Barry Goldwater.

His interpretations, however, frequently touched off disputes. One such was his thesis, developed in "Anti-Intellectualism in American History," that "throughout most of our political history the intellectual has been for the most part either an outsider, a servant or a scapegoat."

He suggested that "the democratic institutions and the egalitarian sentiments of this country" had contributed to a prejudice against intellectuals. He also indicated that mass education both fostered philistinism and emphasized technological culture at the expense of the values of the patrician elite.

Summarizing Dr. Hofstadter's views, Arthur M. Schlesinger, Jr., a colleague in history, wrote recently:

"'Anti-Intellectualism' conveyed Hofstadter's growing sense of the fatal ambiguity of democratic reform; the mistrust of the intellect had become 'a broadly diffused quality in our culture,' he concluded, '... because it has often been linked to good, or at least defensible, causes.'"

"This point applied not only to Jacksonianism but equally to Populism, which he described as 'a larger trend of thought stemming from the time of Andrew Jackson' and expressing 'the discontent of a great many farmers and businessmen with the economic changes of the late nineteenth century,' to be best understood 'not as a product of the frontier inheritance but as another episode in the well-established tradition of America entrepreneurial radicalism.'"

"Nor did this trend of thought stop in the 1890's. As he added in the introduction to 'The Age of Reform,' 'Populist thinking has survived in our time, partly as an undercurrent of provincial resentments, popular and 'democratic' rebelliousness and suspiciousness, and nativism.'"

#### COLLEAGUES ATTACK THEORIES

Dr. Hofstadter's ideas were vigorously attacked by his fellow historians. C. Vann Woodward, Norman Pollack and M. P. Rogin, among others, argued that the democratic and Populist tradition was not a looking backward and a longing for a lost Eden but essentially a forward-looking, liberal and intellectual phenomenon. The paranoia implicit in McCarthyism and Goldwaterism, it was contended, sprang from nativism and demagoguery rather than from egalitarianism.

Admirers and critics alike acknowledged Dr. Hofstadter's brilliance in handling big themes in American history and his ability to express himself in a crystalline and often aphoristic manner.

He himself shied away from saying that his historical views represented final judgments. "I offer trial models of historical interpretation," he once remarked, adding: "I function more as a historical critic."

The son of a Polish-born furrier, Richard Hofstadter was born in Buffalo on Aug. 6, 1916. (His uncle was Samuel Hofstadter, the late New York State Supreme Court justice.)

Richard's interest in American history was awakened by reading Charles and Mary Beard's "The Rise of American Civilization" while he was an undergraduate at the University of Buffalo. He was almost detoured from history, however, by his father's insistence that he study law. But he dropped out after a year in favor of graduate history study at Columbia, from which he got an M.A. in 1938 and a Ph.D. in 1942.

After teaching briefly at Brooklyn and City Colleges and at the University of Maryland, he received an Alfred A. Knopf Fellowship, which permitted him to write "The American Political Tradition," which followed his first book "Social Darwinism in American Thought." He returned to Columbia in 1946 and assumed the DeWitt Clinton chair in 1959.

#### MAN OF REGULAR HABITS

On the Morningside Heights campus, Dr. Hofstadter was described in a recent profile as "a man of regular habits, scrupulous discipline and insulated temperament [who] moves through life with a contained methodicalness that might dull a less lively intelligence." His social flair was limited, but he had a decided talent for mimicry.

A former graduate student, Richard Kostelanetz, in an essay on the historian, called him "a blue-eyed, graying, almost nondescript man" who wore clip-on bow ties and who was continually hitching up his sagging trousers." He added that Dr. Hofstadter was "gentle and shy in demeanor [and] tolerant by nature."

Dr. Hofstadter's first wife was Felice Swados, the sister of Harvey Swados, the novelist. Two years after her death in 1945, he married Beatrice Kevirt, who survives. He is also survived by Dan, a son of his first marriage; by Sarah K. Hofstadter, a daughter of his second union, and a sister, Betty Goodfriend.

A memorial service will be held Friday at 3 P.M. at the Columbia University chapel.

[From the Washington Post, Oct. 26, 1970]

HISTORIAN RICHARD HOFSTADTER, 54, DIES

(By Martin Weil)

Richard Hofstadter, 54, a sometimes controversial political historian who twice won the Pulitzer Prize, died of leukemia Saturday in New York.

Winner of the Pulitzer Prize for history in 1956 for "The Age of Reform," a study of populism and progressivism, Mr. Hofstadter won the prize for nonfiction in 1964 for "Anti-Intellectualism in American Life." He had been a teacher at Columbia University since 1946.

In the latter book, he developed the disputed thesis that during much of the nation's political history "the intellect has been for the most part either an outsider, a servant or a scapegoat."

Author of 13 books in all, Mr. Hofstadter emphasized the cultural rather than economic foundations of American politics and employed in his analyses methods and concepts borrowed from sociology and social psychology.

Borrowing from psychology, he introduced the term "paranoid style," to describe certain extreme forms of American political behavior that he said involved "heated ex-

aggeration, suspiciousness and conspiratorial fantasy."

He called it in a 1963 lecture "an old and recurrent phenomenon," manifesting itself in movements ranging from 19th century anti-Catholicism to 20th century McCarthyism and the "contemporary . . . right wing."

Although Mr. Hofstadter suggested that it was the nation's egalitarian philosophy that contributed to what he saw as prejudice against intellectuals, other leading historians disagreed.

They explained the paranoia that Mr. Hofstadter and others saw in some right-wing movements as the consequence not of egalitarianism, but of demagoguery.

Known for a clear, pungent literary style as well as for lively analysis of broad trends in American political life, Mr. Hofstadter was reputed to be a stimulating and challenging instructor.

At Columbia, where he was made full professor of history in 1952 and De Witt Clinton professor of American history in 1959, students recalled him as a graying, gentle, shy man given to regular habits and clip-on bowties.

Actively engaged in campus discussions and debates at Columbia during the troubled spring of 1968, he criticized the radicals for ruthlessness while agreeing with them on some issues.

"With their incredible moral arrogance," he said, campus radicals and revolutionaries "fail to recognize that democracy is essentially procedural."

Chosen to deliver the June 4 commencement speech, previously always given by Columbia's president, he warned against attempts to "politicize completely" the university.

Born in Buffalo, N.Y., the son of a Polish immigrant furrier, Mr. Hofstadter graduated from the University of Buffalo in 1937 and received his master's degree from Columbia in 1938 and his doctorate there in 1942.

He taught at the University of Maryland at College Park from 1942 to 1946.

His first wife, the former Felice Swados, sister of novelist Harvey Swados, died in 1945. He is survived by his second wife, Beatrice, a son, Dan, by his first marriage, and a daughter, Sarah, by his second.

[WCBC-TV editorial, Oct. 29, 1970]

Richard Hofstadter was a brilliant scholar whose studies of American history won not only Pulitzer prizes and acclaim from colleagues, but places on best seller lists. He was, in the best sense of that much overused word, relevant.

The Columbia University historian, who died last week, was not just a student of the past. His great skill was in unraveling the skeins that tie the present to the past, that make history relevant to our time.

What most occupied Professor Hofstadter's interest recently was America's history of violence, a subject much studied in these terrible times of political assassinations, urban rioting, and campus bombings. And to this subject, Dr. Hofstadter was able to bring a perspective that is enlightening, and, in some ways, encouraging.

For one, he argued in a recent essay that, contrary to the rhetoric of the Far Left, violence in American history has often been counterproductive. The Civil War, he noted, led to a century of bitterness and repression. Besides, most social reforms in American history have been brought about without violence.

The present danger with violence from the Far Left, he argued, is not the violence itself, but the backlash it can bring from the conservative majority of Americans who might support a government committed to political repression.

But Professor Hofstadter did not leave us with such a gloomy prophecy. For in the closing words of his essay, he argued opti-

mistically that the strength of our political system can continue to overcome its afflictions.

"The Nation," he concluded, "seems to slouch onward into its uncertain future like some inarticulate beast, too much attained by wounds and ailments to be robust, but too strong and resourceful to succumb."

These words from a man whose vision of the American experience was so keen are well worth keeping by those of us facing that uncertain future.

#### A LESSON FOR THE DEMOCRATIC PARTY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Florida election may have provided a most important lesson to the Democratic Party nationwide. The Democratic sweep in that State was one of the most significant of the 1970 campaign. It demonstrated the appeal of new faces and fresh leadership. It also showed that the Democratic Party is most potent when it is not saddled with the policies of the Eastern liberal establishment which currently runs the party's affairs. The Democrats in Florida ran as a Florida party with the proud tradition of 100 years of service to the people of a prosperous and growing State. The results were very much the same as in the old days when a Republican in Florida was an object of curiosity.

It is noteworthy that Democratic successes nationwide have led to a resurgence of optimism about Democratic prospects in the presidential election of 1972. But at the same time, it is incapable that nothing new is really being offered to the electorate. The same faces that were sampled and sorted out in 1968 are again on exhibition. Whether any of them is in better position to capture popular support than in 1968 is doubtful, particularly in view of the fact that Mr. Nixon, with 4 years in the White House, will have considerably more prestige and more experience to offer than he did in 1968. The Democrats will do well to look for new faces and fresh leadership in the presidential race. It is almost a requirement that Democratic candidates for national office must first have the approval of the Eastern liberal bloc of the party. In the 1972 campaign, this could be a kiss of death. No candidate bearing their label is going to receive the support of the southern States. It seems clear enough that without at least a split in the South, a Democrat is not going to be elected President in 1972.

In recent years it has been a fad among most of the current ranking Democratic hopefuls to disregard the South and to base their plans for election on the big city machines. To date nothing has emerged to show a change in this policy. It will not work in 1972. Both Nixon and Wallace now have strong followings. Nevertheless, the South is still traditionally Democratic and will support a Democrat if a moderate candidate gives southern voters a reasonable opportunity to do so.

The best prospects for the Democratic

Party are from the new leadership in the State houses or among newly elected Senators and Congressmen. Askew and Chiles in Florida are typical of this new group which offers hope for Democratic successes in the future. Florida, now eighth in population, is due recognition in national affairs, but there are also other responsible young leaders in other States who can blaze new paths of leadership to which the voters will be responsive.

#### TODAY'S ENVIRONMENT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, we in Florida are proud of the contribution to a cleaner and more healthful environment by Dr. Mark D. Hollis, a distinguished Floridian. Dr. Hollis is Chief of the Department of Engineering and Environmental Sciences of the Pan American Health Organization and the World Health Organization. He was formerly Assistant Surgeon General of the United States.

Recently Dr. Hollis gave the keynote address to the joint 21st annual conference of the Florida section, American Water Works Association and the Florida Pollution Control Association in Hollywood, Fla. His speech is an important contribution to the subject of today's environment and I am pleased to submit it for publication in the CONGRESSIONAL RECORD.

#### TODAY'S ENVIRONMENT PREFACE

Some years ago, Yogi Berra, in a network interview, was asked about a recent game:—the Yankees leading by one run . . . 9th inning . . . one out . . . man on first and third . . . and the Yankee pitcher walked the batter! Yogi called time and trotted out to the mound.—The question: "What does a catcher say to a pitcher on such occasions?" After some hesitation, Yogi replied, "Well . . . one thing for sure, I didn't go all the way out there to tell him he was in trouble . . . because he already knew that!"

