teemed colleague, Ben Jensen, his life's work well and faithfully done, find rest and peace in his heavenly home.

NEIL JOHN CALLAHAN: AN OUTSTANDING CITIZEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. EDWARDS of California. Mr. Speaker, it is with very deep sorrow that I rise today to mark the passing of my very good friend, Neil John Callahan, a man who contributed much to my native Santa Clara County, to the State of California, and to the Nation.

Mr. Callahan, an executive with the Pacific Telephone Co., served his community in many ways. He was a former president of the Sunnyvale Rotary Club, the Sunnyvale Chamber of Commerce, and the Santa Clara County United Fund. In addition he served as general chairman of the 1964 Santa Clara County Bond Drive Committee and chairman of the county's multiple sclerosis campaign in 1967.

Neil also gave unstintingly to his Nation, as a member of the Army Air Force during World War II and as a member of local Selective Service Board 62 in San Jose during recent years.

I knew Neil well through his devoted efforts in both the community and in politics, where his love of Nation, and the people in it, were represented by his actions during the 1964 and 1968 campaigns. It was to the honor of the Democratic Party that he served as an alternate delegate to the national convention held in Chicago in 1968.

Mr. Speaker, at this point I would like to express my condolences and the condolences of this body to Mrs. Helene T. Callahan, Neil's lovely wife, and to their two daughters. Neil was a good man and we will miss him.

LITHUANIAN INDEPENDENCE DAY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mr. RHODES. Mr. Speaker, I am pleased to join with other Members of this Congress in observing the 52d anniversary of the independence of Lithuania. Lithuanians around the world are celebrating this occasion, even though many must celebrate quietly within their own souls, as they are not free to do otherwise. They have only the memory of brief freedom in the past and the encouragement of the free world to sustain their hope of freedom in the future. These oppressed, enslaved peoples have not let their hope grow dim; let us honor their faith and brighten that hope by our renewed pledge to seek freedom for all who are in bondage.

HOUSE OF REPRESENTATIVES—*Thursday, February 19, 1970*

The House met at 11 o'clock a.m.

Rev. Prof. Martin A. Kavolis, retired pastor of the Lutheran Church in America, East Dubuque, Ill., offered the following prayer:

Almighty God, whose providence prepared the way of peace in relationship with God, fellow men, and society through Christ, look graciously upon all of mankind, which appears to be confused and torn between creative evolutionary effort of human love and destructive disturbances of human hate, which vandalize people and nations, while they disrupt economic and social order by coercion. This opposing meaning of freedom and peace is very real in the country of Lithuania, whose past history speaks of centuries of national liberty, while the present charges of decades of national subjugation, personal oppression, and exile.

We beseech You to bestow wisdom upon the Government of the United States of America to serve the just peace by action relevant to the needs of revolutionary situation. Amen.

THE JOURNAL

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

RESIGNATION AS DELEGATE TO 1970 UNITED STATES-CANADIAN INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following communication:

FEBRUARY 18, 1970.

Hon. JOHN MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I would appreciate very much if you would remove me from the list of delegates to the 1970 United States-Canadian Interparliamentary Group.

I have been pleased to participate in past years but my schedule will not permit my attending this year's Conference.

Best regards.

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

APPOINTMENT AS MEMBER OF THE U.S. DELEGATION OF THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, the Chair appoints as a member of the U.S. delegation of the Canada-United States Interparliamentary Group the gentleman from Ohio, Mr. TAFT, to fill the existing vacancy thereon.

CONTROL OF THE SALE OF DYNAMITE

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

Mr. VANIK. Mr. Speaker, several weeks ago, a large explosive bomb completely destroyed a police station-court building in the city of Shaker Heights, in my district. Fifteen people were injured and at least one person was killed.

It appears that the perpetrator of this offense acquired 120 pounds of dynamite by direct purchase from a powder manufacturer, representing that he needed the explosive for a school experiment. Apparently, he would have had no greater problem buying 1,200 or 12,000 pounds of dynamite.

As a result of the Shaker Heights tragedy, I was stunned to learn that under present law there is no restriction whatsoever on the purchase of unlimited quantities of explosives. There is no registration of such a purchase. No inquiry is made to determine why the explosives are bought. No determination is made to the background of the purchaser or to verify the intended utilization of dangerous explosives.

At present, a known criminal or a mental incompetent is perfectly free to purchase substantial quantities of dangerous explosives.

The Danbury, Conn., case of last week demonstrates the utilization of explosives and bomb explosions as a criminal diversion.

The nightmare in the law which permits easy access to dangerous explosives threatens the safety of every citizen and the security of every community. It must be cleared up immediately.

I am therefore introducing legislation which would severely restrict the sale of dangerous explosives on the open market. I hope that this legislation will be treated as an emergency proposal and be promptly enacted by the Congress.

TWO BODIES OF CONGRESS ARE COEQUAL

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

Mr. McCORMACK. As I have, Mr. Speaker, my colleagues also throughout the years have read in the newspapers references to the "upper" and the "lower" bodies of Congress, and we have listened to that in newscasts where references are made to the Senate as the upper body and to the House as the lower body. Last night in one of the newscasts on two occasions there was reference to the upper body, to some action taken in the upper body—in the Senate.

Mr. Speaker, that is not offensive to me, because we all know that both bodies are coequal and, in fact, if anybody is "upper" so far as the collective ability is concerned, it is the House. In any event, I take the floor with the finest of respect for those who make the mistake, knowing they probably do not do it intentionally. But there is no upper or lower body in the Congress of the United States. Both are coequal.

It is my understanding that when the Government met in Philadelphia in the early days of our country, the House and the Senate met in a building in Philadelphia where the Senate met on the floor above the House, and in debate reference was made to the upper body, meaning the Senate sitting above, and the Senate would refer to the lower body, meaning the House which was sitting on the floor below. But I call to the attention of those newspapermen—those few who do make the error unintentionally, including those over television—the fact that they show their own unintentional ignorance, and in the future they ought to correct it.

CHICAGO TRIAL INFLICTS INJURY ON JUDICIAL SYSTEM

(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, like most lawyers, I have refrained from publicly commenting during the course of the trial of the so-called Chicago 7 even though I probably know as much or more about what occurred in Chicago than any person other than those who actively participated in the trial as all five of those convicted by the jury were subpenaed by a committee which I chaired investigating the Chicago disturbances in 1968. As a matter of fact, Dellinger, Hayden, and Davis testified at length before the committee and I would conclude that their own testimony was sufficient to justify the verdict. I believe that the decision of the jury is justified beyond one iota of reasonable doubt.

I think that the public owes the jury a vote of appreciation. It is doubtful that most of the public are fully cognizant of the tremendous personal sacrifices made by the jury to carry out a very important function of citizen responsibility in a free society.

However, I have been greatly disheartened by the severe injuries suffered by our whole judicial system. The objectives of the defendants and their lawyers throughout the trial were quite explicit. We have witnessed a group of defendants and lawyers who deliberately attempted to make a mockery of our whole judicial system. Attorney Kunstler and each of the defendants is a master at exploiting the news media to accomplish their nefarious objectives and I must regrettably conclude that a large segment of the news media, either wittingly or unwittingly, permitted itself to be so exploited.

The trial in Chicago, in my opinion, calls for some very deep thinking and a serious appraisal by those who are interested in the preservation of our system of justice and freedom of the press, of our judicial procedures and methods of reporting.

It is with this view in mind that I am preparing a request to the American Bar Association to make an immediate appraisal of the Chicago trial and the press coverage thereof. The committee established might well include responsible officials of the news media.

U.S. FOREIGN POLICY

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

Mr. ADAIR. Mr. Speaker, Yesterday the President sent to the Congress a unique document—a message outlining U.S. foreign policy in detail.

For this, the Congress and the Nation owe the President a vote of gratitude.

For the first time in my service in the Congress, at least, we now have a reference point from which to evaluate our Nation's dealings with the rest of the world.

No longer is American foreign policy a policy of expediency in which each nation is treated as if it were an isolated unit. Instead there is a cohesive plan.

We now have a basic doctrine resting on America's enlightened self-interest, under which policy can be carried out.

Fittingly, this will be known as the Nixon doctrine. And surely it is the most important American foreign policy statement of our time and our century and perhaps in our history.

Mr. Speaker, there is not time here to discuss the Nixon doctrine in detail, but let me say it recognizes that the world of the seventies is not the postwar world of the late forties and fifties.

It recognizes also that the United States must continue to play a dominant role in world affairs and that we cannot and will not abandon either our commitments or our allies.

The Nixon doctrine, in brief, is a realistic outline of America's role in the world. It is to our best interests that we play that role as the President proposes.

U.S. FOREIGN POLICY

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

Mr. BROOMFIELD. Mr. Speaker, I have read the President's message to the Congress on U.S. foreign policy for the 1970's.

It is a document worthy of a man—President Nixon—who has spent a large part of his lifetime studying our relationships with the rest of the world.

Not in our time has a man come to the office of the Presidency so uniquely fit to deal with foreign affairs as is President Nixon.

For that reason alone, this document is worth studying, not only for us here in the Congress, but for those anywhere in the world entrusted with making and carrying out foreign policy.

As I look at this document, one paragraph stands out. It stands out because it says plainly that this President knows what the Presidency is about, knows its responsibilities, its duties, and its opportunities.

I refer to these words:

> We must know the alternatives. We must know what our real options are and not simply what compromise has found bureaucratic acceptance. Every view and every alternative must have a fair hearing. *Presidential leadership is not the same as ratifying bureaucratic consensus.*

Mr. Speaker, that last line bears repeating, because it indicates that American foreign policy no longer will be made in the catacombs of the State Department, but instead will be made in the White House, to be carried out in the State Department:

> Presidential leadership is not the same as ratifying bureaucratic consensus.

It is plain that the Nation finally has what it has needed and wanted—not consensus, but leadership. We can all be grateful.

THE PRESIDENT'S FOREIGN POLICY REPORT

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

Mr. DELLENBACK. Mr. Speaker, while it is true that a complex report such as the President's foreign policy report needs time and study if it is to be properly understood, I think it is correct to say that the foundation of the report can be seen in the three basic principles listed by the President:

> Peace requires partnership. Peace requires strength. Peace requires a willingness to negotiate.

These three basic principles disclose the President's clear understanding of the realities of the world as it is—and of the ideals that can make the world what it should be.

Partnership, strength, and negotiation are a trinity of international virtues without which no peace is possible. We need—as the President has wisely pointed out—all of them—or we will find ourselves with none of them.

Partnership and a willingness to negotiate are vague and wispy dreams if they are not backed by strength.

Strength is without purpose and without moral foundation if there is no sense of partnership or no desire to talk things over.

I am highly gratified to find, once more, proof of the President's ability to see the world as it is in order to be able to realistically work to bringing it to where it should be.

RAILROAD STRIKE AND/OR LOCKOUT

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

Mr. PICKLE. Mr. Speaker, February 21 is only 2 days away, and, this Nation again may be faced with a disastrous railroad strike and/or lockout.

First, we received a 10-day grace period from the Federal courts. As the clock ticked away, both management and labor voluntarily agreed to a moratorium, which expires on the 21st of this month. Although labor and management are to be congratulated for this volunteer action, they have been meeting for days and days in Miami and any encouraging news is scarce indeed.

Because of the vital importance of the railway system to this country's well-being, Congress cannot sit back insensitive to what is happening around us. Congress must take the initiative and modernize the machinery of the Railway Labor Act. We must give the President, or Congress, or special boards, the necessary tools to deal with strikes and lockouts. Two years ago, and again this Congress, I introduced a bill that would give the President, primarily, a choice of procedures and greatly strengthen his actions in national transportation disputes. Naturally, I would like to see action on my bill, but we should receive leadership from the administration on this subject. They have promised it but have not submitted it. Time is running out. If Congress chooses not to act, then we cannot hurl criticism at management and labor while excusing ourselves. Let us act on some measure that will avert a national transportation tragedy.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, on behalf of my colleague, the gentleman from Maryland (Mr. GARMATZ), I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries may sit during general debate today.