Some weeks ago, our principal collaborator for this program—Jim Santarone—wrote me a letter. In it he said that I was to be here this morning to talk about "Today's Environment." Beyond this, he gave no instructions and inserted no conditions. This open-ended invitation kindles a spark of intrigue—on my part, the temptation "to speak out"; and, on the part of Jim, a significant risk!

One thing for sure, I wasn't invited here to tell water-resource specialists that we're in trouble—because you already know that! . . . Or to say that present practices will solve environmental crises—something we all know is simply not true.

If, then, this is to be an uninhibited exchange—perhaps, first, I should try to put myself in a favorable context. . . . I join here today, not as an outsider or a foreigner to Florida—but as one with close family ties and with roots deep in this State . . . and as one soon to return, permanently, to home base in the Clearwater area. So keep in mind, please, this neighborly kinship—should some things I say stimulate the adrenalin!

#### STATEMENT

Historically, from the wheel to  $E=mc^2$ , it has been the destiny of man to seek, to find, to exploit. History rarely sets off eras by convenient dates. What has gone on affects the present; the past is prologue. However, the

phenomenal transformations in environmental determinants stem from the 1940's. Under the impetus of war, man split the atom; controlled the result;—and changed the world.

The split atom—the synthesized molecule and the resultant "spin-off systems"—did for this age of science and technology what the assembly line, a generation earlier, had done for the logistics of industrial production. And, all around us, the results: heights in gross national products—new forms of matter—jet transport—automation—instantaneous global audio-video communications—space exploration and remote sensing. . . . And, on the more sobering side, destructive forces with awesome potentials. The key word is speed. Time telescopes. The world shrinks.

The winds of change are at hurricane force; material progress spirals under the impetus of logarithmic expansions of knowledge. The tempo is so rapid, it is extremely difficult to grasp the full significance; to comprehend and equate impacts; to keep the delicate scales tilted in favor of man—that he understands what he is doing; that he do better at understanding himself; that he retain his mental balance and his perspective; and that he be master, not victim, of his machines and his technology.

It seems to me that discussions on "environment" must be against this complex background—this era of change and paradoxes—this age of wealth and insecurity; of leisure and unrest; of unprecedented competencies and intensified anxieties.

Environment, by Webster, is the complex of climatic, edaphic, and biotic factors that act upon an organism. Environment is the sum total, the complex orb of externals—forces, influences, and conditions—some hostile, some friendly—that make up man's exposures and mold his total life. Environment is a complex mass of ecosystems—air, water, land, weather.—It is wildlife, lakes, bays, and estuaries. . . . Environment is the core city, the urban sprawl—homes and tenements—industrial complexes—congested transportation and communication. . . . It is noise, strain, monotony, accidents, crime, and poisoning. . . . It is also the intangibles of learning and inquiry and culture. . . . Environment is all of these things, and more. . . . But, most of all, people interface with environment in endless responses to jobs, to alarm clocks, to television, to high-powered automobiles—and to pressures, struggles, and compromise.

Across all lands, population explosions and sweeping technological advances are urbanizing societies and creating unprecedented environmental degradation. The speed, magnitude, and complexity of these forces intensify traditional problems and create impingements with new equations and broader dimensions. The gap widens not only between the diagnosed and the undiagnosed implications, but also between what is being done and what needs doing.

This is my third Florida venture on the environmental dilemma. . . . Fifteen years ago—at Gainesville, on the University campus—I was privileged to give the commencement address. The subject, "Advancing Technology—A Dynamic Impact on Man's Environment." The Gainesville paper dealt with technological change; it reviewed the increasing magnitudes and complexities of environmental contaminants; discussed chronic subtleties with widening separation of cause-and-effect sequences. It warned about global population trends and about unchecked rural-urban migrations. More specifically, the paper projected implications of changing forces and influences on Florida's economic tripod—tourism, agriculture, industry. Technology was producing a "shiny new world" with little thought to environmental degradation—and almost no regard for the need to assign a reasonable percentage of our

technological capacities to the task of understanding and moderating by-product consequences. This was the tragedy fifteen years ago. This is tragedy compounded today.

Six years ago—in Bal Harbour, at the annual convention of the Water Pollution Control Federation—I was assigned the task of summarizing the global water-pollution situation. The thrust of that paper dealt with public aspirations versus hard-nosed realities. Five broad conclusions were suggested (and I quote from the published document):

"1. The concept of minimal treatment is outmoded and must give way to a maximum-treatment concept, with cost-benefit ratios computed on a drastically revised system of water and land uses and values. Parameters and indices must also be modified to include thermal changes, effluent nutrients, and chemical contaminants.

"2. Public opinion and public demand for pollution abatement is beginning to move ahead of professional actions and plans. . . .

"3. We, in the composite professional sense, have been too cautious, too conservative, often apologetic in our justifications when seeking resources to combat pollution, and too optimistic in reporting progress. . . .

"4. The day is approaching when standard practices of waste treatment will have been applied, and in many areas such treatment will be inadequate. The question: Is our research effort sufficient in magnitude and properly focused to establish remedial procedures geared to the problems of tomorrow? . . .

"5. Traditionally in North America, there has been close linkage between water-pollution control and health structures at all levels. The trend now is to loosen this bondage and, in some cases, totally to discard it in favor of categorical control agencies. . . . The need is to forge into the new structures a health-related understanding and competence. This will be increasingly important as the problems of toxic wastes become more pronounced. . . . With greater densities of people, the traditional problems of germ and viral diseases will intensify."

This ends the quotation. These points are still valid, but with a much greater sense of urgency.

The fragmentation of environmental-protection programs out of public-health structures, as noted six years ago, has now become widespread—closely paralleling the growth of medical-care patterns of countries. In retrospect, it was perhaps inevitable that the major public-works aspects of environmental control would be re-assigned to public-works-type governmental structures. However, as is often the case on public issues, the pendulum swings too far.

We must keep in mind that, in the total effort, the focus must continue to be on people—on their health and on their well-being. This focus on man is the dominant characteristic that distinguishes health agencies from other agencies seeking their "ecological niche" in the environmental universe.

A highly significant difference in the situation today as compared to fifteen years ago—or even six years ago—is that public opinion is definitely polarizing in strong support of environmental protection. People are asking questions: What sort of a world are we making? . . . And for whom? . . . Can't we have essential goods and services without all this environmental degradation?

Again, perhaps, we need stress the point: Technology got us into this situation; technology can get us out! But, first, we must clear the political, administrative, and institutional bottlenecks so that technological innovations can be developed and applied and can work. And, to get these things done, there is no need to appeal to the Wishing Well—or to stay out under the Yum-Yum Tree.—Environmental salvation is up to all of us. Providence has provided man with the

intelligence to create the problem—to recognize the problem—and to solve the problem—if he really cares enough.

The composite consequences of uncontrolled environmental contamination are cited routinely in the news media.—They are common topics of daily conversation. Trends are cited to show factors capable of producing, at one extreme, a global "greenhouse" effect—and, at the other end of the spectrum, a global "ice-box." There are deep concerns about the oceans becoming biological deserts. It will take great effort to replace conjecture with fact; and it will take a long time. But whether we drown or freeze, if current trends go unchecked, is not the point. The hard reality is that the survival of civilization requires that pollution trends be checked.

Napoleon once said that you never defeat an army.—First, you must defeat a squad; then a platoon; then a company; then you defeat a battalion, et cetera, et cetera.—And soon there is no army to defeat! . . . We should reflect on this.

If we put in good, workable order our State and local machinery and if we really do the technical job we know how to do—then, truly, it will become apparent where public aspirations and public policy might meet. And, if we do our job well, then, I believe, we need not worry much about dire consequences—locally, nationally, or internationally. Oversimplified? . . . Yes . . . But not entirely facetious.

While aggressive action by local authorities, especially regional authorities, is essential, there are problems which require State and/or federal intervention. For example, local authority cannot control the composition of fuels used for heat, for energy production, and for transport. The same holds true for the design of engines to reduce pollution. Other examples include persistent chemicals such as are found in pesticides, like DDT, and heavy metals, like mercury. Transport disasters such as oil spills; land accidents involving toxic substances; and controls on degradable or returnable containers, compulsory cycling, and salvage are generally beyond local resources.

The tragedy of the anti-pollution effort over the past quarter century is that policies and goals have been at least a decade behind the tempo of the times. This is true for air, water, and land pollution. We continue to play "catch-up-ball"—but the momentum of our effort is much less than the momentum of change. Hence, over the years, the situation has become ever more desperate—now, in many areas, approaching crisis proportions. We simply must re-assess our approaches, our techniques, and the levels of our commitments. We simply must recognize that the influences that have contributed to environmental degradations over the past few decades are themselves changing and accelerating.

There are examples all around us to support this contention. The solid-waste crisis—the septic-tank situation—the air-pollution dilemma. In deference to time, we might consider estuarine waters to illustrate trends and changes. Because, if we be serious about salvaging at least some of our bays, estuaries, and coastal waters—the hour is truly now at hand to act with dispatch.

Of course, if our objective is a more practical one—merely to avoid acute morbidities and serious nuisances—then perhaps our plans, as now blueprinted, might suffice for a decade or so. On the other hand, if our objectives are loftier—and I certainly trust they are—then we had best resolve our debates—stop nibbling around the peripheries—and attack, head-on, the "gut-issues" that we all know must be dealt with. In short, stop the endless debating about national and global consequences and start dealing with local causes. And—if we agree on this—it has "made my day."

In the World-War-1 era, I grew up, for five years, at Fort DeSota, Florida, on Mullet Key, at the mouth of Tampa Bay. I attended school across the channel at Fort Dade (Egmont Key). Up the coast from Mullet Key, the chain of islands—mostly uninhabited—formed a series of small bays, bayous, and shallow coastal shelves. The area was an aquatic paradise—with fantastic abundances of indigenous fishlife and, seasonally, additional acres of migratory species schooling in and out among the Keys and in lower Tampa Bay. Observations during recent visits reflect changes both sobering and shocking—a great heritage fading out.

I suspect that this situation repeats itself many times along the East and West coasts of this richly endowed State. While we must accept some degradation as the price of technologically based living—current trends in land-water exploitations are approaching irreversibility.

To an alarming extent, bays, estuaries, and coastal waters are polluted with raw or inadequately treated wastes; dredged to obtain raw materials; excessively channeled; and filled for land reclamation. These actions disrupt the fish-food matrix and impair or destroy areas where marine life breeds and spawns. Quantified assessments are often ignored because short-fall dollar values are generally "clear as a crystal."

In the past, we have judged environmental degradation by "acute" situations; in the health field, by acute infections; and in the nation's aquariums, by oil spills, by magnitudes of fish-kills, and by massive visual pollutants. In most cases, these situations can be managed by conventional treatment methods and by strict regulatory enforcements. However, with projections in population densities and in living standards—the real problems—for both humans and fish—are chronic exposures . . . the additives, the combinations, the synergisms . . . with long-term, subtle impacts.

Meaningful evaluations of marine waters must include parameters like the Biological Diversity Index (BDI)—an indicator of the diversity of aquatic life. Waters in favorable ecological balance have a wide variety of marine species. The higher this ratio (per unit mass of protoplasm), the healthier and more aesthetic the situation. The primary concern is not merely to sustain adult aquatic life, but also to preserve the reproductive environment and the fish-food matrix. Waste treatment may produce acceptable effluents in terms of BOD, B.coli, suspended solids, turbidity, and other traditional parameters, including in-stream DO levels, and still create chronic havoc.

Florida faces the critical problem of what to do about estuaries. Ecological studies show that most marine wildlife reproduction occurs in estuaries and other shallow waters, including bays and rivers. Unfortunately, for communities along the coast, most waste effluents discharge into these shallow waters. Such discharge points were selected long ago, when pollution was minimal and when topography—not effects on wildlife reproduction—was the controlling consideration. We must somehow find a way to get these effluents out of shallow waters, since even tertiary treatment is not the answer—certainly not in terms of ten-or-more-year projections. Effluents, even after tertiary treatment, still contain significant amounts of bio-stimulants and subtle toxicants—which, by the way, after permeating the estuaries, still find their way eventually to the sea. Trends in eutrophication now loom as a future destroyer of lakes, bays, and estuaries. Obviously, a hard look is needed at the whole problem of how best to utilize our marine waters—taking into account the difference in wild-life-reproduction values of shallow-versus-deep-ocean waters.

Both bio-stimulants and subtle toxicants are damaging to the ecology. Subtle toxicity

results, over prolonged periods, in drastic alterations in the fish-food matrix. Bio-stimulants, as a kind of "reverse toxicity," do the same. This is the real problem with which conservationists are concerned—these subtle, long-term effects which, eventually, bring about a lowering of the BDI. The lower this index—i.e., the fewer the number of species in the area, even with the same total weight of bio-mass—the less healthy and the less aesthetic the situation will be. For example, there may still be fish around, but, instead of "trout-type," they more likely will be "carp-type."

Policy governing wastewater management should, first, encourage and support the recycling concept; secondly, for non-re-cycled waste, outfalls should be located to minimize damage to aquatic life; and, thirdly, policy should require adequate treatment to protect all receiving waters—confined or open. On the matter of waste treatment, I suspect we would agree that—like the farmer and the extension courses—we already know much more treatment technology than we apply.

In plotting projections, we must keep in mind that per-capita pollution potentials move upward with affluence. John Ludwig suggests a simple index represented by the sum exponential of the product: population times the standard-of-living (expressed as per-capita energy consumption). To oversimplify: In a given area, if population densities are to double (say, by the end of the century) and, simultaneously, the living standard increases by three-or-four—then the total pollution potential will rise by six-to-eight. This means that—just to stay even—a further 80-to-90% reduction of pollutants will be necessary. Another thing to remember: We are dealing with a removal base that is becoming increasingly difficult—both efficiency-wise and economy-wise—since much of the total pollution potential is not confined to sewers, to stack discharges, or to vehicular tailpipe exhausts. In short, sophistications in our technologically based society require sophistications in by-product pollution controls.

Environmental-quality control transcends the competencies and capacities of any one profession or of any one department, ministry, or board. Accordingly, it is important to establish workable patterns and effective communication among anti-pollution structures—and to blend the expertise of engineering, science, and medicine—of law, education, and administration. Public agencies need reshape and sharpen analytical methodologies; initiate effective monitoring systems; and project trends to guide control activities.

Like most highly complex and difficult public issues that are crying out for attention, pollution abatement raises the age-old question of how to "put the bell on the cat." In today's world, we must continuously adjust approaches and practices to meet changing problems and needs—always with one eye on the future.

Interesting structural and administrative innovations are being tested at national and state levels—the new federal Environmental Protection Agency, for example. The waste-control authorities in Maryland and Ohio—the California Water Resource Control Board—and the emerging systems in New York and Pennsylvania are other examples. Effective, smooth-working State/local machinery is a critical "must" in this business. Huge sums of public monies are involved, and—more pointedly—the destiny of the State itself is involved. This is of paramount importance to Florida—with its great wealth in climate, in lakes, bays, and in its irreplaceable coastal water treasures. In brief, there is need to see that Florida is not overrun by the future.

Whatever the State structure, it must be sharp yet flexible. It must adjust with change; foster innovations; and keep physi-

cal plans and land-use patterns within the bounds of environmental-quality plans. Standards and criteria must make sense. To provide the scientific base for intelligent pollution decisions, effective use should be made of public institutional resources for research and monitoring.

National experience emphasizes the point that States must continue to be the responsive authority in pollution control—since the need, to a considerable extent, lies in the establishment and operation of regional systems. Usually, such regional systems take years to be formed on the traditional voluntary-association basis. The crux of the problem is to get the job done with dispatch—and only the States have the political power and the influence to do this.

Once such regional entities are formed, they will be substantial entities—in terms both of financial resources and areas of interest. They can generate and carry out their own research programs; move ahead positively; and provide effective monitoring—without waiting for the national federal-State-local complex to mesh gears.

One difficulty in organizing regional wastewater systems is the high initial capital cost for interceptors. It is always easier (and politically more palatable) to "patch up" local treatment works to "make do" for a few more years. This is the tragic history of pollution control. However, good engineering will show that the "patch-up" plan will not do the job—and also, over the long term, it is generally much more expensive. After all, for wastewater, effective treatment is usually less than 30% of the system's cost. So why practice false economy? Regarding administration—whether drainage areas or political boundaries are used as workable control entities—it would certainly seem that, for Florida's urbanized coastal complexes, a network of regional systems is the direction to take.

In its recent Report on Environmental Quality, the President's Council encourages States to develop, test, and demonstrate innovative structures, administration, monitoring, technical methodologies, and financing mechanism. It suggests federal financial supports for such proposals. The National Academies of Engineering and Sciences are aggressively seeking answers to some of these complex environmental issues. Private foundations as well as mobilizing their considerable financial resources to work in this field. The task of statesmanship is how to channel this professional counsel and resource to become agents of change in this and other States. This experimentation with structures should not disrupt the full application of regulatory muscle to existing problems. What we need is maximum momentum with minimum inertia.

And so, on this Monday morning—in the first year of this new decade, the "Sobering Seventies"—one might go on and on. . . . There is much to be said and much to be done. . . . We must seek to capture and distill the essence of events related to environmental challenge and to project the shape of such events in the decade ahead. Perhaps at no time in history has there been such difficulty in predicting the future. In all likelihood, there will be a real break in continuity in this new decade. Transition will not be circumscribed by tradition; extrapolation may well be purely conjectural; and, quite often, sheer professional ingenuity will be called upon to provide many of the benchmarks needed in a new "age of discontinuity."

We must break through the barriers of provincialism, the prejudices of proprietary interest, and the varieties of narrow hereditary points of view, too commonly shared by so many. We must broaden our vistas; develop a 360° sweep in our vision; and re-align our priorities. As a profession, we need open our reference texts and discard much of the conventional data—and compile new materials—

bold, aggressive, and responsive to the trends of the times. And we must remember, in this fast-moving age, the vast difference between ten years of professional experience and one year of such experience repeated ten times.

To get pollution under control will be extremely difficult. For Florida, it will be no easier as the State moves on toward wall-to-wall people. We must be ingenious enough to find solutions to changing human needs and values in our complex society. We must balance environmental-quality objectives against re-defined values. And we must be sure that the public understands what we are saying. We can, amongst us, I believe, point the way to better answers than have so far been found—and, using the force of persuasion, we can make these understood and accepted and applied. These things we can do—and, in Florida, these things, I believe, will be done.

#### NATION'S TRADE POLICY

(Mr. BROYHILL of North Carolina asked and was given permission to be excused his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, later this week, the House of Representatives will consider what I regard to be landmark legislation in the Nation's trade policy. For many years, our country has pursued policies based upon concepts of free trade. Certainly, these concepts were appropriate many years ago when it was in the best interest of the United States to encourage the productive development of the war-torn economies of the world's manufacturing nations. It is still in our Nation's best interest to assure that the world's goods move as freely as possible among all nations. However, we have a new set of circumstances prevailing in the world today and we must not be blinded by a rigid adherence to past policies. The bill reported from the Ways and Means Committee, I believe, sensibly recognizes the shift in economic balance and the rapid development of the manufacturing capacity of other parts of the world. This bill has my strong support.

One problem that has been of great importance to the economy of the Carolinas has been the unrestricted increase in textile and apparel imports in man-made fibers and wool. The new trade bill would provide a legislative formula for the reasonable development of our domestic textile and apparel market. Certainly, the quota system for textile imports proposed by this legislation is a mild and necessary step in this direction.

The changes in the economic climate in world trade are graphically shown in the following article which appeared in the September 1970 issue of Fortune magazine. This article analyzes the organization of the economy of Japan and points out how effective that nation's drive for increased exports has been. I want to commend this article to the Members of the House of Representatives since it presents information essential to an understanding of the changes that are required in our own trade policy if we are to remain competitive in our own domestic markets.

#### The article follows: HOW THE JAPANESE MOUNT THAT EXPORT BLITZ (By Louis Kraar)

To hard-pressed competitors around the world, Japan's export drive is taking on the overtones of a relentless conspiracy to invade and dominate every vital international market. Almost everywhere, from North America to Southeast Asia, the Japanese are steadily increasing their already enormous share of sales. The very rhetoric of Japanese businessmen reinforces the image of a hyper-aggressive trading power—with talk of "advancing" into a new area, "forming a united front" against foreign rivals, and "capturing" a market.

Moreover, this thrust comes from a nation that firmly shields its own market against foreign competitors, who are thus doubly provoked and are now threatening economic warfare.

In the non-Communist Far East, which accounts for almost 80 percent of Japan's export sales, ever rising trade imbalances are spurring Thailand, Taiwan, and other countries to consider higher tariffs and other defensive restrictions. Says José Diokno, chairman of the Philippine Senate Economic Affairs Committee: "We realize that the Japanese are getting through commerce what they failed to achieve through the war."

The trade clash is even more intense in the U.S., which buys nearly a third of Japan's exports and is its largest single customer. Tokyo's refusal to adopt long-term "voluntary" limits on textile exports has prompted a reluctant Nixon Administration to support stringent legislation setting quotas. And atop this significant American retreat from a free-trade stance, protectionist forces in Congress are pressing for even broader restrictions on other products. "The present economic image of Japan in the United States is not poor; it is bad," observes Philip H. Trezise, Assistant Secretary of State for Economic Affairs.

Japanese manufacturers of television sets are facing a major showdown with American competitors, who have accused the Japanese of dumping—i.e., selling below recognized market prices—a charge on which a U.S. Treasury ruling is soon expected. While the Japanese TV set makers firmly deny dumping, other Japanese manufacturers openly acknowledge that they often use cutthroat export prices for market penetration. To establish its air conditioners in Western Europe, for example, Hitachi, Ltd., deliberately sold below cost for three years. As a company executive puts it, with surprising candor: "If you get a better price in some countries, then you can sell to others for a 'dumping' price. As long as the unit production cost is low, the company still has an over-all profit from its total sales. We sold at a loss in Europe to break into the market, and now we're making a profit there."