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

Mr. HALL. Mr. Speaker, I object.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 23]

Anderson, Tenn.	Hays	Pelly
Ashley	Heckler, Mass.	Pettis
Blanton	Henderson	Pollock
Brown, Calif.	Johnson, Pa.	Powell
Burton, Calif.	Jones, Tenn.	Pucinski
Celler	Kirwan	Purcell
Chisholm	Kleppe	Reifel
Clark	Long, La.	Riegle
Colmer	Long, Md.	Rosenthal
Daddario	Lukens	Rostenkowski
Dawson	McDade	Roudebush
Dent	McDonald, Mich.	Scheuer
Devine	Macdonald, Mass.	Teague, Calif.
Dickinson	Mollohan	Teague, Tex.
Diggs	Monagan	Tunney
Dingell	Moorhead	Vander Jagt
Eckhardt	Morse	Waldie
Esch	Moss	Wyatt
Gallagher	Myers	Wylie
Griffin	Ottinger	Yates
Gubser		

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

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

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

PRESIDENT NIXON'S FOREIGN POLICY MESSAGES

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

Mr. CORMAN. Mr. Speaker, the President observed yesterday in his foreign policy message that "1980 will render many current views obsolete."

I would observe that insofar as the Nixon administration's views on racial justice are concerned, 1880 did that to them.

OUR FOREIGN AID PROGRAM BEING OPERATED BY CHARACTERS FROM THE WIZARD OF OZ

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

Mr. HUNT. Mr. Speaker, as a longtime observer of our foreign aid program, it has been my conviction that it has been run, from time to time, by either one of two wonderful characters from the delightful book "The Wizard of Oz." I refer to the Tin Woodsman and the Scarecrow. The Tin Woodsman, you will recall, had no heart; the Scarecrow had no brain. Our foreign aid policy has, at various times, lacked a heart or a brain—or both.

Alas, for lovers of children's literature, President Nixon has retired these two illustrious gentlemen. We cannot afford—we never could, really—a foreign aid program in which programs created without benefit of brain are administered without benefit of heart. We need a foreign aid program that works—that is rooted in our ethics and is operated reliably in our interest.

The President's report firmly underlines the need for some foreign aid—a need as great to the aid-giver as to the receiver. But it also underlines the new vision of foreign aid as one in which the interest of peace and of freedom will be served by cooperation and partnership. In this new world, there will be no room for cowardly lions or for omnipotent wizards either. Each nation must carry its burden; each nation must do its share. The President's report reminds us that we can no longer rely on childish preconceptions; we must look at the world as it is—and work to make it what it should be.

DESIGN AND CONSTRUCTION OF FACILITIES ACCESSIBLE TO THE PHYSICALLY HANDICAPPED

Mr. GRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14464) to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "and" and insert "are".

Page 1, strike out all after line 7 over to and including line 3 on page 2.

Page 2, line 4, strike out "(3)" and insert "(1)".

Page 2, line 6, strike out "(4)" and insert "(2)".

Page 2, line 8, strike out "(5)" and insert "(3)".

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

Mr. HARSHA. Mr. Speaker, reserving the right to object, if the gentleman from Illinois will direct his attention toward me I would like to ask the gentleman a question.

It is my understanding that the provisions of this Senate amendment merely put the same provisions that we passed in the House in all Federal buildings insofar as dealing with handicapped individuals, it merely puts those provisions and facilities in the rapid transit system in the District of Columbia, is that correct?

Mr. GRAY. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio is correct. All we did was to amend the basic act of 1968, the handicapped barriers law, by providing for accessibility of the handicapped into all public transit systems where Federal funds are used. We checked the law, and found that the new Metro system being constructed in Washington was not covered, so all the bill does is to include the Metro system, or any other subway system in the United States that would be financed with Federal funds.

The Senate amendment merely strikes out what we put in as an exclusion for rolling stock meaning buses and other similar vehicles. In other words, we excluded the rolling stock by language in the House-passed bill, and they just struck it out and we asked to concur in the Senate amendment.

Mr. HARSHA. I would further ask the gentleman from Illinois if that would cover the Metro system that is constructed in the State of Maryland?

Mr. GRAY. Yes, it would cover any system where Federal funds are used, this new law will apply, to make sure that handicapped people will have access to the new Metro system in Washington, or in the environs of Maryland or Virginia.

Mr. HARSHA. Is the gentleman aware of why the Senate struck the rolling stock provision?

Mr. GRAY. I am sorry, but I did not hear the gentleman's question.

Mr. HARSHA. I say—is the gentleman aware of the reasons why the Senate struck the rolling stock and other provisions in the bill?

Mr. GRAY. They struck it out because we put it in as an exclusion, and they took it out as an exclusion; that they did not think it belonged in the law at all. Actually, it is just a different interpretation, rolling stock such as buses are out either way. I really do not think the amendment was necessary, and we would not have had to come back to the House, but legislativewise, because of this, we had to ask to concur in the Senate amendment.

Mr. HARSHA. Mr. Speaker, I withdraw my reservation of objection.

Mr. GRAY. I thank the distinguished gentleman from Ohio and the other members of the House Committee on Public Works for their valuable contributions in helping the millions of handicapped persons who will be visiting the Nation's Capital and will be riding the Metro system.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOURTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES—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 Education and Labor:

To the Congress of the United States:

The cultural resources of our nation should be used to enrich as many lives and as many communities as possible. One way in which the Federal government advances this goal is by contributing to the work of the National Foundation on the Arts and the Humanities, of which the National Endowment for the Humanities is a part. This Fourth Annual Report of the National Endowment for the Humanities tells of progress which has been made toward this goal in the last year and underscores the importance of renewing and extending these efforts.

As I transmit this report to the Congress, I would stress again that a nation that would enrich the quality of life for its citizens must give systematic attention to its cultural development. Last December I sent a message to the Congress proposing that funds for the National Foundation on the Arts and the Humanities be approximately doubled. I emphasized that the role of government in this area is one of stimulating private giving and encouraging private initiative. It is my earnest hope that the Congress will respond positively to this request, so that such efforts as are described in this report can become a base for even greater successes in the future.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

INFORMATION ON EMPLOYEES PARTICIPATING IN TRAINING IN NON-GOVERNMENT FACILITIES—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 Post Office and Civil Service:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1969, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

ANNUAL REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–259)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed:

To the Congress of the United States:

I hereby transmit to the Congress the second annual report of the National Science Board, pursuant to the provisions of P.L. 90–407. The report was prepared by the 25 distinguished Members of the policy-making body of the National Science Foundation.

The report recounts the state of knowledge in the physical sciences—astronomy, chemistry and physics—as well as how physical science research is carried out in the United States. It also makes a number of recommendations reflecting the importance that the Board ascribes to the Nation's support of the physical sciences. I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *February 19, 1970.*

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15931, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1 hour, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

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

Mr. Chairman, the Members of this House are faced with a very unusual situation. A little over 3 weeks ago, on January 26, the President vetoed the bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for 1970.

Two days later on January 28, the majority of the Members of this House—a majority I say—of the Members of the House voted 226 to 191 to override the President's veto. Now, Mr. Chairman, that was a majority of 35 votes. But it was 52 votes short of the two-thirds majority which is required by the Constitution of the United States to override a Presidential veto. Today, for that rea-

son, we are considering a new bill which has been recommended by the Committee on Appropriations.

Now, Mr. Chairman, make no mistake about this—this bill is a compromise. This bill is a compromise, period. It will not please everybody, that you can be sure of. It may not please anybody. I hasten to add that I do not like it myself. It certainly will not please any Members of this House who voted for the Joelson amendment way back in July.

I have been here 25 years. In all that time I can recall only one appropriation bill that was vetoed by a President. That was the public works bill for 1960. At that time the proponents of the bill came within one vote of overriding the veto. So the committee and Congress did at once the only thing that the committee and Congress could be expected to do. They made a token cut, sent the bill back to the President, and very futilely he vetoed it again. The House immediately overrode the veto.

But, Mr. Chairman, this is an entirely different situation. This is a different ball game. This is not like it was in 1959 on that bill. This is not one side leading from strength and the other side leading from weakness. And there is the basic premise upon which the Appropriations Committee approached this bill. Here, in this situation, both sides have the strength to force a reasonable, intelligent compromise; and we feel under all the circumstances, in all fairness, in all reason, and in all logic this bill is such a compromise. May I remind the Members, Mr. Chairman, that legislation is the art of compromise.

Now, about the bill. The gross increase, over the President's budget, in the vetoed bill was about $1.4 billion. Late in the afternoon of February 2, after he had vetoed the bill and his veto was sustained in the House, the President sent a letter to the Speaker stating that he was willing to accept $449 million of the increases in the bill that he had just vetoed. Our committee considered very, very carefully all of those increases in the bill. Let me tell you we worked day and night. Five minutes after the vote on the veto my subcommittee went into session, and we worked day and night, as I am sure you know. You would have done the same thing that we did.

This is a can of worms—believe me—and it is a $20 billion bill. This was very, very difficult—it seemed endless.

In addition to the meetings of the subcommittee members, we had a hearing with officials of the Department of Health, Education, and Welfare on the President's new proposals. We concluded that our bill would have to be higher than the President's recommendations, and we are recommending that today. It is approximately $500 million higher than what the President says he wishes to spend. That is where we come in on the affirmative side. On the other hand, this bill is $446 million below the bill which this Congress passed with an overwhelming vote, and which the President vetoed. There we are. That is pretty close. What in the world could be fairer than that?

The President is a former Member of this House. I remember him well when he was here. He was my friend then, and he is still to this day. Members must notice that he always emphasizes the fact that he is a former Member whenever he addresses a joint session of Congress. He is proud of that fact. And he realizes that he cannot veto a bill one week and send a letter to the Speaker the next week and consider it to be an ultimatum to the House. Of course, the President knows that very well. He knows it, and I know it, and he knows that I know it. He knows when the executive branch is dealing with the Congress, and there is disagreement, there has to be a willingness to give a little. He knows that.

On the other hand, there are those here in the House who would like to cut increases in the vetoed bill by only 10 percent or 20 percent. They want to send it back to the President for another veto. Great. But this is not the time for a jury speech. The Members know I can make one. It is a great temptation, but not today. Surely they know the President would veto any such bill. In my opinion this would not be responsible legislative action.

Mr. Chairman, as chairman of the Appropriations subcommittee which handled this bill, I feel a personal responsibility for getting this bill through, and to get it through soon. We are 7½ months—imagine that—into the fiscal year of 1970. The House passed this bill on July 31, 1969. The Senate did not pass it until December 17, 1969, but do not ask me why. The guess of other Members is as good as mine, but that is the fact.

The Congress did not clear the conference report to send it to the President until January 26, 1970. Those dates are staring us right in the face. We should have started our hearings—watch this, and this is very important to all of us—we in our subcommittee should have started hearings on the 1971 budget 3 weeks ago.

You know that.

It is going to be tough to try to get hearings through and report that bill by the target date of June 15. It is going to be tough.

Mr. Chairman, people all over this Nation are saying, "Congress cannot get its work done." Well, they are right. This bill should have become law on July 1—July 1, 1969. But it is now 7½ months past that date.

Mr. Chairman, I have no intention of going into detail on the figures in this bill. If I started that I would go on like Tennyson's brook, forever. I am just not going to do it. The time for that is past. We spent 3 long days on this in July.