Such practices fall somewhere in the gray shadows of the General Agreement on Tariffs and Trade, and the argument will doubtless continue as to whether they are in actual violation. Meanwhile, Japanese exports are expected to keep right on soaring. They are now projected to reach nearly \$42 billion by 1975, producing a staggering trade surplus of \$12 billion, a prospect that leads Assistant Secretary Trezise to warn: "I seriously question whether the international system can stand a Japanese global trade balance of \$12 billion in 1975."

The starting point for this trade offensive is an economy of phenomenal strength, directed wholeheartedly toward growth rather than immediate profit. Over the past decade the Japanese gross national product has increased by an average of more than 16 percent annually, and from this ever broadening base, exports have also been rising by an

average of 16 percent a year—about twice as fast as the growth of world imports. The entire economic system is, inherently, a powerful export-promotion apparatus. Always anticipating growth, corporations routinely expand manufacturing facilities to optimum size, pushing excess production onto world markets at profit margins that competitors find cruelly low—when they exist at all. Now Japan is preparing to move on to new trade peaks by emphasizing exports of entire industrial plants. As befits an insular industrial giant, it is also making long-term deals overseas to assure a stable supply of raw materials for use in the ever greater expansion of its export position. Within five years the Japanese expect a 123 percent rise in exports, enough to seize at least 10 percent of the global market.

Hit with the full impact of this aggressive export drive, rival industrial nations are now beginning to ponder the singular, and devastatingly effective, tactics being employed by the Japanese. The program has some highly original features that will be hard to match:

The export offensive is commanded by Premier Eisaku Sato in person; he heads the Supreme Trade Council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.

To boost exports, the government backs corporations with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets.

Cartels of exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors.

A large and growing foreign-aid program is, at heart, another export-promotion device, fueled with long-term credit and direct investments.

Giant general trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and government ministries.

A government-owned company, JETRO, operates on a global basis to promote Japanese products and arm companies with export intelligence.

#### EXCEEDING TARGETS IS A DUTY

The key to the entire program is intimate, effective teamwork between corporate executives and government officials at every level. United by a group spirit that makes the Japanese behave like a tight-knit family, businessmen and bureaucrats cooperate to promote continuing growth. "If business goes one way and government goes another way, it would bring harmful effects for the country," explains a Finance Ministry economist. So they coordinate plans in the clubby atmosphere of formal consultative committees and over evening cocktails in the Ginza, Tokyo's business entertainment district. This government-business interaction is so close and constant that the system is often dubbed Japan Inc.

Detailed strategy for the export drive is developed through the Supreme Trade Council, a thirty-member body that brings together the country's elite from key ministries dealing with the economy and from the major private industries. At its last semi-annual meeting in July, the council projected a 14.3 percent growth for exports to \$19.2 billion in the fiscal year ending next March 31. Says a government official deeply involved in the planning: "Once the target is announced, business leaders think it is their duty to achieve it. Usually, they exceed the goal."

To carry out expansion plans, the Ministry of International Trade and Industry (MITI) constantly confers with company representatives about allocation of resources. Through "administrative guidance" (which is almost

always obeyed), MITI even sets minimum sizes for industrial plants when it feels economy of scale is vital. The Ministry of Finance, through the Bank of Japan, funnels funds to areas with the highest growth potential. By backing an extremely high use of corporate debt to finance growth, this ministry and the central bank play a key part in setting the pace and direction of expansion. This government structure stabilizes a Japanese business system devoted to high growth—the launching platform of the export offensive.

Since companies normally finance expansion by borrowing about 80 percent of their total capital, mostly from banks, debt service is a major fixed operating cost. Japan's tradition of virtual lifetime employment, with a paternalism that fosters an unusually dedicated and productive work force, makes labor costs another fixed expense. "The high breakeven point set by fixed labor costs and debt costs means that new facilities are operated at capacity, and products are moved into world markets at relatively low prices," notes James C. Abegglen, vice president of the Boston Consulting Group, Inc., a management-consulting organization that has closely analyzed Japan's business strategy.

#### START WITH A SACRIFICE FLY

The system enables companies to use highly flexible market penetration tactics. Two Japanese auto makers—Nissan Motor Co. and Toyota Motor—established footholds in the U.S. by offering dealers higher commissions than were given on other imported cars, as well as unusually generous advertising support, according to the Boston Consulting Group. In the Philippines, Toyota has captured a quarter of all auto sales, after initially selling to taxicab fleet owners on terms of nothing down and a six-month holiday on installment payments. "They were losing money on us outright for about two years just to introduce Toyota vehicles in the Philippines," says Pablo Carlos, executive president of Delta Motor Corp., Manila, which assembles and distributes Toyota cars. Other Japanese companies readily acknowledge that they forego profits to break open new markets. "When there's sharp competition and we want to introduce our products, then in the initial sale we make a sort of sacrifice hit," declares Morihisa Emori, managing director of Mitsubishi Shoji Kaisha, Ltd., the general trading company with the largest total sales. There is a distinctively Japanese motive behind such tactics, he explains: "In America top management people are big stockholders and are more defensive about maintaining profits. For us, growth is most important."

Such penetration pricing is not only a significant competitive device, but also sets the base for handsome future profits. The rapid growth of production facilities at the sacrifice of high immediate returns cuts unit costs; this steadily leads to large profit margins at the same time that it allows highly competitive prices to squeeze out rivals. Until three years ago, Japan's shipbuilding industry operated at almost no profit margin for exports, according to a highly qualified Tokyo accountant; now Japanese yards have heavy backlogs of orders, turn out half the annual ship tonnage of the world, and report tidy earnings. Norihiko Shimizu, a Japanese economist with the Boston Consulting Group, declares: "Japan's pricing policies can in no way be termed dumping. They constitute a powerful competitive weapon in capturing and holding market share."

#### OUR EQUIVALENT OF KNIGHTHOOD

The Japanese team goes after exports with genuinely patriotic zeal. Toyota, the country's exporting champion, proudly cheers on assembly-line workers with large monthly posters depicting on a world map the number of cars sold in each major overseas market.

(The government recognizes such success with handsome certificates of merit—"our equivalent of knighthood," says a Toyota executive with a smile.) In the same spirit, Matsushita Electric Industrial Co., Ltd., which exports nearly 20 percent of its total sales of National and Panasonic appliances, starts the day with a company song urging workers to build "a new Japan" by promoting production—"sending our goods to the people of the world, endlessly and continuously, like water gushing from a fountain."

Directly and indirectly, governmental policies work to concentrate new investment where worldwide demand is currently highest—heavy machinery, chemicals, and high-precision products. Moreover, following a strategy agreed upon by the government-business establishment, Japanese corporations are giving exports an integral—and larger—role in their blueprints for expansion. For example, Hitachi, a leading manufacturer of heavy electrical equipment and industrial machinery, is embarked on an extensive drive to make greater inroads in world markets by not only selling more equipment, but peddling technical know-how and forming joint ventures abroad; Hitachi's goal is to raise the export portion of total sales from 14 percent last year to 23 percent by 1975. Likewise, Teijin Ltd., which now exports about 30 percent of its synthetic-textile production, is spawning joint ventures outside Japan and diversifying into oil drilling, titanium production, and the processed-food industry. Over the next ten years Teijin plans to expand sales tenfold—half of which is to be exports. Says Teijin President Shinzo Ohya, "It's practically our duty to increase exports." To widen opportunities abroad, other manufacturers are designing products specifically for overseas markets, ranging from miniature office computers to entire fertilizer factories for underdeveloped nations. Akai Electric Co., Ltd., has emerged as a major producer of tape recorders by specializing in higher-priced machines (\$300 and up) and it sells about 95 percent of its production abroad.

In crucial areas of trade, the full force of Japan's subtly interlocking system can almost always overwhelm foreign competition. Bidding for a recent telephone-equipment contract in Taiwan, a consortium of Japanese telecommunication companies won the order after a government official urged individual manufacturers to combine forces, cut prices, and forgo most profits "to get the business for the good of Japan." Japan's competitive edge is sharpened further by government-backed credits at relatively low interest rates, which finance about 10 percent of the country's exports. In bidding against Italian and American competitors for a chemical plant in Latin America, Niigata Engineering Co., Ltd., sweetened its low bid by offering substantial government financing from the Export-Import Bank of Japan. This was the case, too, when Chiyoda Chemical Engineering & Construction Co., Ltd., last year went after a \$31-million job to build a refinery for Standard Oil (N.J.) in Singapore. In the final weeks of competition against European and U.S. contractors, the Japanese company hastily arranged \$12 million in government financing for the project over seven years at 6.5 percent annual interest. Recalls a Chiyoda official: "The question of financing was raised about one month before award of the contract. I was in America, talking to Esso in the daytime and talking to Japan on the phone at night. Our people checked with the Japanese Government and within three weeks had some indication of approval. That was just one week before the contract was awarded."

#### TANKERS AND INSTANT NOODLES

The uniquely Japanese *soogoo shoosha*, general trading companies, add a number of effective touches of their own. As the prin-

cipal sales agents for all products, these mammoth companies mobilize the combined forces of manufacturers, banks, and government and are the day-to-day leaders in Japan's assault on world markets. The ten largest trading houses are responsible for some 50 percent of the country's exports and 65 percent of imports. Together with smaller, specialized firms, the traders make more than 70 percent of Japan's total foreign sales.

"We handle about 7,000 different commodities, ranging from turnkey industrial plants and 300,000-ton tankers to small packages of raisins or instant noodles," says Emori of the Mitsubishi trading company, the sales leader with an annual turnover exceeding \$9 billion. The trading firms thrive on a traditional form of Japanese economic cooperation. Most manufacturers concentrate entirely on production, assigning to traders both the buying of raw materials and the selling of finished products at home and abroad. As middlemen, the large trading companies earn their profits (with margins as low as 0.5 percent) on massive turnovers. In return for commissions, trading houses assure manufacturers of growing markets and come to their aid with timely infusions of credit.

Astute, energetic trading-company representatives work almost everywhere, sniffing out opportunities for Japanese manufacturers. In Indonesia, competitors are amazed that trading agents travel to small factories far from the capital and give away ballpoint pens, cigarette lighters, and other advertising gifts—all in hopes of eventually selling equipment to those remote plants. "The sun never sets on Mitsui's globe-gridding establishment," boasts the company; its 2,100 employees in sixty-four foreign countries are based not only in the obvious business centers, but also in such places as Chittagong, Sofia, and Mexico. Trading-house operatives are the eyes and ears abroad for Japanese industry.

Single-minded in their dedication to expanding international markets, Japanese trading executives foresee a never ending rise of exports. The headquarters of larger houses are so jammed with a daylong procession of clients and potential customers that entire corridors are set aside as "visitors' rooms." There, businessmen sit on overstuffed couches with white linen antimacassars and make deals while sipping tiny cups of green tea. The working rooms are overflowing with the bursting energy of lifetime employees devoted, above all, to selling more for Japan.

Armed with timely business intelligence from their men overseas, the trading firms organize manufacturers to get the orders, and draw on their government contacts for financing. Under the direction of trading firms, Japan has steadily moved from just supplying foreign markets with petrochemicals and fertilizer to exporting entire industrial plants. Mitsui alone has sold twenty-two chemical plants to developing countries in the past five years.