I know every chairman says this, and I know the Members pay no attention to it, but I want to say that this report is simply marvelous under the circumstances. We boiled this thing down, and boiled it down, and boiled it down. Do the Members know there are only five pages of narrative in this report, and one and a half of those five pages of narrative are history and the chronological sequence of events on the bill itself? This is in the nature of a minor miracle. It is a marvelous report. For heaven's sake, please take the thing and read these 3½ pages. You will save a lot of time and trouble here.

At this moment, if you have a copy, turn to page 3. If you do not have one with you right now, when you get one take a look at page 3. We made changes in six appropriations in this fantastic bill of nearly 300 line items. We bring to you a package of six items. These changes, in total, amount to a reduction of $445.6 million from the vetoed bill. They are set forth in the table on page 3 and explained in the narrative which follows the table. It is very short and very clear.

The very detailed tables at the back of this report are simply magnificent. That is a tribute to the staff and to the members of the subcommittee, who knocked their brains out to get this bill back here today. Any possible question a Member can have on the dollar amounts for the items he hears about from back home, from the people who write to him, who talk to him, and who call him about this bill, you will find set forth in those tables.

Now, I said the President sent a letter to the Speaker withdrawing his objections to $449 million of the increases, leaving $948 million to which he still objects. In this bill we are saying, "Congress will give up $445.6 million of the increases it included in the vetoed bill, Mr. President, if you will withdraw your objection to another $504.4 million of the increase." Now, what in the world could be fairer than that? If that is not compromise, then I am the Prince of Wales—and my grandmother McCarthy would turn over in her grave if she ever thought of that possibility.

I think we have commonsense enough to recognize the situation where everyone loses. Everyone loses if we cannot work out this compromise. Everyone. That is the situation. This bill we persist and insist in saying is a reasonable, logical, and fair solution to our problem.

Mr. Chairman, almost on bended knee I beg the Members not to introduce amendments to this so-called package. I told you there are about 300 clearly identifiable items in this bill, and if it is amended to change one figure, then you are opening Pandora's box, and we will be right back where we started with another vetoed bill. The time for bickering about these details is long past. You will have ample opportunity for going into detail on these items in just a few months when the 1971 bill is before this House.

I told you that I do not like this bill. What about vocational education? What about the other things that I have stood for and fought for? I cannot get some of these things and bring you a bill the President will not veto, and I am not going to ask for them. I have a better right than most for some of these things, but I am not going to do it and put the whole bill in jeopardy.

Mr. Chairman, we will start hearings in my subcommittee on the 1971 budget immediately after this 1970 bill is enacted—immediately. We will sit day and night to get the 1971 bill out for you by June 15 so you can get out of here and go home in this election year—if we can get this 1970 bill enacted soon. Be sure of that.

Come before my subcommittee. If your heart must bleed for these causes, come and tell us so. But do not, do not, do not do it today. Remember, only 4½ months are left in the 1970 fiscal year.

Mr. Chairman, if we act responsibly, if we set aside today our relatively minor differences, then we can pass this 1970 bill so it can become law.

Mr. MICHEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the distinguished chairman has pretty well set the record straight as we begin consideration of this legislation as to the developments which have brought us to this particular point.

May I say at the outset, however, when the chairman speaks of compromise with respect to figures, he likes to talk about compromise after the President has made his position known to us and then averaging out the difference between what the President's submission was in his compromise proposal and the higher figures. Let me put it in just a little bit different way.

The vetoed bill was $1,262 million above the President's budget for the Department of Health, Education, and Welfare.

As the chairman said, our committee then—the subcommittee—when we developed a new bill after the veto message, cut that high figure by $445.6 million, leaving it still $816.4 million above the President's original budget.

Now, the President proposed some increases aggregating $449 million—and I will place in the RECORD at this point those particular items because they are very significant; they have to do with air pollution, heart, cancer, and stroke research and so forth, at this point.

The matters referred to follow:

SUMMARY—INCREASES PROPOSED OVER THE 1970 BUDGET, AS REVISED APR. 15, 1970

[In thousands of dollars]

	1970 budget, as revised Apr. 15, 1970	H.R. 13111 as enacted by the Congress	Current appropriation request	Increase proposed over revised budget
HEALTH				
Food and drug control	72,007	72,352	72,352	345
Air pollution control	95,800	108,800	102,800	7,000
Mental health:				
Alcoholism treatment (included in community assistance for narcotic addiction and alcoholism)	8,000	12,000	12,000	4,000
Comprehensive health planning and services (increase for rubella vaccine purchase) [1]	214,033	224,033	224,033	10,000
NIH research:				
National Cancer Institute [1]	180,725	190,362	190,362	9,637
National Heart Institute [1]	160,513	171,256	171,256	10,743
National Institute of Dental Research [1]	29,289	30,644	30,644	1,355
National Institute of Child Health and Human Development [1]	75,852	76,949	76,949	1,097
National Eye Institute [1]	23,685	24,342	24,342	657
NIH health manpower:				
Health manpower	218,021	234,470	224,220	6,199
Institutional support	(128,859)	(135,058)	(135,058)	(6,199)
EDUCATION				
Elementary and secondary education:				
Suppmentntary centers and services	116,393	164,876	156,393	40,000
Title I–A	215,186	386,161	240,186	25,000
School assistance in federally affected areas	202,167	600,167	440,167	238,000
Education professions development: Teacher training	95,000	107,500	103,750	8,750
Vocational education: Basic grants	230,336	352,836	300,336	70,000
Libraries and community services: Public library services	17,500	35,000	27,500	10,000
Education for the handicapped	85,850	100,000	91,850	6,000
SPECIAL INSTITUTIONS				
Gallaudet College [1]	5,124	5,438	5,438	314
Total increases over budget proposed				449,097

[1] Not included in attachment of changes; appropriation proposed in H.R. 13111 is acceptable.

Mr. Chairman, the President also said that he was accepting $139 million of the decreases which the Congress made in the original budget which the President presented to us. As a matter of fact, we made reductions of $159 million. The President said he would accept $139 million of those cuts. So, if you offset that against the $449 million increase, you actually have a net increase over the President's original budget of just $310 million. And, Mr. Chairman, that is a key figure, because in this comparison between $310 million and the $816 million what we are talking about is one-half billion dollars in round figures. It is a significant amount. That is why I was so concerned about having language written into this bill that gave the President discretionary authority to make additional reductions over and above what our committee made.

Now, as I said, I think the money figure in the bill, frankly is still too high and that was the reason for our language amendment.

Mr. Chairman, our President, with two-thirds of the year already gone, the fiscal year in which we are operating, has been placed in a horrible kind of situation. I have looked into it and have checked back with the Library of Congress and the Bureau of the Budget and have found that never before have we placed the President in this kind of position this late in the year, nor have we had a regular appropriation bill languishing around here this far into the fiscal year. I say this because what he is forced to do in the remaining 4 months of the fiscal year, by mandatory formulas and otherwise, is to jam an additional amount of spending over and above that which he feels he can spend wisely and efficiently. That was the reason for our full Committee on Appropriations adopting the discretionary language which appears in section 411 of the bill.

It is, however, subject to a point of order because it is legislation on an appropriation bill. That is the reason we went to the Rules Committee and we made our case to the Rules Committee of the House that this was the procedure we wished to follow. The Rules Committee was not obliged to give us a rule if they did not feel they wanted to and they did not do so by a vote of 9 to 6. They denied us that opportunity by that vote. Frankly, I wish we had an opportunity to have it voted on one way or the other, up or down, by the majority of this House, but these are the rules of the House under which we are operating.

We are in a position today where a point of order can clearly lie against the language which appears in section 411 of the bill and I suspect a point of order will be raised against it. But, as the bill is right now, with that language in it and also with the language with respect to impacted aid, I support the bill as is.

Now, having no rule waiving points of order—and when we get to the normal reading of the bill, as we do in appropriations bills, I suspect there will be some people who will want to put in many amendments of one sort or another—I want to say right now, very clearly, that if my language is struck from the bill, and it happens to be the last section, then I want to reserve the right to make a motion, either in an amendment or in a motion to recommit, that would do in part what I would like to have done in the regular bill here. We are not sure what the form of that motion will be because we cannot until we find out what happens on the floor during the course of the reading of this bill.

But let me address myself now, if I might, to the impacted aid language which also appears in this bill, and is also subject to a point of order.

If that language is stricken you have a little bit different ball game too, because under the language in the bill there is provision for making a distinction between the payments that go to A category schools and B category schools, as well as a provision proposed by the President to assure that no school district would have to suffer any more than a 5-percent reduction of funds from their 1969 budget level, and with that assurance our subcommittee and the full committee felt that the $440 million figure in here for impacted aid was sufficient.

But as I said, if that language is stricken from the bill then you have got a different kind of ball game, and it will have to be played accordingly at that point.

Mr. PERKINS. Mr. Chairman, would the distinguished gentleman from Illinois yield to me?

Mr. MICHEL. I will be happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I personally feel that the gentleman is making an incorrect statement. He states that there is only a little over 4 months left in the fiscal year, and that the President, by reason of this fact, must have flexibility in order to spend the funds.

Is it not a fact that the President was put on notice, by mandatory language, when we passed the Joelson resolution, which is more than $400 million in excess of the figures before the Committee today, and the school districts throughout the Nation had the right—and it was their duty—to rely on language that we sent to the President when the President signed the continuing resolution containing the Joelson amendment level of funding?

Why has not the President of the United States been spending the funds in accordance with the mandatory language that we sent to him back last October?

Mr. MICHEL. Well, of course, there is still a difference in many people's minds. You can get one lawyer to argue one way, to say it is definitely mandatory, and has to be spent, and you can get another lawyer who will make the point that under the traditional prerogatives, the President of the United States has the power to withhold if he sees fit, that the Congress cannot make the Executive spend.

I do not really know whether we have had this thing settled.

Mr. PERKINS. Will the gentleman yield further?

Mr. MICHEL. I yield further to the gentleman from Kentucky.

Mr. PERKINS. If the President failed to take cognizance of the continuing resolution which contained the level of funding of the House-passed H.R. 13111 that made it mandatory to make certain basic allocations to the States of this Nation, why should you now fear the mandatory language in the bill even if a motion to strike out the flexibility language that you have been talking about is sustained?

Mr. MICHEL. My feeling still persists that what we are forcing upon the Executive is the expenditure of untold amounts of money in a 4-month period of time that just cannot conceivably be spent wisely and effectively. And insofar as the field of education is concerned, I do not know what districts the gentleman is referring to, but in ours they do not operate on the basis of a continuing resolution.

Now, the school districts in my area, knowing that this thing was not finally resolved by any stretch of the imagination, have been a little bit more conservative and, rather than plunging ahead they said, "We do not really know for sure, let us wait until the final appropriation is passed."

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

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

Mr. PERKINS. Is it not a fact that all the school districts of this Nation have relied upon the figures we enacted last year, for instance, impact, or for any other?

Mr. MICHEL. You are talking of the 1969 appropriation bill?

Mr. PERKINS. Yes.

Mr. MICHEL. I will buy that, but I will not buy the others.

Mr. PERKINS. Since we expended $505 million last year for impact and you have $440 million in here this time; where would the President have any problem about expending the extra impact money or any other aspect of title I ESEA or any other portion of these education programs that are in controversy?

I am sure the gentleman realizes they do not have to be spent during this fiscal year if they are obligated during this fiscal year. There are demands and applications already in from the States of this Nation. I do not think this Congress should be misled, that we cannot expend this money—it is all propaganda. Schools throughout the Nation are in urgent need of these funds. They are required for ongoing programs and for planned programs. These programs have been initiated as a result not only of the passage of H.R. 13111, the vetoed bill, but also by the passage of the continuing resolution. The continuing resolution funded programs in the interim, as a result of the Cohelan amendment, at the level of the House-passed H.R. 13111. This continuing resolution the President signed.

Mr. MICHEL. Mr. Chairman, I decline to yield further.