To enhance Japan's competitive position in world markets, the traders are intensifying their efforts in new directions. "When there are many international tenders for electrical generators or other machinery, Japan will become one unit, and we won't compete with each other," explains Mitsubishi's managing director. The government encourages such teamwork among Japanese companies, which businessmen readily accept because it helps assure long-term credits and expands foreign orders. "From past experience, we've found more advantage than disadvantage in cooperating for the good of the country," says Jiro Fukushi, managing director of Marubeni-Iida Co., Ltd., another large trading house.

#### TEAMING UP WITH RIVALS

Japanese manufacturers have long followed the tactic of forming export cartels, which MITI officially sanctions and protects,

by getting together, companies that normally compete in Japan cooperate to preserve the quality of export merchandising and prevent any company from underselling by such a wide margin that it would harm others in the industry. "The function of these associations is to keep the price of export commodities at a certain level," explains Masafumi Goto, director-general of MITI's Trade and Development Bureau. "When an outsider, a company that's not a member of the association, rushes into the market at a lower price, MITI under law can order the outsider to stop." Increasingly, the giant trading houses themselves are teaming up with rivals and with manufacturers to push into overseas markets with an even more potent single force.

Seven trading companies, for example, banded together with three Japanese steel-makers to obtain orders last year for \$100 million worth of pipe for the Trans-Alaska Pipeline System under construction by a consortium of U.S. and British petroleum companies. "In this kind of epoch-making, huge project, cooperation among all our companies gives us a better chance against European mills," says an executive of Sumitomo Shoji Kaisha, Ltd., the trading company that was picked as "champion" by the team and put in charge of the negotiations.

Pitted against U.S. and European bidders for another recent oil-pipeline contract in Ecuador, the Sumitomo and Mitsubishi trading companies joined forces to win the contract for three Japanese steel companies. A Sumitomo official candidly described the thinking behind such cooperation: "If we compete against each other overseas, it's no use; some foreign company may get the job. We have to present a joint front against the overseas competitors. This will become more and more necessary as the years go by—to keep up our competitive advantage against other countries. In order to safeguard Japanese interests against powerful foreign companies, we must form a united front."

Since any major international transaction must be cleared, at least informally, with MITI, the Japanese Government is able to guide trading-house teamwork in directions that will expand markets. One result is an easy blending of official aims with private business interests—as when Japanese trading firms signed a five-year contract with the Soviet Union in 1968 to import \$163 million worth of lumber from Siberia in exchange for exports of machinery and textiles valued at the same amount. Japan sorely needs lumber, while its manufacturers are always seeking new outlets.

#### DIGGING IN ABROAD

In a departure from the customary middleman role, trading houses are developing raw-material sources abroad for Japanese industries. Marubeni-Iida is helping Canada's Fording Coal Ltd. finance a mine that, over fifteen years, will supply twelve Japanese steel mills with 45 million long tons of coking coal. Such projects for importing essential raw materials ultimately strengthen Japan's position as an exporter of manufactured goods, and they also lead to immediate sales abroad: Marubeni-Iida is selling Japanese bulk carrier vessels to Canadian mining companies. Rival trading firms also team up to develop overseas resources—for instance, Mitsubishi and Mitsui have jointly invested in a Zambia copper mine in collaboration with the Anglo American Corp.

In another new foreign-sales initiative, trading firms are actively promoting joint industrial ventures abroad. Mitsui, for instance, has invested in some ninety-five foreign ventures, including a plastics plant in Portugal, a peppermint-oil and crystal refinery in Brazil, and a factory for making galvanized iron sheets in Thailand. Says a Mitsui executive, "These improve export circumstances for Japanese industry."

Above all, the traders are willing to adapt to almost any situation that presents a sales opportunity. They handle trade between other countries, not only for the relatively small commissions but for business intelligence that leads to Japanese exports. Marubeni-Iida, for instance, has long sold sugar to the U.S. for a Philippine mill; its contacts in Philippine industry have led to substantial contracts to equip several sugar mills with Japanese machinery—always with backing from the Ex-Im Bank of Japan.

If the sale is significant, trading houses can even arrange deals that relieve overseas customers of the need to provide foreign exchange. Sumitomo has an agreement with the Indonesian state oil company, Pertamina, to build in Sumatra a \$20-million oil refinery, financed entirely by the Japanese Government and commercial banks. Pertamina will pay for the project by supplying Sumitomo with heavy oil over a five-year period, receiving credit at the going price. The trading company will make a profit both ways, according to a Sumitomo official: "The refinery contract will produce some profit on the sale of machinery and services, and then the import of the oil to Japan will also give a commission."

Trading firms can operate widely and flexibly because they are plugged into every level of the Japanese establishment, which supports their role as Japan's most aggressive overseas sales force. The big traders are interlocked with major manufacturers; some (such as Mitsubishi and Mitsui) are an integral part of the zaibatsu, or large industrial groups, while others maintain managerial ties with scores of independent manufacturing concerns. These corporate relationships ensure traders a stable base of clients. The trading houses attract still more clients by borrowing enormous sums (up to twenty times their total capital) from banks and offering loans to manufacturers. Many smaller Japanese companies, which have difficulty obtaining bank credit, rely on the traders for financing.

The government works closely with the trading companies, too. An association of fourteen top trading companies meets every other month, often with government officials present, to discuss foreign-trade tactics. Inevitably, such gatherings of supposed competitors fortify cooperative bonds. When mainland China's Premier Chou En-lai announced in April that Peking would not trade with Japanese companies dealing with Taiwan and South Korea, the major trading companies reacted as though they had arranged a division of labor. Some firms chose to stick with China, while others decided to maintain business with Taiwan and Korea. But the over-all result so far has been to ensure Japan's continued access to all those coveted markets.

So intimate is the cooperation between government ministries and large trading firms that it is impossible to determine which is really trying to influence the other; usually they are united in the cause of trade expansion. Therefore it is not unusual to hear trading-house executives sounding like government officials.

"It's our duty to help other countries develop," says Mitsui's executive managing director, Hisashi Murata.

A colleague adds, "It's our duty to sell more."

"Yes," continues Murata, "but in doing business, we've got to help the countries, too. Otherwise we might get kicked out of exporting to them."

Indeed, the Japanese have at long last become slightly embarrassed by the angry tide of complaints about their trade offensive, which has piled enormous and still-growing surpluses in Tokyo's favor. To placate disgruntled trading partners abroad, the government-business establishment has pledged to put more emphasis on imports and has

launched a major foreign-assistance program. Even the Supreme Trade Council (until recently called the Supreme Export Council) has a new face and a working committee on imports. But all these moves actually help spur exports.

#### AID, BUT TO WHOM?

Although carried under the banner of "economic cooperation," nearly half of Japan's total \$1.2 billion assistance to developing countries last year consisted of export credits for the purchase of Japanese products. Private companies handle most of these sales with government financing, actively seeking out and signing deals that are officially called foreign aid. "We are always approaching foreign governments and business circles to determine what is needed for their development. We put our tentacles all round to see where the business opportunities are," says Mitsui's Murata.

Lumped into the aid package are direct private investments (totaling \$144,100,000 last year), which also stimulate Japanese exports. Overseas joint ventures, carefully coordinated with the government, open up fresh markets for Japan. With combined financial help from major trading companies, banks, and the government, Nippon Steel has established joint-venture mills in Malaysia, the Philippines, and Brazil. The mills are considered "foreign aid" even though all are equipped with Japanese machinery, and the Philippine mill buys semiprocessed hot coils from Nippon Steel. None of the foreign affiliates competes in Japan's principal markets in highly industrialized countries. By spawning manufacturing affiliates for textiles in underdeveloped countries, Japanese companies benefit both from cheaper labor and from new outlets for petrochemicals required by the foreign factories.

Japan has pledged to increase private and government "economic cooperation" to about \$4 billion by 1975. But the move toward larger assistance is closely related to export promotion. MITI says that exports must continue increasing by at least 15 percent annually to help meet the nation's foreign-aid target. Simultaneously, corporations are cranking up larger export plans on the basis of greater long-term credit expected from the aid program.

Surprisingly, in view of the tremendous overseas sales effort, Japan's economic strength is relatively independent of trade. Exports account for only about 9 percent of G.N.P., in contrast to 19 percent for West Germany and 35 percent for Holland. While Japan naturally must export to pay for foreign purchases of raw materials, its relative dependence on imports is shrinking. Technological advancement has reduced reliance on imports of machinery, and the more advanced heavy and chemical industries require proportionately less in the way of imported raw materials.

A larger sense of nationalism derived from growth and market expansion—not hard economic necessity—seems to drive the Japanese toward ever rising exports. "They're somewhat intoxicated by the figures. All of this has become almost a religion for them," observes a U.S. businessman who has spent the past twenty-five years in Japan.

#### PROBLEMS AT HOME

Ultimately, long-repressed domestic demands could slacken the pace of export growth. Despite its emergence as the third-largest economic power in terms of G.N.P. (after the U.S. and the Soviet Union), Japan still faces widespread deficiencies in housing, social services, and roads, as well as a choking environmental pollution. The industrious work force has lately been demanding—and getting—wage increases that outpace productivity gains.

A few government advisers are beginning to urge a slowdown in the export campaign in favor of a more balanced growth to pre-

vent inflation and improve the quality of life. Dr. Nobutane Kuichi, seventy-one, a former banker and Finance Ministry official who now heads the business-supported Institute of World Economy, urges: "Someone in authority must take the initiative. Confrontation between us and the world is no good. I'd like to see the growth rate of our exports decline from last year's 22 percent to no more than 10 percent, ideally 7 percent. I have told this to the Prime Minister, and he doesn't like it because everything is geared to exports. They probably won't accept my view by persuasion, but by necessity we'll be following it within two years because of inflation and a shortage of manpower. Gradually, they will see the foolishness of expansion for the sake of expansion."

Although the Japanese deeply respect men of age and experience, there's little sign of widespread support yet for Dr. Kuichi's view. The consensus of Japan's closely meshed government ministries and business corporations is still for rampant export expansion. As a Mitsui trading-company executive says, "We now handle more than 12 percent of Japanese exports, and soon it will be 15 percent. The sky is the limit."

#### COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BETTS. Mr. Speaker, O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy is one of the acknowledged authorities on international trade. He has prepared a paper on an important phase of the subject which I recommend as must reading on the eve of considering the trade bill of 1970 by the House of Representatives. It follows:

#### COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

(Statement of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy, before the U.S. Tariff Commission, Nov. 4, 1970, Washington, D.C.)

The factors of competition in world trade have undergone a transformation in recent times because of the technological revolution. The possession or nonpossession of favorable natural resources of climate, soil, water, minerals and other elements that underlie advantages of production, is no longer the principal determinant of competitive status in world trade that it was before technology took a hand. The virtual ousting of natural rubber and silk by chemistry offers a good example. Substitution of one product for another, abetted not only by chemistry but by metallurgy, mechanical innovations and discoveries, has upset earlier natural advantages or transformed them throughout the world on a broad scale.