Mr. Chairman, so far as title I of ESEA is concerned, the President's original budget for 1970 contained an increase of $103 million on that one title alone. He has now proposed to increase it by another $25 million. And later, on the floor of the House, there were large increases to several of the educational programs. There is no message out to the country that this is the level which everybody has agreed upon and that you can go ahead and spend at that level. The bill was not finalized—the final appropriation has not yet been enacted—that is the very point we are making here.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois has consumed 13 minutes.

Mr. FLOOD. Mr. Chairman, I yield 1 minute to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I would like to ask the gentleman from Pennsylvania (Mr. FLOOD) a question.

The conferees on the first Labor-Health, Education, and Welfare bill for 1970 recognized a serious situation in Boston and earmarked $2 million of construction funds for schools of nursing to help in the correction of that situation there.

This appeared on page 10 of the statement of the managers on the part of the House. I have looked carefully at the report on the new bill and find no reference to this matter.

Will the gentleman from Pennsylvania advise me or give us any indication in connection with the new bill as to whether or not it is the intent to leave this earmarking in the bill?

Mr. FLOOD. Mr. Chairman, I am happy to be able to tell the distinguished Speaker of the House that there was absolutely no intention of dropping this earmarking. It will be expected that $2 million of funds included in the new bill will be reserved for this purpose.

Mr. McCORMACK. I thank my friend.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, as promised in his veto message on the Department of Labor-HEW appropriation bill, President Nixon sent a letter to the Congress in which he set forth his recommendations for adjustments in the difference between his budget and the bill passed by the Congress which had exceeded his recommendations by about $1.3 billion. In this letter, he proposed a compromise—adding some $449 million to his original request. In the education field, this would provide more money for federally impacted areas; for basic vocational education grants; for additional grants to States for support of supplementary school services; for public library services, training of teachers, and research and training of the handicapped.

For health services, it would provide additional funds to strengthen medical schools and other institutions training persons to be doctors, dentists and nurses—also, more money to intensify health research in high priority fields such as cancer, heart disease and strokes, to accelerate the acquisition of rubella vaccine, to expand support for alcoholism treatment and rehabilitation, and to strengthen the food and drug program.

President Nixon's proposal provided the basis for consideration by our committee of a new bill and we held many meetings and gave very careful consideration to innumerable suggestions. The results of our final determination are contained in the bill before us today—H.R. 15931—which is some $500 million more than the President's proposed compromise.

I need not remind you that this bill is for the fiscal year that began nearly 8 months ago—on July 1, 1969—and in my opinion, there should be no further delay. The President's proposal seemed to me to be a reasonable approach to provide the funds necessary to support our schools and health programs and I personally feel that we should have adhered more closely to it. As I have stated previously, I feel—as the President does—that all of these programs have worthy goals and objectives; and it would be wonderful if we had unlimited resources to deal with all of them at once. However, in my judgment, keeping firm control of the Federal budget right now is

a necessity if our dangerously high inflation is to be checked. And if inflation is not brought under control—education, health services, and every other important governmental program will suffer because tax dollars will buy less and less, and tax bills will go up and up.

Although the amount included in H.R. 15931 is more than the President's recommendations, I believe this bill could be acceptable to all concerned if the language we added in section 411—which gives Mr. Nixon the same discretion in determining the amount to spend under education formulas that he now has with respect to almost all other appropriated funds, is retained. Without such language, because of past rulings, we would be imposing a responsibility on the executive branch to spend money in the latter 4 months of this fiscal year which would be inconsistent with plans for fiscal year 1971 and inflationary.

As a member of the Subcommittee on Labor-HEW Appropriations, I feel that we worked out a reasonable compromise to this very difficult situation. We provided the appropriations which would assure the funds necessary to provide for the needs of the Nation in education and health—and it can be done within the framework of an anti-inflationary budget if the language in section 411 is retained. Contrary to the fears expressed by some, no schools will be closed, and other programs will go forward. I would hope that there will be no funds added to our committee's bill which as I said is about $500 million more than the President's compromise. I think it should be emphasized that this is actually a compromise to a compromise within itself. Also, if the language in section 411 is not retained, I would hope that appropriate language will be included in this bill which would permit the President some measure of flexibility to limit expenditures consistent with his concern for the judicious use of public funds.

Mr. FLOOD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask a question of the ranking minority member of the committee, the gentleman from Illinois (Mr. MICHEL). Will the gentleman be good enough to advise the House, including myself—and I point out that our Subcommittee on General Education, of course, the jurisdiction over the authorizing language of this bill—at what point is the President going to start paying out to local school districts the amount of money that we agreed to in the continuing resolution?

We are now in the eighth month of operations under a continuing resolution. In November the price of getting this resolution continued was the inclusion of the Joelson-Cohelan additional funds for local school districts. That was passed in November, and the President signed it into law. As far as I know, continuing resolutions have the same color of law as an appropriation bill, and any amendments thereto have the same color of law.

The Attorney General has told the President that he has to veto the appropriation bill we sent him because the expenditures in the appropriation bill, approved by this House and the Senate and sent to the President, were mandatory.

So the President, after he got this decision from the Attorney General, went on television and said he had to veto this bill because under provisions of the act, he must spend this money. The President said he did not want to spend the additional appropriations because this would be inflationary.

So now, if the President has been told by his Attorney General that he must spend the money in the appropriation bill, why would it not follow that he must also pay out to the local school districts the additional money as provided in the continuing resolution as of the 1st of November? The Secretary of Health, Education, and Welfare went before the Rules Committee the other day and told the Rules Committee they are not paying out at the rate of the Joelson-Cohelan additional funds voted by the Congress and signed by the President on November 1, because he said it is a very controversial issue. But the fact of the matter is, it is the law, passed by the House and passed by the Senate and signed by the President.

I would like my colleague, the gentleman from Illinois, to tell me under what rules and procedures is the President refusing to send to these local school districts the additional money they are entitled to by the Joelson-Cohelan amendments?

Mr. MICHEL. Mr. Chairman, I think the gentleman should more properly address his question downtown to the administration officials. The gentleman is in the same branch as the gentleman asking the question.

As I said in an exchange with the gentleman from Kentucky (Mr. PERKINS), with respect to what specific obligation the administration or any Executive for that matter has, it would be my opinion that certainly by the end of the fiscal year, when they have to balance the books, they have to be in keeping with the law.

Mr. PUCINSKI. Would the gentleman agree with me on this? I have suggested to the school boards all over the country, which are now faced with early shutdowns because they will run out of money, that they file a mandamus action against HEW to get the money they are entitled to. Would the gentleman agree on that?

Mr. MICHEL. It is conceivable that is a course of action, of course.

Mr. PUCINSKI. Let me ask the gentleman another question. Assuming that 411, the discretionary language the gentleman is sponsoring, is not put into this bill—and the prospects are very good that it will not be included in this bill in this Chamber—the Secretary has indicated the President will veto this bill if it goes to him without the discretionary language the gentleman from Illinois is sponsoring. That means again we will not have an appropriation bill. The clock is running. By next weekend the present continuing resolution expires. Is the gentleman suggesting perhaps that if the President vetoes the bill again, we are just going to come to a standstill—because I am sure we are not going to get another continuing resolution through this Congress, and the President himself has indicated he would veto any further continuing resolution.

This is the kind of mess the 35,000 school districts find themselves in at this late date. I wonder if the gentleman could elaborate what happens if the President vetoes this bill?

Mr. MICHEL. I would suggest if the gentleman and some of his colleagues would hold down discussion to a minimum, we could dispose of this bill today and move it over to the other body.

Mr. PUCINSKI. I know the gentleman would like us to hold discussion to a minimum to conceal what is in this package, but I want the gentleman to tell us this, if the gentleman's discretionary language is put in the bill.

Mr. MICHEL. If it stays in the bill, the gentleman means. It is already in the bill now.

Mr. PUCINSKI. How much does the gentleman believe the President will withhold from the package on impact aid money to the districts?

Now, how much money are the people of this country going to save on impact aid if this discretionary language remains in the bill? Would the gentleman tell the House that?

Mr. MICHEL. The President proposed to spend at the level of $440 million. With the language with respect to impact aid there is a distinction between the A and B categories. The President has also said that no school district would have to suffer more than a 5-percent loss from the spending level of 1969.

Mr. PUCINSKI. All this language, including the language given by the Secretary the other day before the Rules Committee, is involved. The Secretary said that if this discretionary language is left in they expect to spend the impact money in the districts of greatest need.

I should like for the gentleman to tell this House, and particularly those who intend to support him, how many school districts in this country have already budgeted through the end of this school year, and how many of those districts are not going to get the money they have a right to expect to get? The 95-percent formula cannot work, if the gentleman is correct and sincere in the other statements he is making.

How many school districts in America will not get the money they expected under the discretionary language the gentleman proposed in this bill?

Mr. MICHEL. I do not have the specific number, but I say again that the President made his address to the American people. The commitment is there. Admittedly there will not be as much spent as before. The gentleman, I am sure, is one of those who agree the program ought to be changed.

Mr. PUCINSKI. Right.

Mr. MICHEL. He cannot have it both ways. The gentleman raised a question as to whether or not those who are in

the greatest need ought to have the money. I say they should. In fact, the administration says the category A ought to have 100 percent of entitlement. We have not given it to them yet, all through the Johnson and Kennedy years.

Mr. PUCINSKI. My subcommittee will start hearings on this whole impact business.

Mr. MICHEL. If the gentleman's committee had given us an authorizing bill we would not have to move ahead on an appropriation bill.

Mr. PUCINSKI. I want the gentleman to tell this House—not me, but this House—how does he expect the school districts all over this country who have budgeted this money——

Mr. MICHEL. The gentleman makes an assumption that they are all cranking this into this year's expenditure. That is not the case.

Mr. PUCINSKI. I want the gentleman to tell this House and to tell these Members who will have to shut down the schools early this year——

Mr. MICHEL. They are not going to have to shut down any schools. The President made that clear. It would be unconscionable for us to be here supporting a proposition to close any school in this country. This is just a smokescreen.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield me 1 minute?

Mr. FLOOD. Mr. Chairman, I yield 1 more minute to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, it should be very clear from this dialog that the smokescreen is on that side of the aisle. They come before this Congress and they say, "We vetoed this bill because it is inflationary and we are going to save a lot of money." So they vetoed it. And they upheld the veto.

Then they have said now, "We are going to come in here and we want this discretionary language, so we do not have to spend all this money, and we will take the bill with the discretionary language."

Now the gentleman tells us that the discretionary language does not mean anything.

Mr. MICHEL. I did not say that at all.

Mr. PUCINSKI. That the school districts, those districts which need money more than the richest districts in America, who are going to be taken care of by the President, the title I children, the children we are trying to give compensatory education to bring them up to level, they will be the ones who will suffer the reduction.

It should be perfectly obvious whatever is happening on the other side is nothing more than a smokescreen. I would hope somewhere along the line we could get the true story.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 minutes.

The gentleman is altogether wrong here. As a matter of fact, I made a point a little while ago that the President proposed an increase in title I in the 1970 budget. It is ridiculous to try to characterize him as fattening up already fat school districts at the expense of any others. The exact opposite is true. If the gentleman knows so much and has so much knowledge, would he kindly give me one or two districts now that will be closing? Where are they? You seem to have a whole list of them over there. Where are they?

Mr. PUCINSKI. All over the country.

Mr. MICHEL. All over the country. Why do you not name them? Why do you not submit a list for the RECORD, then?

Mr. PUCINSKI. In Chicago we were expecting $3.5 million and we budgeted for it.

Mr. MICHEL. Have any of them closed yet?

Mr. PUCINSKI. The school term has not ended, but when the money runs out around the 1st of June, then they will be closing up.