The great economic and industrial advancement of Japan serves as the best example. Without modern technology, a country so poor in natural resources could never have moved to the forefront as did Japan. Had that country been guided by the principles of free trade it would never have got off the ground industrially.

Nevertheless, no country is uniformly competitive on all fronts in all products. Even in technology there is no magic that overcomes all economic disadvantages at one time. Also, technology is not evenly distributed, so to speak, even within the same country among all industries and elements of production, including managerial energy and competence. Beyond that, technological advancement, like inventions, cannot be scheduled.

Therefore no country can be expected to be a leader in all items of production at any time. Moreover, it may lead in one field or complex of products for some years only to be surpassed another time; or, where it lagged in some segment it may come to the forefront because of some new discovery or invention.

If the technological disturbance is not enough to upset the fine equation of absolute or comparative advantages as it may exist at least theoretically at a given time, the appearance on the scene of the managed economy, quite surely completes the demolition. Few theories, free trade not excepted, can withstand the frustrations, disruptions, distortions and interferences produced by economic regulation that is the product of political considerations. Here is the pitfall of much economic theory. That fact no doubt explains the unabashed pragmatism that rules the roost today in the political-economic world.

To assess the competitive status of the United States in world markets and within this country *vis a vis* imports becomes a matter of fact and not of theory.

So far as our overall balance of trade is concerned, the facts are obscured by the statistical practices of the Department of Commerce which persists in a gross distortion of the import and export movements. It continues to tabulate our imports on the basis of foreign value rather than *c.i.f.*, which includes the costs of shipping, insurance, etc. Few other countries follow this practice. This basis of tabulation undervalues our imports by an estimated 10%. That is the factor employed by the International Monetary Fund to bring our imports to a level comparable with those of other countries.

At the same time our exports are made to appear, so far as competitive standing is concerned, larger than they really are—namely, by including shipments under Foreign Aid, Food for Peace, subsidized agricultural products, grants and give-aways.

The distortion ranges from \$4 to \$5 billion in our annual trade, skewed in the direction of producing a favorable balance and making our competitive position in the world look good when it is actually in deficit. (I offer for the record an account of this practice under the title of "Trade Statistics—A Continuing Distortion.")

Yet, even this distortion cannot hide our trade defeat in recent years if we compare our share of the world export trade with that of the remainder of the world. In 1960 the share was 16%; in 1962 it was 15.1%, falling to 14.5% in 1965, to 14.3% in 1968 and to 13.9% in 1969. (See *Statistical Yearbook, United Nations, 1969; Int. Financial Statistics, Sept. 1970, IMF, p. 34 and 51.*)

These overall statistics, however unfavorable they may be, do not reveal the underlying trends. The following table is more revealing:

U.S. EXPORTS AND IMPORTS, 1960-69

Country	[In percent]	
	Exports to	Imports from
	Increase in	
Japan.....	141.1	325.4
West Germany.....	66.4	190.2
EEC countries.....	75.7	156.3
Italy.....	76.4	206.8
United Kingdom.....	57.0	113.5
All of Asia.....	97.4	204.1
EFTA countries.....	63.4	127.2
Sweden.....	43.4	108.2
Canada.....	239.8	258.1
Argentina.....	5.3	58.0
Peru.....	13.6	71.6
Mexico.....	74.1	132.3
Latin America Republics.....	36.1	19.4
World total.....	84.6	146.0
World, less Canada and Latin America.....	81.8	160.8

The table shows that our exports from 1960 through 1969 grew much less rapidly than our imports.

Another significant trend in our trade has been the shift from raw material imports toward those of finished manufactures. From 1956-68 imports of raw materials increased from 100 to 130 while imports of manufactured goods (exclusive of semi-manufacturers rose to 402. The ratio of increase for manufactured goods was 13 to 1 over the increase in raw materials.

This trend has a special meaning to labor. The imported raw materials do not displace nearly as much labor as do the finished manufactures which incorporate the full complement of processing and manufacturing employment. Today about two-thirds of our imports consist of manufactured products. The shift has meant more labor displacement by imports.

If we analyze our exports we encounter a further confirmation of our generally weak competitive position. Such export surplus as we do achieve is confined largely to machinery, including transport equipment, including, in turn, aircraft exports; to some sophisticated equipment, such as computers; and chemicals.

Yet even in the case of machinery exports our balance is narrowing. In 1960 we exported 4.7 times as much machinery as we imported. In 1969 the ratio was less than 2 to 1. In 1969 our exports of machinery and transport equipment amounted to \$16.38 billion and represented 43.8% of our total exports.

This is, of course, not a healthy condition. Our exports of "Other Manufactured Goods" rose from only \$3.8 billion in 1960 to \$7.0 billion in 1969. Imports of the same goods rose from \$4.5 billion to \$12.0 billion, or 163% compared with an export rise of 83%.

Included among the "Other Manufactured Goods" are iron and steel mill products, shoes, textiles, clothing, glass, glassware, pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles and parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, sound recorders, handbags, umbrella frames, canned mushrooms, optical goods, etc. In this group as a whole we suffered a deficit of \$5 billion in 1969, even when imports are tabulated on their foreign value rather than their cost landed in this country.

In agricultural products imports are growing rapidly and have caused difficult problems in tomatoes, strawberries, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, milk, fish, oysters, crabmeat, flowers, etc.

In minerals we have a trade deficit in petroleum, copper, lead, zinc, bauxite and aluminum. We do enjoy a handsome export surplus in coal; but it is far outbalanced by our deficit in petroleum. (See *Stat. Abs., U.S. 1970, Table 1029, p. 650.*)

Our trade in agricultural products has sunk rapidly in relation to other goods. During the 1957-1961 period agricultural exports were 23% of our total exports; in 1969 only 16%. During the same period agricultural imports declined from 28% of total imports to 14% in 1969. (See *Stat. Abs., of the U.S. 1970, Table 946, p. 602.*)

If we eliminate the Foreign Aid, Food for Peace, and similar agricultural shipments we incurred a deficit in 1969, with official exports reported at \$5.7 billion compared with imports of \$4.9 billion.

Our unbalanced competitive position is further underlined by the fact that employment in the production of manufactured goods in which we have a trade deficit is some 2 million higher than employment in the manufacture of the narrow segment of products in which we enjoy an export surplus.

That the export surplus in machinery and transport equipment is not solid may be inferred from its narrowing in recent years and from the fact that the great rise in industrial machinery exports is attributable largely to the growth of our investment in foreign manufacturing enterprises. These enterprises are increasing their exports to this country and may be expected to shrink our export markets for the products they are producing in foreign markets.

From the foregoing recitation of competitive status of numerous products of industry and agriculture, it is clear that this country, despite its high productivity per man-hour, enjoys a competitive advantage in foreign markets in only a few products, and, further, that this advantage is not solid. It is also clear that our imports of many goods have been rising much more rapidly than our exports of them.

The technological revolution and the mass-production system that brought us world leadership have now been diffused to other industrial countries. This fact has made effective the competitive advantages of low foreign wages. The wage-gap was not competitively so dangerous while our output per man-hour held such a comfortable lead. While the wage-gap persists, the productivity-gap has been closing.

The very fact that other countries have adopted our mass production system has indeed brought them higher productivity. Failure to adopt the other half of the American equation, namely, mass consumer purchasing power, derived from high wages, has left these countries with surpluses that their consumers are not able to absorb because their wages are not commensurate with their increasing productivity.

These countries therefore look to the United States as an outlet for their surplus output. They would not be so dependent on our market if they but increased their wages to the point of ability to buy the output of their improved production machine.

The industries of this country would have no difficulty competing with imports if wages were lowered to their foreign counterpart; but they would be unable to dispose of their output and would accumulate intolerable surpluses under such conditions. The persistence of international cost differentials results from the universal interferences with free competition. These interferences are principally governmental and of political origin, and may be expected to endure. Therefore there is little hope that the competitive disadvantages suffered by many of our industries can be corrected, especially since technology is now international. New productivity attainments of domestic industries are soon diffused to other countries.

This fact means that artificial interventions must be instituted lest capital move abroad even more rapidly and that our domestic industry will otherwise be inundated progressively by higher tides of imports.

Already the inundation has reached intolerably high levels in numerous instances. The following table shows the market penetration achieved by imports in 1969 with respect to the listed products, as compiled by the Tariff Commission in a recent hurried survey:

[Short title, in percent of domestic market supplied by imports, 1969]	
Fish products:	
Swordfish	90
Cod, etc., filets	80
Oysters, canned	72
Scallops, fishmeal, and sardines	56-60
Leather and fur skins; Calf, goat, miscellaneous mink	46-64
Vegetables:	
Fig paste, apricots, dried; olives, garlic, strawberries, pimentos, cucumbers, tomatoes, eggplant, mushrooms, canned	18-48

Tung oil	82	Table tennis equipment	38
Whisky	32	Badminton	95
Hardwood plywood: Birch, luan, Sen, others	26-92	Baseballs and gloves	32-92
Cotton fabrics:		Tennis balls and racquets	35-76
Gingham	71	Skis, snowshoes	68
Shop towels	33	Dolls, stuffed figures	23
Duck	20	Electric shavers	20
Sheeting	19		
Pile fabric	42		
Fish netting	28		
Manmade fabrics:			
Filament, polyester	25		
Filament, rayon	25		
Apparel:			
Sweaters	41		
Shirts, men's and boys; dress	30		
Blouses, not knit	27		
Men's and boys' sport shirts	25		
Women's, girls slacks	25		
Chemicals:			
Benzenoid drugs	28		
Melamine	36		
Monosodium glutamate	20		
Sod. silicofluoride	23		
Caffeine	64		
Antibiotics	18		
Synthetic vitamin C	28		
Residual fuel oil	64		
Ceramics:			
Wall tile, glazed	28		
Mosaic tiles	68		
Earthenware	30-76		
Chinaaware	28-96		
Glass, (rolled, sheet)	28-33		
Glassware, handmade	40		
Lead, unmf'd	41		
Zinc, unmf'd	54		
Steel:			
Alloy	34		
Structural	20		
Carbon, pipe and tube	20		
Transformer tower parts	32		
Barbed wire	45		
Wire rope	20		
Nails	45		
Wood screws	58		
Stainless steel flatware	49		
Power trans. chains	29		
Sewing mach. & parts	58		
Winding and warping mach.	37		
Knitting mach. needles	46		
Electronic devices:			
Microphones, loudspkr.	20		
TV recvrs & phono-comb.	30		
Radio receivers	73		
Comb. electrnc and parts	57		
Calculating machines	60		
Automobiles:			
New passenger cars	16		
Snowmobiles	58		
Motorcycles, tires and parts	86-95		
Footwear:			
Nonrubber, men's, boys', women's, misses', infants'	22-36		
Athletic	20		
Rubber, protective	25		
Combs	66		
Artist brushes and pencils	45		
Umbrellas	79		
Clothespins	37		
Wigs, toupees, etc.	79		
Headwear, knit, fur	20-30		
Gloves, leather	35		
Optical goods:			
Lenses, prisms, etc.	43		
Telescopes, etc.	26		
Microscopes	39		
Balances: Watches, clocks, movements, and watch parts	21-52		
8-mm. motion picture cameras	47		
35-mm still cameras	100		
Enlargers	66		
Light meters, etc.	45		
Musical instruments:			
Woodwind	64		
Electronic	71		
Other, stringed	76		
Bicycles: Bicycle parts and tires	36-53		

For the sake of abbreviation the short titles are not fully descriptive and in some instances not sufficiently segmented. However, the serious market penetration of imports is readily visible. If trends in recent years could be shown the threat would loom higher.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINAL (at the request of Mr. ROGERS of Colorado), on account of official business.