Mr. MICHEL. Sure. If we do not pass this bill, the whole country will go to pot. But the longer the gentleman delays and uses dilatory tactics and talks in a manner that is just good for a good campaign argument, the longer we will be in difficulty here.

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

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

Mr. COHELAN. There has been a lot of conversation about section 411. Does not the gentleman from Illinois agree with me that this is subject to a point of order and that a point of order will be made against section 411 this afternoon and, therefore, the gentleman will proceed under that legislative and parliamentary situation with whatever he proposed to do? What I would like to know is what you propose to do so that we can intelligently criticize, if we indeed have criticism of your proposal.

I want to say this further: I thoroughly agree with the gentleman that there is no reason why we cannot dispose of our business today, because, as far as any of us are concerned, the issues are well understood here. It is merely a question of joining the issues. As far as I am concerned, that is the way I look at it. I believe my colleagues and others would join me in that idea. So, those of you who want to get through this afternoon, let us get about our business of defining the differences. I do not know what you will propose, and maybe we will be for you on some of these things if we do know.

Mr. MICHEL. If the gentleman would permit me to say so, as a matter of fact, I do not know altogether for sure at this point what I will propose, because, as I indicated earlier, the bill is open to amendment at any point and to the extent the bill is amended I have to leave my options open. But I would suspect the simplest form would be a motion to recommit, which would be something in the form of a limitation.

Mr. COHELAN. Will the gentleman yield further?

Mr. MICHEL. Yes.

Mr. COHELAN. I wonder if the gentleman is aware of the fact that to the best of my knowledge the only amendment to be proposed on money will be an increase in impact aid amounting to $80 million. Otherwise we will be standing with the committee bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

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

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

Mr. SMITH of Iowa. Mr. Chairman, I do not happen to be for section 411, but quite another matter has been raised here. It is as to the fault for the delay and as to local school districts relying on money that was in the continuing resolution. I think it is pertinent to point out at this point that we passed this bill originally on July 31. It languished in the other body for 5 months. In the interim, instead of the lobbys and some of these people who are waving their arms and talking like friends of education trying to get the bill through, they were over here trying to get a continuing resolution amended. The members of the subcommittee said at the time that the amendment was meaningless and would not put 10 cents in the coffers of any local school district. Now they are trying to tell us that the Chicago school district and others relied on some speeches which claimed they would receive more money as a result of the amendment to the continuing resolution. I cannot believe that any local school district was so naive as to believe that they could rely so much on a speech made on the floor of the House of Representatives by two or three people that it was tantamount to a check that would be coming from the Treasury. I have been around school boards for a long time and, as a matter of fact, prior to coming to Congress, I was the attorney for several. I know that they wait to see the color of the money before they draw checks and budget the money for schools. So the blame for delay is on those who have been talking this way and engaging in meaningless oratory on a meaningless resolution instead of going to the other body and getting the bill out so that it would be enacted into law. And they were told at the time, that their action would not provide 10 cents more to any local school district.

Mr. MICHEL. I thank the gentleman for his contribution.

I know of no school districts in any area that will be without funds as a result of this bill.

At this point, Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I would like for a moment or two to direct your attention to section 410 which appears on page 61 of the bill. That is a freedom-of-choice amendment which I offered in the committee. It was adopted by a vote of 28 to 13 with four not voting.

Mr. Chairman, the only criticism I have heard of this amendment—and, actually, I frankly cannot see how anyone could criticize the exercise of freedom of

choice because that is what this country was built upon—freedom—and every day we take pride in the various choices we have as free-born American citizens. But I have heard the argument made that the language of this bill would take away from the local school boards their statutory authority to assign students on the basis of geography and other reasons other than race or color.

So, at the appropriate time when the bill is read for amendment, and in order to make it crystal clear that there is no intention on the part of the author of this amendment to have it take that effect, I will offer a perfecting amendment following the word "student" on line 9 to include, "because of his or her race or color," in order, as I say, to make it crystal clear that what we are saying here is that freedom of choice should not be denied any schoolchild because of his race or color.

Now, Mr. Chairman, it is important, in my opinion, that we take a stand today for freedom of choice. My attention is attracted to this situation particularly because of the situation that has arisen in my own district in Charlotte, N.C. The Charlotte case has been discussed in the papers quite a bit recently, along with the Los Angeles case.

I am informed that the order of the judge in the Charlotte case would require the transportation of 23,000 additional students around the county, many of whom would have to be cross-bused from one end of the city to another.

I am further informed that it would require the purchase of 525 buses in addition to those now operating in order to transport these children. It would require the cross-busing of 5,000 inner city students to the suburban schools and the busing back of that number to the inner city schools.

These buses are impossible to obtain, I am informed. They would cost, if they were available, $3 million to purchase. This seems to me to be a clear example of what we were trying to say Congress is opposed to in the Civil Rights Act of 1964 when we undertook to deny the busing of students to create racial balance.

It seems to me that this decision flies directly in the face of the pronouncements of Congress made in that act and imposed on appropriation bills in the Whitten rider, or amendments imposed upon several occasions. In order to bring the matter into focus and to have another clear-cut expression of the view of Congress that freedom of choice ought not to be denied students on the basis of their race or color, I propose this amendment, and after it is perfected, when we are reading the bill for amendment, I would urge my colleagues to vote to retain the amended amendment in the bill. And let us say to the country and to the world, and to all who will listen that, so far as the Congress of the United States is concerned, we believe in freedom of choice, and we do not believe any student should be denied the opportunity of attending any school of his choice just because of his race or color.

Mr. HOGAN. Mr. Chairman, I am not in favor of this provision permitting any parent or guardian the freedom of selecting the public school of his choice for his child to attend. I can well imagine the confusion and havoc which would result to further interfere with the education of our children.

While I am vigorously opposed to segregation, I am equally opposed to the busing of students to artificially achieve balance.

I was very interested to hear the comments of the gentleman from North Carolina relating the tremendous expense which the city of Charlotte will have to incur in order to comply with the HEW-imposed plan which will require the purchase of additional buses at a tremendous cost. Prince Georges County, Md., in my own district, is faced with a similar situation. HEW officials have foisted upon this school system a plan of integration which is extremely unrealistic and costly and will require extensive funds to be used for busing which should be used to educate our children.

Mr. ALBERT. Mr. Chairman, now that the House and the Appropriations Committee have had a chance to study the President's counterproposal on the 1970 Labor-HEW appropriation bill which he vetoed on January 26, we are in a position to go behind the rhetoric to the substance of the problem.

I should like now to make the points which I would have made much earlier if the three TV networks had not refused my request to appear following the President's broadcast on January 26. In his broadcast veto message and his written message the following day the President objected to the school money in H.R. 13111 on four grounds:

First, the bill was inflationary;

Second, the money was being appropriated too late;

Third, the money for education programs was for the wrong programs, especially impact aid; and

Fourth, the spending was mandatory.

I should like to take up each of these points briefly.

On the matter of inflation, it is clear that this is not really relevant. As the Wall Street Journal has pointed out, some expenditures are inflationary in the President's view and others are not. Within the last 2 weeks the White House has indicated, I am happy to say, that the $600 million which the Congress voted for water pollution control over and above the administration budget recommendations will be spent. This obviously was not inflationary. Now the President says he is willing to spend $470 million for education programs above his 1970 budget. This, again, is apparently not inflationary. He is predicting a surplus in the 1970 accounts of the Federal Government. The Appropriations Committee has tried to meet the President part way, and has brought in a new bill which is only $244 million above the President's revised proposals and $445 million below the vetoed bill.

LATE APPROPRIATIONS

On the question of late appropriations, it is true that the 1970 appropriations bills, and especially the vetoed Labor-HEW bill, were seriously delayed. At least 3 months of the delay were attributable directly to the new administration, which did not get its revised budget estimates to the Congress until April 15. It should be pointed out, however, that the President has had power under continuing resolutions since November 13, 1969, to spend on an interim basis the appropriations in H.R. 13111 at the level which passed the House on July 31. But he has authorized the expenditure of funds on an interim basis, but only at the level of his budget estimates for the Office of Education—$3.2 billion rather than the $4.2 billion authorized in the continuing resolutions. Thus, we are not talking about trying to spend $3.9 billion in the second half of the school year but merely to spend somewhat more in the second half than has already been spent for the first half. Education appropriations have been late for the last several fiscal years, and the schools are used to spending their own money through the first half of the academic year while waiting for Uncle Sam to pay his bills in the second half. For the last 3 fiscal years the Bureau of the Budget did not release funds to the Office of Education until the last week in December for fiscal 1967, January 16 for fiscal 1968, October 30 for fiscal 1969.

THE "WRONG" PROGRAMS

On the matter of the Congress appropriating for the "wrong" programs, this is a normal difference of judgment as between the Executive and the Congress. The President recommends, and the Congress, after extensive hearings, makes up its mind and legislates. The President picked out for special criticism the $400 million which the Congress appropriated on H.R. 13111 for "impact aid" above the $200 million in his budget. He did not mention the fact that there had been appropriated $525 million for fiscal 1969.

There has been a lot of loose talk about "pork barrel" in relation to the impact aid program, and criticism that the money was not going into the poorest counties in the United States. The program was never designed to do anything but to make up to local governments the taxes they were losing because of the Federal installations in their areas. Now, after his criticism of the program on nationwide TV, the President comes back and says he is willing to provide $225 million more for impact aid, almost half of the total of $470 million more for all education programs which he is offering. This amount is not enough to bring the impact program up to the 1969 level, and unless that is done there will either be massive tax increases in some districts, or schools will have to lay off people before the end of the second semester. It should be noted also that in his 1971 budget the President is proposing $425 million for impact aid as compared to the $200 million which was in his 1970 budget.

MANDATORY SPENDING

On the question of mandatory spending, there was nothing in the language of H.R. 13111 which was any different than the appropriations bills for previous

fiscal years. The President's own lawyers then gave him legal opinions stating that he has no power to withhold funds for the "formula programs" which make up the bulk of Federal education appropriations. The President has now demanded specific legislative authority to withhold funds for these formula programs. To grant the President any such authority would in effect give him an item veto, which is not provided in the Constitution. This authority would in some ways be worse than an item veto, if such were ever provided by constitutional amendment, because there would be no automatic vote in the Congress to override with respect to the funds which would be withheld. I am glad that the President's legal advisers have given him the advice they have. The Congress, however, cannot surrender its constitutional powers to appropriate. To grant the President's request for discretionary withholding authority would constitute a massive shift in the constitutional balance of power as between the executive, the judicial, and the legislative branches of the Government in favor of the Presidency. I do not believe this House would wish to take that kind of grave historical misstep.

The House, after knocking out any authority for the President to withhold funds, should approve the amounts in H.R. 15931 so that we can finally finish with fiscal 1970 and move on to consider next year's appropriations.

Mr. Chairman, I include a table on Office of Education appropriations:

Office of Education appropriations

Fiscal year 1968	$4,006,418,000
Fiscal year 1969	3,617,400,000
Revised budget 1970	3,197,634,000
House bill 1970 (H.R. 13111)	4,222,889,000
Senate bill 1970	4,540,724,000
Conference action	4,276,117,000
Nixon compromise	3,595,384,000
New House bill (H.R. 15931)	3,935,634,000
Increase over budget	738,000,000
Increase over Nixon compromise	340,251,000
Increase in total Labor-HEW Bill (15931) over Nixon compromise	244,000,000

Mr. CLAY. Mr. Chairman, I rise to state my strenuous objections to those sections of the appropriation bill now before us which constitute a flagrant violation of law and an outrageous attempt by those who wish to enforce their distorted view of order upon another generation of black Americans. They state, Mr. Chairman, that they have run out of patience, that they will not tolerate any further the abuses perpetrated upon their children by the Civil Rights Act of 1964 and by numerous court actions. They state, Mr. Chairman, that their children deserve a decent education and that they have the right to choose how, when, and where that education will be structured and conducted. They say, Mr. Chairman, that they will not sacrifice their children to equal opportunity for all, and, in so doing, embrace the disease of hatred—their action, in effect, says they will not extend the opportunities of education to all.