Mr. BLATNIK (at the request of Mr. BOGGS), for today, on account of official business.

Mr. HANSEN of Washington (at the request of Mr. ALBERT), for today, on account of illness.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for November 16 and 17, on account of official business.

Mr. DEL CLAWSON (at the request of Mr. GERALD R. FORD), on account of death in family.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for balance of month, on account of official business.

Mr. EILBERG (at the request of Mr. ROGERS of Colorado), for Monday and Tuesday, November 16 and November 17, on account of official business.

Mr. ANNUNZIO (at the request of Mr. ROGERS of Colorado), for Monday, November 16 through Wednesday, November 18, 1970, on account of official business.

#### 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. PRICE of Illinois for 1 hour on November 24, and to revise and extend his remarks and include extraneous matter to eulogize the late Honorable William L. Dawson.

(The following Members (at the request of Mr. ANDERSON of California) and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. RARICK, for 10 minutes, today.

(The following Member (at the request of Mr. SCHMITZ) and to revise and extend his remarks and include extraneous matter:)

Mr. FINDLEY, for 15 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PASSMAN.

Mr. SIKES, to revise and extend his remarks on House Resolution 1260.

Mr. SIKES, in five instances, and to include extraneous matter.

Mr. POLLOCK and Mr. FULTON of Pennsylvania to revise and extend their remarks and include extraneous matter prior to passage of S. 902.

Mr. EVINS of Tennessee in two instances, and to include extraneous material.

Mr. BROWN of California to revise and extend his remarks on S. 3785.

Mr. MATSUNAGA to revise and extend his remarks prior to passage of H.R. 14684.

Mr. GRAY in two instances and to include extraneous matter.

(The following Members (at the request of Mr. SCHMITZ) and to include extraneous matter:)

Mr. McCLOSKEY.

Mr. WYMAN in two instances.

Mr. MILLER of Ohio in four instances.

Mr. DENNEY.

Mr. SCHERLE in 10 instances.

Mr. STEIGER of Wisconsin.

Mr. CHAMBERLAIN in two instances.

Mr. KUYKENDALL.

Mr. MESKILL.

Mr. BRAY in four instances.

Mr. QUILLEN in four instances.

Mr. MORSE.

Mr. SCHMITZ in three instances.

Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. KYROS in five instances.

Mr. ROSENTHAL in five instances.

Mr. GAYDOS in five instances.

Mr. BOLLING in six instances.

Mr. MINISH in six instances.

Mr. REUSS in six instances.

Mr. HAMILTON in 10 instances.

Mr. CLAY in eight instances.

Mr. FRIEDEL in two instances.

Mr. EVINS of Tennessee in two instances.

Mr. FASCELL in three instances.

Mr. RARICK in five instances.

Mr. EDWARDS of California.

Mr. BINGHAM in five instances.

Mr. KEE in two instances.

Mr. VANIK in three instances.

Mr. GIAIMO in 10 instances.

Mrs. GREEN of Oregon in six instances.

Mr. CORMAN in five instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. HEBERT.

Mr. FISHER in four instances.

Mr. PUCINSKI in 10 instances.

Mr. JOHNSON of California in four instances.

Mr. BENNETT in two instances.

Mr. BRASCO.

Mr. DANIELS of New Jersey.

Mr. COHELAN in five instances.

Mr. BROOKS in two instances.

Mr. HUNGATE in two instances.

Mr. PEPPER in two instances.

Mr. BOLAND in two instances.

Mr. DINGELL in four instances.

Mr. ANDERSON of California.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the

same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related program; to the Committee on Judiciary.

S. 1466. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

S. 1468. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2755. An act for the relief of Donal N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

#### ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll

bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes.

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.;

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On October 14, 1970:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be

reported to the Department of the Treasury, and for other purposes;

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes;

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes; and

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status.

On October 21, 1970:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District of Prince William County, Va.;

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug

abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

#### THE LATE HONORABLE WILLIAM L. DAWSON

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

Mr. PRICE of Illinois. Mr. Speaker, it is my sad duty to announce to the House the death on November 9 of our colleague, the Honorable WILLIAM L. DAWSON, of the First District of Illinois.

Congressman Dawson was chairman of the Committee on Government Operations. He served 14 terms in the House.

It is not my purpose tonight to eulogize our late colleague, but I shall ask unanimous consent to address the House for 1 hour on Tuesday, November 24, and, Mr. Speaker, I shall offer a privileged resolution in connection with the death of our colleague.

#### THE LATE HONORABLE WILLIAM L. DAWSON

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

#### H. RES. 1261

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable William L. Dawson, a Representative from the State of Illinois.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly (at 5 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 17, 1970, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2462. A communication from the President of the United States, transmitting proposed supplemental appropriations for the Department of Transportation for the fiscal year 1971 (H. Doc. No. 91-408); to the Committee on Appropriations and ordered to be printed.

2463. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished various countries from military functions appropriations, pursuant to Public Law 91-294; to the Committee on Appropriations.

2464. A letter from the Comptroller General of the United States, transmitting a report on U.S. assistance in Liberia; to the Committee on Government Operations.

2465. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements—The Government National Mortgage Association for fiscal year 1969—The Federal National Mortgage Association for 2-month period ended August 31, 1968. Department of Housing and Urban Development (H. Doc.

No. 91-409); to the Committee on Government Operations and ordered to be printed.

2466. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Savings and Loan Insurance Corporation for the year ended December 31, 1969, pursuant to the Government Corporation Control Act (31 U.S.C. 841), as amended (H. Doc. No. 91-410); to the Committee on Government Operations and ordered to be printed.

2467. A letter from the Director, Federal Judicial Center, transmitting the third annual report of the center (H. Doc. No. 91-411); to the Committee on the Judiciary and ordered to be printed with illustrations.

2468. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 16, 1970, submitting a report, together with accompanying papers and an illustration, on Fort Chartres and Ivy Landing Drainage District No. 5 and Stringtown Drainage and Levee District No. 4, Illinois, in partial response to resolutions of the Committee on Public Works, House of Representatives, adopted June 17, 1948, and the Committee on Public Works, U.S. Senate, adopted July 18, 1957 (H. Doc. No. 91-412); referred to the Committee on Public Works and ordered to be printed with an illustration.

2469. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 15, 1970, submitting a report, together with accompanying papers and illustrations, on Mill Creek, Ohio, in response to a resolution of the Committee on Public Works of the House of Representatives, adopted June 24, 1965, and in partial response to resolutions adopted by the Public Works Committees of the U.S. Senate and House of Representatives on May 31, 1967, and October 19, 1967, respectively (H. Doc. No. 91-413); referred to the Committee on Public Works and ordered to be printed with illustrations.

2470. 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 Western Tennessee tributaries, Tennessee and Kentucky, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 19, 1963 (H. Doc. No. 91-414); referred to the Committee on Public Works and ordered to be printed with illustrations.

2471. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 16, 1970, submitting a report, together with accompanying papers and illustrations, on Corpus Christi Beach, Tex. (restoration project), requested by a resolution of the Committee on Public Works, House of Representatives, adopted December 17, 1963 (H. Doc. No. 91-415); referred to the Committee on Public Works and ordered to be printed with illustrations.

2472. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1970, submitting a report, together with accompanying papers and illustrations, on Zintel Canyon, Kennewick, Wash., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 2, 1954, and July 29, 1954 (H. Doc. No. 91-416); to the Committee on Public Works and ordered to be printed with illustrations.

2473. A letter from the national adjutant, Disabled American Veterans, transmitting the report of the proceedings of Disabled American Veterans' national gathering for 1970, together with a report of the proceedings of the organization for the year ended June 30, 1970, and a report of its receipts and expenditures as of December 31, 1969, pursuant to

Public Laws 249 and 668, 77th Congress (H. Doc. No. 91-417); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

2474. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements for foreign currencies under Public Law 480, for September and October, pursuant to Public Law 85-128; to the Committee on Agriculture.

2475. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1971, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2476. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal Bureau of Investigation, for "Salaries and expenses," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2477. A letter from the Secretary of Defense, transmitting eight reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1 "Administrative Control of Appropriations Within the Department of Defense," pursuant to section 3679(i) (2), Revised Statutes; to the Committee on Appropriations.

2478. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report that no funds appropriated in the Department of Defense and Military Construction Appropriations Acts, 1969, were used during January-June 1970, to make payments under contracts in foreign countries, except where the Treasury Department was holding no excess foreign currencies of the country involved, pursuant to the provisions of those acts; to the Committee on Appropriations.

2479. A letter from the Assistant Secretary of Defense (Comptroller), transmitting, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, during fiscal year 1970, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

2480. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1970, pursuant to section 4 of Public Law 520, 79th Congress; to the Committee on Armed Services.

2481. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1970, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2482. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 552(a) of title 37, United States Code, to authorize continuance of incentive pay to members of the uniformed services for a 3-month period after termination of missing status; to the Committee on Armed Services.

2483. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ending September 30, 1970, pursuant to section

201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2484. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on the Federal contributions programs, equipment and facilities, for the quarter ending September 30, 1970, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2485. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on contracts negotiated by the Department of Defense under 10 U.S.C. 2304(a) (11) and (16) for the period January-June 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2486. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a (1) (b); to the Committee on Armed Services.

2487. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a(1) (b); to the Committee on Armed Services.

2488. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; to the Committee on Armed Services.

2489. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the annual audit report of the books of the Quartermaster General of the VFW for the fiscal year ended August 31, 1970, pursuant to Public Law 630, 74th Congress; to the Committee on Armed Services.

2490. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President transmitting a report on borrowing authority for the period ended June 30, 1970, pursuant to section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

2491. A letter from the Secretary of Commerce, transmitting the 92d quarterly report on export control, covering the second quarter of 1970, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2492. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July-August, 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2493. A letter from the Administrator, Agency for International Development, Department of State, transmitting the annual report on the implementation of section 620 (s) of the Foreign Assistance Act of 1961, as amended, and section 120 of the Foreign Assistance and Related Programs Appropriation Act, 1970; to the Committee on Foreign Affairs.

2494. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds, for the fourth quarter of fiscal year 1970, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2495. A letter from the Secretary of the Interior, transmitting a report of 20 projects

selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to section 200(b) of the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

2496. A letter from the Secretary of the Interior, transmitting the fifth annual report on the minerals exploration assistance program, pursuant to 30 U.S.C. 641-646, as amended (79 Stat. 1312); to the Committee on Interior and Insular Affairs.

2497. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1970, pursuant to the act of June 8, 1968 (82 Stat. 171, 25 U.S.C. 451); to the Committee on Interior and Insular Affairs.

2498. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed grant agreement for a research project entitled "A Case Study of In-Situ Rock Deformation Behavior for the Design of Ground Support System," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

2499. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

2500. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

2501. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

2502. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon County, Nev.; to the Committee on Interior and Insular Affairs.