May this serve notice on those who have not yet listened to the message—that black citizens have run out of patience, that our children have been historically abused and degraded by the refusal of the southern power structure to recognize our rights to equal education, that our grievances have come before the courts and the Congress—and that this Nation has by law upheld those grievances and issued mandates that racial segregation imposed by those who would deny our birthright will no longer be tolerated. This Congress, in good conscience and in justice, Mr. Chairman, cannot sacrifice black children to those who refuse to acknowledge or to respect the law of the land.

For 15 years, the South has played a successful delaying action against all integration orders. They believe that they can persevere and ride out the wave of civil rights law. But their stated objectives, archaic and racist, no longer meet the needs of this contemporary society—and this Congress cannot stand silently while lawbreakers attempt to set up second-class citizenship for 10 percent of our population because of color.

Southerners say it is not the objective—but the means of effecting school integration which they are fighting. This is a poor argument against the reminder that they have had 15 years since the first Court decision on school integration—that they have been requested over the past 6 years to submit their own plans for integrating their schools—that of 300 desegregation plans negotiated by HEW which took effect in September 1969, fewer than 10 of those plans involved any increase in busing—that this final Court mandate comes only after these States failed to show any good faith with the law, with Federal regulation or directive.

The Supreme Court has called for "meaningful" progress in desegregation of our schools—and after witnessing only contempt rather than cooperation with the law—the Court has spelled it out. Frustrated by their inability to find an audience for their views within the courts, the South has turned to the Congress and to the general public requesting sympathy for their racist views. And Commissions having told us that this is a "racist" society, there is too much danger that justice will be sacrificed to the popularity of injustice.

We take no issue, Mr. Chairman, with the claim that we cannot change the hearts of man through law. Let me make clear that black citizens are prepared to live with the hatred of racism—but we are not and never shall be willing to live with less than equality under law. We realize you cannot legislate love—but this Government cannot subsidize or finance with all the taxpayers money—programs designed by haters for the purpose of denying the constitutional rights of others.

Freedom of choice—when it exists for the white racists at the expense of the future for black citizens—is not only immoral but has been determined unconstitutional. When this body of the Congress can rationalize its action on contrived moral grounds, rightfully we should wonder how there shall ever be law and order in this land, or how, indeed, there shall ever be brotherhood among men.

Mr. COHELAN. Mr. Chairman, the Jonas amendment, section 410, is a disastrous addition to the traditional Whitten amendments. The Jonas amendment goes far beyond anything the House has contemplated today. The effect of the Jonas amendment would be to force all schools to accept the "freedom of choice" provisions before local school districts could receive Federal money. It is my opinion that the implementation of this provision would only serve to severely cripple those efforts that school districts are making to attain court-ordered desegregation. In addition, the broad sweeping language could be interpreted to nullify those voluntary attempts of local school boards that are aimed at ending the last vestiges of racial discrimination.

Mr. Chairman, think of the chaos if such a rule were implemented. Parents could place their children wherever they wanted. Parents could refuse to follow their elected school boards.

Although the side effects of this are alarming, it is the visible intention of these amendments that is of concern to me. What this amendment seeks to do is to establish the freedom of choice as the only acceptable means to court-ordered desegregation. The Supreme Court, in Green against New Kent County on May 27, 1968, already ruled that freedom of choice plans could not interfere with court-ordered desegregation.

There are other important considerations. Freedom of choice has been tried in the South with only marginal success. From 1954, the year of the Brown against Board of Education decision, the number of black children in previously all-white schools rose to only 14 percent until the 1968 Green decision. After that decision the rate picked up to 6 percent a year.

Just last fall the Supreme Court ordered immediate desegregation in those school systems under court order. Now we are asked to accept this amendment that is manifestly unconstitutional.

Mr. Chairman, we cannot regress in this area. I urge the adoption of the amendment offered by the gentleman from New York (Mr. ROBISON).

Mr. BLANTON. Mr. Chairman, I want to go on record as fully supporting the appropriation bill for fiscal year 1970 of the Departments of Health, Education, and Welfare and of Labor. I have always voted for the maximum Federal effort in aiding our public school system.

I vigorously oppose any effort on the part of those who would reduce the funding of this appropriation bill, just as I opposed the President's veto of the last HEW bill because he thought it was too much money to spend on our school children.

I also want to particularly endorse the Whitten amendments of this bill—sections 408 and 409. We have tried for several years, Mr. Chairman, to put the full weight of Congress behind the efforts of those who want to further quality edu-

cation throughout the Nation. Passage of Whitten amendments, as incorporated in this bill, would prohibit the Federal Government's withdrawal of Federal funds from school districts which refuse to bus little children from their own neighborhoods to distant places just because a small clique of pseudointellectuals feel a certain, dubious racial balance must be had before children can achieve a quality education.

Mr. Chairman, opponents of our efforts to prohibit busing of school children, try to cast the image of segregationists upon us. Yet the widespread support these efforts have had from all sectors of the Nation, and all sections of the country, make their argument rather ridiculous. What is at issue here is the neighborhood school, which is the traditional system of education in our country—in all parts of the land.

With the passage of the Stennis amendments in the Senate, it appears as if we are at the threshold of stopping the alarming trend toward the destruction of our school systems. I firmly believe that, unlike last year, the Whitten sponsored sections of this HEW bill will meet approval by the Senate.

I, of course, oppose the Cohelan amendment, which is a guise to make the Whitten section completely ineffectual. I oppose any attempt to water down the full intent and authority of these sections which would prohibit the Government from forcing school districts to bus children across town like animals. I also support the efforts by my colleague the gentleman from North Carolina (Mr. JONAS), which would extend the philosophy behind the Whitten amendments to prohibit the Government from legal action against parents who refuse to allow their children to be bused.

Mr. FREY. Mr. Chairman, many of my colleagues who have addressed the House or who will speak on this highly emotional subject are somewhat prejudged because of the area of this country they represent. I have had a somewhat unique opportunity to view our school crisis from both sides of the Mason-Dixon line. I was born in New Jersey and attended public schools there. I was graduated from Colgate University in New York State and from the University of Michigan Law School. There can be no question of my "Yankee" background. On the other hand, my home is Florida. Three of my four children have been in the public school system of that State. There can be no doubt of my southern background.

In my opinion, based on the opportunity I have had to live in diverse parts of this great Nation, the school crisis is not a southern problem but a national problem. Segregation, in many forms, still exists in virtually every part of this Nation—not just the South. The South, because of the past, has become the whippingboy. The professional do-gooders have pointed to the South while ignoring what is happening right around them.

This is not to say that we should, or have the right to, ignore our problems in the South. It is to say that all laws should apply nationwide. The people of my district have accepted over the years the principles of the 1954 Supreme Court case regarding desegregation. Admittedly, many were not happy about this ruling, but the law of the land was obeyed. For instance, in my largest county there were only 11 black or predominately black schools remaining of the 98 schools in the system as the 1969–70 school year began. The new plan upheld by two Federal courts would result in only three predominately black schools remaining. We have not and are not playing games.

The recent series of Supreme Court and Court of Appeals decisions have strayed a long way from the 1954 Brown case. The question we face today is not one of segregation or integration. That has been decided. The question we face today involves the viability of our education system, our children and our basic rights. A man has a right to live where he wants, regardless of race, creed, or color. Conversely, should it not also be true that a man has a right to send his children to the school in his neighborhood or a school of his choice? Busing children across town to achieve some artificial balance is to destroy this basic right.

I am sick and tired of people continually placing adjectives in front of the word "American" or "children," adjectives such as black or white, northern or southern. I am sick and tired of courts that seem more concerned with statistics than the children they represent. I am sick and tired of individuals who refuse to recognize and solve problems in their own section of the country, but offer "solutions" for everybody else.

We must put this problem in the proper perspective, its national perspective. We must be concerned with the rights of all people involved and the end result we desire, that all men—regardless of race, creed, or color—have an equal chance at the starting line.

Only this week the Fifth Court of Appeals in New Orleans approved a modified freedom-of-choice plan in my district for Orange County, the school system I referred to earlier. Had this plan not been accepted, the school board would have been faced with the problem of finding $1,480,000 for costs involved in busing 5,700 students all over the country. This case is obviously a landmark decision.

By passing this bill as submitted, without amending sections 408, 409, and 410, we can reinforce this new direction of the courts. By passing this bill we can say that we oppose segregation, but at the same time recognize the right of Americans to attend their neighborhood schools or the school of their choice. By passing this bill we can say we do not believe in busing across town and county to achieve racial balance. These rights are not northern or southern. These are our rights as Americans.

Mr. STEIGER of Wisconsin. Mr. Chairman, the debate in the House of Representatives today is one we have confronted before. While the amendments we considered to sections 408 and 409 of the HEW-Labor-OEO appropriations bill are those which have been debated before, the amendment relating to section 410 is new.

I support the effort to remove this new section. It would effectively strip the Department of Health, Education, and Welfare of its authority to adopt and implement effective desegregation measures because it requires the Department to adopt nothing more than freedom-of-choice desegregation plans for the purpose of meeting the nondiscrimination requirements of the law.

Courts in this country have ruled that what is euphemistically known as freedom of choice may not always be constitutionally permissible in terms of providing equal educational opportunity. Thus, this section ought to be stripped from the bill and ought not be a part of the law of the land.

Having said that, Mr. Chairman, let me also state my own very real fear that this Nation faces an educational crisis in the efforts of the courts and some in the executive branch of the Federal Government to apply social theory to mandate racial balance.

If the State court decision in Los Angeles stands, and it becomes adopted by the Federal courts including the Supreme Court, a confrontation of major proportions will surely come.

It is not enough for us to point a finger at the South as being alone in segregation. School districts in the North have, by gerrymandering district lines, created segregated school districts which are not related to neighborhood schools. Whether in the North or the South, the law of the land ought to be applied. But the question that must be raised is whether the law of the land has led us to artificial integration as compared to effectively breaking down de jure segregation. The debate in the other body on the so-called Stennis amendment typifies the unfortunate confusion and crassness of this Nation's efforts to grapple with relationships between the races.

Breaking down the pattern of neighborhood schools or attempting to desegregate by massive moving of pupils is neither constitutionally or educationally sound. Any effort aimed at artificially breaking down patterns of de facto segregation will, in my judgment, fail. Artificial balance assumes that a group with which balance is supposed to be achieved will remain in place to keep that balance. As long as opposing parents are able to move their children from one school to another, public or private, or as long as they are able themselves to move from one house to another, this kind of effort will not succeed.

Alexander Bickel in a thought-provoking article in the New Republic of February 7, 1970, correctly uses the term resegregation. That is exactly what results from efforts to provide racial balance by court or executive fiat. Through efforts to desegregate in this way we have created a situation characterized by anger, torment, and a seriously declining quality of education.

Any provision of law in this country which provides for segregation is wrong. Still let us not be confused by an effort to put the monkey on someone else's back by suggesting that for whatever causes we must always move exactly in the same way in both the North and the

South. This is not the case. On the other hand, while I do not favor the idea of going beyond ridding ourselves of the patterns and practices of de jure segregation, if the courts and the executive branch go beyond breaking down these patterns, they surely ought to do so equally in the North and South alike.

The concern we must all have relates to the education of all young people in this country. Alexander Bickel in his article quite clearly and accurately describes the problems we face:

> There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can be distinguished between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.
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> There are black schools all over the country. We don't know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers, and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

I hope that the House of Representatives will not fall prey to pointing a finger at one section of the country or another in adopting legislation to provide funds for education, health, manpower training, and the Office of Economic Opportunity. We must all bear a part of the responsibility for the breakdown of quality education, be it in the North or South.