2503. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that 3,308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

2504. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Muncie Community, Wis.; to the Committee on Interior and Insular Affairs.

2505. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed extension of a concession contract for the operation of the Lake Mead Marina and to provide related facilities and services for the public within Lake Mead National Recreation Area, Nev., for a 1-year term ending December 31, 1970, pursuant to 67 Stat. 271, as amended (70 Stat. 543); to the Committee on Interior and Insular Affairs.

2506. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to Docket No. 270-A, the Assiniboine Tribes of Indians, *Intervenors, v. The United States of America*, defendant,

pursuant to the Indian Claims Commission Act of 1946, as amended; to the Committee on Interior and Insular Affairs.

2507. A letter from the Assistant Secretary of Commerce, transmitting the report of the Department for fiscal year 1970 on commissary activities outside the continental United States, pursuant to 5 U.S.C. 596A; to the Committee on Interstate and Foreign Commerce.

2508. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1970, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

2509. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Electric Utility Depreciation Practices, 1966"; to the Committee on Interstate and Foreign Commerce.

2510. A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, as of June 30, 1970"; to the Committee on Interstate and Foreign Commerce.

2511. A letter from the Assistant Secretary of Commerce, transmitting a report of claims paid during fiscal year 1970 by the Department of Commerce under the Military Personnel and Civilian Employees' Claim Act of 1964, as amended (31 U.S.C. 240-243); to the Committee on the Judiciary.

2512. A letter from the Assistant Secretary of the Interior for Administration, transmitting a report of receipts and expenditures of the Department for fiscal year 1970 in connection with the administration of the Outer Continental Shelf Lands Act of 1953, pursuant to section 15 of the Act; to the Committee on the Judiciary.

2513. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of additional United States district judges; to the Committee on the Judiciary.

2514. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2515. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2516. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2517. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the Act; to the Committee on the Judiciary.

2518. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigra-

tion and Nationality Act, as amended; to the Committee on the Judiciary.

2519. A letter from the National Shipwright, Navy Club of the United States of America, transmitting the annual audit of the Navy Club for 1969-70, pursuant to law; to the Committee on the Judiciary.

2520. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing construction of a Federal office building at Santa Rosa, Calif., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

2521. A letter from the Assistant Administrator of General Services, transmitting a prospectus containing an amendment to the authorized border station at Calexico, Calif., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

2522. A letter from the Special Assistant to the Secretary of the Army (civil functions), transmitting a final environmental statement on the Corps of Engineers report on a beach erosion control proposal for Revere and Nantasket Beaches, Mass., pursuant to the National Environmental Policy Act of 1969; to the Committee on Public Works.

2523. A letter from the Special Assistant to the Secretary of the Army (civil functions), transmitting a final environmental statement on the Corps of Engineers report on Four Mile Run, Alexandria and Arlington County, Va., pursuant to the National Environmental Policy Act of 1969; to the Committee on Public Works.

2524. A letter from Acting Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA under 10 U.S.C. 2304(a) (11) and (16) for the period January-June, 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

2525. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report for fiscal year 1970 on grants in which title to equipment was vested under 42 U.S.C. 1892, pursuant to 42 U.S.C. 1839; to the Committee on Science and Astronautics.

2526. A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information; to the Committee on Veterans' Affairs.

2527. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved which are financed wholly by Federal funds for the period July 1 to September 30, 1970, pursuant to section 1120b of the Social Security Act; to the Committee on Ways and Means.

2528. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on the medicare program by the Health Insurance Benefits Advisory Council, pursuant to section 1867(b) of the Social Security Act; to the Committee on Ways and Means.

2529. A letter from the Presiding Commissioner, U.S. Tariff Commission, transmitting the 20th report of the Commission on the operation of the trade agreements program pursuant to section 402(b) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

#### RECEIVED FROM THE COMPTROLLER GENERAL

2530. A letter from the Comptroller General of the United States, transmitting a report on the improvements needed in management of Department of Defense communications; to the Committee on Government Operations.

2531. A letter from the Comptroller General of the United States, transmitting a report on the improvement needed in the

administration of the Iowa and Kansas medicare programs by the fiscal agents, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2532. A letter from the Comptroller General of the United States, transmitting a report on the Government-wide service benefit plan—Blue Cross and Blue Shield for Federal employees—needs improved administration, Civil Service Commission; to the Committee on Government Operations.

2533. A letter from the Comptroller General of the United States, transmitting a report on the need to improve administration of fees and charges of regulatory agencies; to the Committee on Government Operations.

2534. A letter from the Comptroller General of the United States, transmitting a report on the overstatement of contract target cost for first stage of Saturn V launch vehicle, National Aeronautics and Space Administration; to the Committee on Government Operations.

2535. A letter from the Comptroller General of the United States, transmitting a report on the savings from joint use of spectrometric oil analysis equipment by the military departments, Department of Defense; to the Committee on Government Operations.

2536. A letter from the Comptroller General of the United States, transmitting a report on a case history showing need for improvements in the management of overseas military construction contracts, Department of Defense; to the Committee on Government Operations.

2537. A letter from the Comptroller General of the United States, transmitting a report on the problems related to restricting the use of motorized equipment in wilderness and similar areas, Department of Agriculture, Department of the Interior; to the Committee on Government Operations.

2538. A letter from the Comptroller General of the United States, transmitting a report on the savings through increased screening of registrants with medical conditions at local draft boards, Selective Service System; to the Committee on Government Operations.

2539. A letter from the Comptroller General of the United States, transmitting a report on the savings attainable by eliminating duplicate stocks in the U.S. Marine Corps; to the Committee on Government Operations.

2540. A letter from the Comptroller General of the United States, transmitting a report on the need for improved controls to insure the identification and reporting of excess land by the Veterans' Administration; to the Committee on Government Operations.

2541. A letter from the Comptroller of the United States, transmitting a report on the need to enhance the effectiveness of on-the-job training in Appalachian Tennessee, Department of Labor; to the Committee on Government Operations.

2542. A letter from the Comptroller General of the United States, transmitting a report on the transfer of regional activities to local post offices inconsistent with congressional intent, Post Office Department; to the Committee on Government Operations.

2543. A letter from the Comptroller General of the United States, transmitting a report regarding Federal assistance for presidential transitions; to the Committee on Government Operations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted Oct. 16, 1970]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15041. A bill to provide for a coordinated national boating safety program; with amendment (Rept. No. 91-1611). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Oct. 20, 1970]

Mr. EVINS of Tennessee: Select Committee on Small Business. H. Res. 66. To provide SBA lease guarantee (Old Dominion Sugar Corp.), with amendment (Rep. No. 91-1612). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Oct. 21, 1970]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 19333. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, with amendment (Rept. No. 91-1613). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Nov. 16, 1970]

Mr. McMILLAN: Committee on District of Columbia. H.R. 18782. A bill to reorganize the government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioner of the District of Columbia, and for other purposes (Rept. No. 91-1596). Part 2. Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 7444. A bill to repeal the Naval Stores Act (Rept. No. 91-1614). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 19402. A bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library (Rept. No. 91-1615). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 19790. A bill relating to the income tax treatment of certain sales of real property by a corporation; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 19791. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FLOWERS:

H.R. 19792. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines and surface coal mines; to the Committee on Education and Labor.

By Mr. JARMAN:

H.R. 19793. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 19794. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. MONAGAN:

H.R. 19795. A bill to amend section 2771

of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces; to the Committee on Armed Services.

By Mr. RARICK:

H.R. 19796. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. REUSS:

H.R. 19797. A bill to amend the Economic Stabilization Act of 1970 to extend until the close of June 30, 1972, the authority of the President to stabilize prices, rents, wages, and salaries; and to limit any action taken to implement such stabilization to an effective period of not more than 180 days; to the Committee on Banking and Currency.

H.R. 19798. A bill to amend the River and Harbor Act of 1899 to authorize the Corps of Engineers to limit the unregulated dumping of materials in the ocean, coastal, and other waters, and for other purposes; to the Committee on Public Works.

By Mr. SCHWENDEL:

H.R. 19799. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of steam-bank erosion; to the Committee on Public Works.

H.R. 19800. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG:

H.R. 19801. A bill to authorize a survey of the streams flowing through West Brazoria County Drainage District No. 11, Brazoria County, Tex., in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 19802. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 19803. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 19804. A bill to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 19805. A bill to amend the Office of Education Appropriations Act, 1971, to make the assistance of U.S. marshals available to local authorities for the maintenance of order where plans of desegregation are being carried out in public elementary and secondary schools; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H. Res. 1262. Resolution authorizing expenditures incurred by the Special Committee to Investigate Campaign Expenditures to be paid from the contingent fund of the House; 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. CELLER:

H.R. 19806. A bill for the relief of Miss Ada Vergener; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 19807. A bill for the relief of Georges

Brad; to the Committee on the Judiciary.

H.R. 19808. A bill for the relief of Giacomo and Anna Moscatelli; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 19809. A bill for the relief of Moham-ed Hameeb Hanif; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 19810. A bill for the relief of Vincenza Spinella; to the Committee on the Judiciary.

By Mr. SCHWENDEL:

H.R. 19811. A bill for the relief of Mrs. Alice J. Norton; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 19812. A bill for the relief of Sotillia Didakis; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 19813. A bill for the relief of Sofia Papadimou Dimitroff; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII:

444. The SPEAKER presented a memorial of the Assembly of the State of California, relative to the Pinnacles wilderness area; to the Committee on Interior and Insular Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

622. By the SPEAKER: Petition of the Louisiana State Board of Education, relative to guidelines governing the emergency school assistance program; to the Committee on Education and Labor.

623. By the SPEAKER: Petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on Education and Labor.

624. By the SPEAKER: Petition of the twenty-third Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to termination of the trusteeship agreement for the trust territory; to the Committee on Interior and Insular Affairs.

625. By the SPEAKER: Petition of the Alaska Federation of Natives, Inc., Anchorage, relative to programs of the Bureau of Indian Affairs in Alaska; to the Committee on Interior and Insular Affairs.

626. By the SPEAKER: Petition of the Railway Labor Executives' Association, Washington, D.C., relative to appointment of members to a Commission on Railroad Retirement; to the Committee on Interstate and Foreign Commerce.

627. By the SPEAKER: Petition of the Supreme Lodge, Order of Sons of Italy in America, Philadelphia, Pa., relative to equal rights for men and women; to the Committee on the Judiciary.

628. By the SPEAKER: Petition of the 1970 Grand Jury, County of Los Angeles, Calif., relative to oaths of office; to the Committee on the Judiciary.

629. By the SPEAKER: Petition of William H. Roberts, Walla Walla, Wash., relative to redress of grievances; to the Committee on the Judiciary.

630. By the SPEAKER: Petition of the Humane Society of the United States, California Branch, relative to placing doves on the list of fully protected songbirds by legislative act; to the Committee on Merchant Marine and Fisheries.

631. By the SPEAKER: Petition of the Seventh Congress of the Republic of the Philippines, commending the American Legion for supporting the recognition of Filipino guerilla soldiers and veterans; to the Committee on Veterans' Affairs.