If our concern is education, as I believe it should be, then let us not move in the direction of imposing by a law of this Congress, a breakup in our neighborhoods or the deterioration of education for all citizens of every race, color, and creed by attempting to artificially create balance of students, parents, or teachers.

Mr. OTTINGER. Mr. Chairman, today we are faced with yet another public test of our priorities and our judgment as to the direction we want this Nation to take in the coming years. This latest version of the Labor-Health, Education, and Welfare appropriation, H.R. 15931, proposes 1970 expenditures of $19.4 billion for those Government agencies with the responsibility for virtually the entire range of domestic programs that are vital to America's future.

While the Appropriations Committee has in H.R. 15931 exceeded by $365 million, the level of expenditures that the President announced he would find acceptable, it is $445.6 million below the level passed by the House and Senate. And that in my opinion was a minimal figure. We are being asked today to accept a compromise that compromises no one but the schoolchildren of America, the poor, the disadvantaged, the underemployed, and all future victims of heart and cancer maladies, not to mention anyone in need of the benefits of modern hospital facilities and research. We simply must not lose sight of the fact that the appropriation sent to the President, and vetoed by him, on January 26 was already grossly inadequate for a meaningful assault on the problems festering in our society. Nor can we deny that we are being asked today to once again confirm our lack of commitment to our most urgent needs.

Make no mistake about it, Mr. Chairman, this is not a recriminatory clash of wills between a Republican administration and a Democratic Congress. The disagreement goes much deeper than partisan politics. What we are instead facing today is nothing less than a clear test of our vision of the future.

Let us examine the matter of national priorities. On January 26, 1970, the President informed the Nation that he found the $1.1 billion added by Congress to the Health, Education, and Welfare budget to be inflationary and, therefore, deserving of his veto in the public interest. On February 2, 1970, the President transmitted to us his proposed budget for fiscal 1971 which scattered the administration's credibility to the winds. Unless we accept that $4.5 billion in agricultural supports, much of it to millionaire farmers; $4.6 billion for highway construction; $3.4 billion for the space program; and $73.6 billion for defense are absolutely essential expenditures, cut to the bare bones of necessity and not inflationary, the President's veto message 7 days earlier rings hollow indeed. And in the matter of urgent national priorities, there is a $275 million plum thrown into the budget as a subsidy for the supersonic transport, surely a luxury that the American people can afford to forgo in such a period of stringent economies.

And let us not overlook the whopping $1.5 billion outlay for an ABM system that still has not been thoroughly researched, not to mention tested for reliability, and which according to the most credible testimony available will be obsolete by the end of the decade when the Chinese will have the ICBM capability the President wants us to believe we must fear.

Mr. Chairman, lest the Congress be accused of unconcern for the impact of inflation on the people, let me point out that we have exercised our responsibility. In considering the 1970 defense budget we sliced more than $5.5 billion of fat from the President's request and succeeded in lowering it to $69.64 billion. Yet while advancing claims that he is winding down the Vietnam war with a consequent reduction in American expenditures, the President still has proposed to increase 1971 military spending by $4 billion, an increase of approximately 6 percent over last year. In other words, while the administration boasts that war spending goes down, defense outlays go up.

In light of these developments, Mr. Chairman, it is just incredible that the President stalks the spectre of fiscal irresponsibility in the HEW budget. It is rapidly becoming obvious that stringency in health, education, and welfare spending is becoming the hallmark of this administration's anti-inflationary policy along with refusal to take the obvious measures needed in regard to nonessential Government subsidies to turn back the high interest rates, the high prices, and the rising unemployment which are burdening the American people.

Even after the administration's own task force on urban education has recommended an increase of $5 to $7 billion a year in Federal funds for city schools, the President asks us in his veto message if the "$1.1 billion which the Congress added for education go to those who need it most?" As if that is the question. Do $4.5 billion in agricultural subsidies go to those who need them most? And the profits reaped from escalating military contracts? Why is it only when confronted with congressional concern for the schools of America that the administration cautions us to move slowly and be sure that we do not spend money unwisely? The priorities, or lack of them, are obvious.

But, Mr. Chairman, in the revised appropriation before us today, we are being asked far more than to accept $82 million less than Congress previously voted for hospital construction, $23 million less for construction of health, educational research, and library facilities, $97 million less for vocational education, $48.5 million off supplementary educational centers, $35 million less in NDEA, and $160 million sliced off impact aid.

Unfortunate as these cuts are in light of our needs, the most opprobrious aspect of H.R. 15931 is its offer of discretionary authority to the President to spend formula funds in the bill as he sees fit, as long as it is below the level approved by Congress. There can be little question, given the record of this administration, that those cuts will be made, and that the President will by this route circumvent the wishes of Congress and end up appropriating no more funds than he wanted to originally. In his veto message the President specifically asked for such authority, and in so doing requested that the Congress abdicate its historic responsibility.

Mr. Chairman, the authorizing powers that section 411 of H.R. 15931 would surrender to the President will come back to haunt us. It makes a mockery of the prerogatives of Congress and dangerously breaches the separation of powers. I am truly shocked that the Appropriations Committee should intend that we voluntarily abrogate our responsibility to the executive branch, and the charge will certainly be made that this is a move designed to make the so-called freedom of choice amendments in the bill palatable to the President. We need not doubt that the President will be pleased to accept these provisions along with the dis-

cretionary authority to spend funds according to his view of how those expenditures affect the economy. Why should we even bother going through the appropriations process?

Mr. Chairman, I am unaware of any hearings having been held on these amendments, which appears to be a clear violation of House rules against legislating in an appropriation bill. I urge the House to vote down these amendments. What is most urgently needed here, Mr. Speaker, is not a provision to turn the spending authority over to the President, but rather a reaffirmation of a sense of our national needs by this Congress. The shortcomings of our educational system and of our hospital facilities and of our health research cannot be ignored. If the President has failed to communicate leadership and a sense of urgency to the Nation, it is we in the Congress who must fill the void. Until the President avails himself of the credit controls we have granted him, until he recognizes the need to make reductions in special interest subsidies, and until he insists on stringency with the inflated military budget, it is up to us to lead the way. Health and education are the wrong scapegoats, Mr. Chairman, and I urge my colleagues to stand firm and do whatever we can to restore cutbacks in our investment in the future.

Mr. PUCINSKI. Mr. Chairman, I am grateful to the gentleman from Michigan for advising us that he plans to ask for a record vote on the previous question in order to hopefully pave the way for the gentleman from California to offer his amendments again.

Mr. Chairman, I had originally voted for the concept but in watching the various courts hand down their decisions against neighborhood schools, I can no longer support these procedures. It should be obvious that the courts have gone completely beyond their prerogatives in these wide ranging decisions which will destroy America's entire public school system.

All we need to do is look at the mess they have created in California, in Denver, in Oklahoma to see the courts are no longer interested in saving our schools.

The U.S. Supreme Court struck down the separate but equal doctrine years ago but the Supreme Court has wisely stayed away from rulings dealing with neighborhood schools.

Now we see district courts all over the Nation injecting themselves into the neighborhood school systems and issuing impossible orders.

Look at California. Secretary Finch properly stated last week that the California decision ordering the Los Angeles school board to destroy its neighborhood school system by next year is totally indefensible.

Secretary Finch said the court's decision setting up quotas for busing 280,000 schoolchildren will cost Los Angeles $180 million over an 8-year period.

Where is there anything in our Constitution that permits the courts to set up busing quotas for our children?

Where is there anything in our Constitution that permits the courts to break up our neighborhood schools?

Mr. Chairman, I shall vote against any legislation that will break up our neighborhood schools. I voted time and again for legislation which prohibits use of Federal funds for busing children to overcome racial imbalance because I do not believe that is the way to help children—all children—get a better education.

I believe we ought to stop once and for all using children as political pawns in the civil rights hassle and address ourselves to giving all children—black or white—quality education.

Mr. HOGAN. Mr. Chairman, I rise in support of sections 408 and 409 of the HEW appropriation bill for 1970, the so-called Whitten provisions which prohibit the use of these funds to force any school district to engage in the busing of students to a particular school against the choice of his or her parents, and to further prohibit the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to the school district.

While I vigorously oppose segregation, I am adamantly opposed to interfering with the education of children to artificially achieve integration through busing. The primary and vital objective of our school systems is to educate our children. This objective should not be set aside to permit the schools to be used as the battleground for a contest between the opponents and proponents of civil rights.

The Department of Health, Education, and Welfare is, of course, obliged to carry out the Supreme Court's decisions on school integration. I strongly object, however, to their interpretation of these decisions and their methods of complying with them.

When the Prince Georges County School Board acceded to the demands of HEW in late 1969 by accepting a proposal which met the approval of the Federal officials, it was a sad day for Prince Georges County. After a long and turbulent dispute, the school board capitulated to bureaucratic pressure and, with total disregard for the well-being of the students and their education, developed an idiotic scheme which plays havoc with education in the county. It is particularly ridiculous because the racial population figures on which the plan is based are constantly shifting.

Having been embroiled in this dispute since 1968 when HEW's first proposal was presented, I have made every effort to exert influence to arrive at a reasonable and acceptable solution.

The first proposal was withdrawn because it was based on inadequate data. I have met with the parties involved, individually and collectively. I and my staff have attended meetings with numerous Federal and local officials in an effort to resolve this dispute. I have written letters, made speeches, and met with parents, teachers and other concerned individuals. I have called upon the White House to communicate the administration's policies in regard to busing to the HEW officials responsible for devising school plans. The President within the past few days has made clear his opposition to exactly the kind of busing that HEW is requiring in Prince George's County. It is frustrating when faceless bureaucrats are able to completely thwart the clearly enunciated policy of the administration of which they are a part. If the Whitten provisions in this bill prevail and become law maybe—just maybe—we can find a way to force these bureaucrats to obey the law and restore some measure of sanity and tranquillity to our school systems.

When the HEW regional office in Charlottesville, Va., issued an ultimatum to the Prince George's County School Board in April of 1969 to integrate all schools in the county or lose all Federal aid, I vigorously opposed the proposal because it could not be implemented without busing. The local school system felt it could not bear the brunt of a loss of some $12 million in Federal aid so the board of education agreed to the demands of HEW. Their action closed one chapter and began another. The plan is being challenged in the courts by concerned citizens.

One of my fundamental and often stated objections to the HEW plan is that it responds only to a short-term problem, and very short term at that. Drawing up a busing plan on the basis of black-white ratios today does not even solve the problem for next year, when the rapidly changing housing patterns will recreate racially unbalanced schools. To conform with HEW's logic, a new busing schedule will be required next year, and another the following year. It is not hard to envision children attending a different school each year.

The long-term problem is the underlying social malignancy of racial prejudice. We must solve the overriding societal problem of eradicating the all-black neighborhoods and the flight of the whites deeper into suburbia, rather than gloss over this problem with a short-term school desegregation proposal. We must solve the problems of the communities, of housing, of job opportunities, as well as the problem of integrating our educational system.

As I said before, I am opposed to segregation and I hope I will live to see the day when every American can enjoy the freedom of equality. It would be sadly ironic if the major weapon with which to fight racial prejudice—education—was destroyed by those carrying the banner of equal rights for all.

As a concerned parent, teacher and citizen, I urge my colleagues to join with me in retaining sections 408 and 409 of the bill before us.

Mr. RANDALL. Mr. Chairman, much has been said, with some listened to, but more not listened to concerning H.R. 15931. For that reason I shall limit my remarks to stating for the record that if there is a parliamentary move for a rollcall vote when moving the previous question it should be interpreted as an effort to reopen debate on busing of stu-

dents and I intend to support the previous question and thus oppose further attempts to validate such busing proposals. Regardless of whether the restrictive provision in the present measure be called the "Whitten amendment" or by some other description, it is a reasonable provision and should be retained.

I have consistently supported the position that the busing of children solely and only to correct racial imbalance has never, nor will it ever, achieve the result of those theorists who claim that busing will somehow, some way, improve the lot of those students who, it is claimed, are disadvantaged. It has been fairly established and not refuted that busing has been of no gain or benefit to those who are bussed, but has certainly done definite damage to those that are not bussed and who must try to make their own adjustments when strange and different kinds of students are bussed into their midst. Such an artificially created racial balance is just not beneficial to any student.

Put in different terminology, we can all agree that the neighborhood school should and must have adequate facilities, good teachers, but is to remain exactly as it has been described, a neighborhood school, to serve the student body that lives in the neighborhood where the school is situated. Let's continue with the neighborhood school concept which has worked so well throughout all of our history because in truth and in fact there is no record anywhere to establish the fact that busing has achieved those benefits that its proponents have argued exist.

Mr. Chairman, I also want to be on the record to state that in the event there may be a rollcall vote on a motion to recommit which would contain instructions that total expenditures shall not exceed some specific percentage of total appropriations such as 96 percent or 97 percent or 98 percent, then I shall oppose such a motion to recommit because it is only a nice way of dressing up or concealing what is beneath to be nothing more or less than an item veto.

Mr. Chairman, the new Labor-HEW bill as reported, already contains substantial reductions under the vetoed bill. For example, there was $82.2 million in reductions in hospital construction; $22.9 million reduction in construction items of facilities for libraries and education research. There was a $48.5 million reduction in supplemental educational standards and services—title III, ESEA—and another $35 million reduction in equipment and remodeling under title III, NDEA. There was a $97 million reduction in vocational education and finally a $160 million reduction in school assistance in federally affected areas for a total reduction of $445.6 million.

Mr. Chairman, it is a proper and natural question for one to ask what is so evil about a motion to recommit with instructions which would simply put a congressional limitation of, say, 97 percent that the President could spend of the total appropriation? Well, the quite valid answer is that, to follow such a course, the Congress relinquishes its responsibility and gives a blank check to the executive branch to veto or cut out any item that it sees fit without any strings attached. In former years, similar amendments added to appropriations bills containing such limitations have been referred to as the "meat ax" amendment.

For example, if this latitude is accorded the President, even when exceptions are made for salaries which are set by law, and exemptions for social security and even capital outlays which are also provided by law, the Congress would be delegating to the President the complete and absolute power of an item veto making it possible for the President at his discretion to reduce or eliminate all funds from such important matters as manpower development and training activities, food and drug control, mental retardation, National Institutes of Health, library facilities, student loans, vocational education, and product safety.

Mr. Chairman, in the very vital matter of school assistance to federally affected areas known as the impacted aid program such an item veto would grant the power and authority to the President to make payments to category A and B at some discretionary percentage of entitlement other than that provided by law in this bill. Because of the existence of both category A and B students in the congressional districts of many Members, it is important that some entitlement for both categories be provided by the Congress and that we not relinquish this right to fix or establish these entitlements without knowing what action or what entitlement might or would result if this funding is left to the discretion of the President.

For the foregoing reasons I shall vote to oppose any motion to recommit with instructions that would take away from the Congress its responsibility to fix the various items of appropriations for Labor and HEW and I shall support H.R. 15931 on final passage because the facts are that the President on February 2 said that he was willing to accept $449 million of the increases in H.R. 13111—the vetoed bill—which meant he was not willing to accept $948 million in the old vetoed bill. The bill before us today, H.R. 15931, is quite frankly a compromise between the position of the President and the former position of the Congress.

The Committee on Appropriations has deleted $445.6 million, or just about half the increases to which the President said he objected. If you consider the $449 million increases in which the President by his letter of February 2 stated he no longer objected to, then we have gone much more than half way of the distance between the vetoed bill and thus the President's objections by the figures contained in H.R. 15931. The facts are the House has made reasonable reductions in order to meet the objections of the President. Because I believe we have acted responsibly I shall support H.R. 15931 on final passage.

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

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

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

Mr. PERKINS. Mr. Chairman, we have a couple of points of order to make, particularly as to the Michel amendment. When will it be in order to make the point of order to the Michel amendment?

The CHAIRMAN. The Chair will ask the gentleman from Kentucky, to what section of the bill is the gentleman referring?

Mr. PERKINS. Section 411.

The CHAIRMAN. The Chair will state that it will not be in order until that section of the bill is read.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1970".

Mr. MIKVA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Addabbo	Gubser	Myers
Albert	Harvey	Pelly
Anderson, Tenn.	Hays	Pepper
	Henderson	Pettis
Blanton	Johnson, Pa.	Pollock
Brown, Calif.	Jones, Tenn.	Powell
Burton, Calif.	Kirwan	Purcell
Carey	Kleppe	Reid, N.Y.
Celler	Kuykendall	Reifel
Clark	Long, La.	Riegle
Cramer	Long, Md.	Rostenkowski
Culver	Lukens	Roudebush
Cunningham	McDade	Stuckey
Davis, Ga.	McDonald, Mich.	Teague, Calif.
Dawson		Teague, Tex.
Dent	Macdonald, Mass.	Tunney
Diggs		Vander Jagt
Dingell	Monagan	Wilson, Charles H.
Esch	Moorhead	
Gallagher	Morse	Wyatt
Gettys	Moss	Yates
Gilbert	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15931, and finding itself without a quorum, he had directed the roll to be called, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISTRICT OF COLUMBIA MEDICAL FACILITIES

For grants of $3,500,000 and loans of $6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to remain available until expended.

Mr. OBEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in attempting to draft a new Health, Education, and Welfare appropriation bill for 1970, the House Appropriations Commitee had been given a most difficult task. Thanks to the veto by President Nixon of the appropriation bill passed by the Congress last December, that committee has been in the position of trying to find a compromise which would meet our health and education needs and still be acceptable to the President.

The committee has finally recommended a compromise proposal which cut $445.6 million from the original bill. The cuts were made in six areas: $48.5 million for supplementary education centers; $35 million for equipment and minor remodeling under the National Defense Education Act; $160 million for impacted area aids; $97 million for vocational education; $22.9 million for construction of health, educational research and library facilities, and $82.2 million for hospital construction. Those cuts were made to satisfy the President.

Mr. Chairman, there will be a number of persons before this House today who will enunciate clearly just what those cuts will mean for the educational opportunities of thousands of youngsters in this country and what they will mean in increased property taxes for their parents. I would like to point out to the Members of this body, and to the Members of the Senate, just what the White House insistence on cutting funds for hospital construction will mean for the thousands of communities in our Nation which are badly in need of construction or modernization of hospital facilities.

HOSPITAL CONSTRUCTION FUNDS

When Congress passed the Labor-Health, Education, and Welfare appropriation bill last December, it allocated $258.3 million for hospital construction and modernization—$104 million more than that requested by President Nixon and $45,000 less than the 1969 hospital construction budget. In response to Presidential wishes the Members of the House are now being asked to pass a $176.1 million budget for hospital construction, $82 million under the level originally passed by the Congress.

The Hill-Burton legislation which authorizes funds for hospital construction has been tremendously successful since it was enacted in 1946. The fact is, however, that information furnished by State agencies administering hospital construction programs indicates a present need for an additional 85,000 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion.

In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion. And over the next 10 years, it is estimated that 41,000 beds per year will become obsolete and require further modernization.

These figures indicate that the need for hospital construction and the need for modernization of obsolete equipment will be great in the years ahead. They indicate clearly that to cut the money earlier appropriated for hospital construction and modernization, as demanded by the President, would be a serious mistake. According to the Health Services and Mental Health Administration, there are a total of 2,028 projects for hospital construction or modernization ready to start now if the Congress appropriated an adequate amount of money to the States. The States could match and utilize over $2 billion in 1970 if we gave it to them, well over the $176 million allocated in the appropriation bill before us today.

When the administration asked for only $153.9 million for the hospital construction and modernization program for the 1970 fiscal year, their budget was based on a shift of this program from construction and modernization grants to the States to a system of mortgage and loan guarantees. The Congress has not yet changed from relying principally on the grant system, and therefore, increased the budget for hospital construction by $104 million—roughly equal to the 1969 level.

The administration based its request for reduced funding on the assumption that the Congress would change to a mortgage guarantee program. The Congress has not yet accepted that change, certainly not for this fiscal year. Yet, we are now being told by the administration that we should still reduce the amount of money for hospital construction and modernization grants, ignoring the fact that Congress has not yet changed from our present major reliance on the State grant program. This is an unrealistic request at best, and an inconsistent one to say the least.

Mr. Chairman, as the charts which I am enclosing below show, the result of the administration's recommended cut will be a tremendous shortage of funds for hospital construction on the State level. Even with the $254 million appropriated by the Congress in December, Texas, for example, would only be getting 10.2 percent of what it can use now for modernization and construction. Pennsylvania would be getting 11.7 percent of its need, Minnesota 7.8 percent, New Hampshire 10.1, percent and Illinois 7.6 percent.

In my home State of Wisconsin, 67 requests for funds have been made, but only a few of these requests can be fulfilled. One hospital will be so badly in need of funds that the city of Beloit may have to refinance its $12 million modernization project. And, needless to say, no funds will be available in Wisconsin for any new projects, including one badly needed in the city of Merrill.

With the reduction of the appropriation by another $82 million, the ability of the States to meet their needs in this area will go down even further. Arizona will only receive 4.4 percent of its needs, Maryland 5.9 percent, California 11 percent, Ohio 16.2 percent, and Louisiana 11 percent. The funds available for Wisconsin will only allow us to fund 8.2 percent of our present needs.

Mr. Chairman, I am sure many members of the Appropriations Committee are unhappy about the President's recommendation in this area. In fact last July when this legislation first came before the House, the Labor-Health, Education, and Welfare Subcommittee chairman correctly outlined the direction Congress had to take in the field of hospital construction. We can all recognize, too, the tremendous pressure under which the Appropriations Committee and its Labor-HEW Subcommittee operated; namely, the continued threat of a Presidential veto.

Certainly the President's attitude has been difficult to follow. Several months ago, he said:

> Our overtaxed health resources are being wastefully utilized, *and we are not adding to them fast enough to keep pace with rising demand.*

The President's words were correct. But the problem is that the President's requested reduction of funds for hospital construction can only make the situation worse.

What kind of a system of values enables a President to regard $82 million in hospital construction as inflationary, but to accept $256 million in cost-overruns in an unproven ABM system without blinking an eye. We know that the Hill-Burton program has worked, and we know that the needs under the program in the next decade will be great. The administration is making a serious mistake in badly underfunding this program which is struggling to keep up with rising demands for hospital care.

In his veto message of our original HEW-Labor appropriation bill, President Nixon said that if his veto were upheld, he would seek appropriations "which will insure the funds necessary to provide for the needs of the Nation in education and health."

Mr. Chairman, the figures which I have presented here today indicate that this just is not so. When only 8 percent of all funds for hospital construction which can now be utilized by the States is being appropriated, we are certainly not meeting our needs in this field.

I know, given the threat of a Presidential veto, there is no real possibility of raising the amount of hospital funds in this bill. We are stuck with the amount in the bill. But I have decided to discuss this matter today in the hopes that this serious situation can become known to the general public and to the Members of the Senate who have yet to act on this legislation.

The facts are available and the handwriting is on the wall. If we are headed for catastrophe in the health care area, at least no one will be able to say we were allowed to do so blindly.

The tables referred to follow:

A COMPARISON OF THE DISTRIBUTION OF ALLOTMENTS TO STATES BASED ON AN APPROPRIATION OF $254,400,000,000 WITH THE NUMBER OF PROJECTS AND AMOUNT OF FEDERAL FUNDS THE STATES WOULD BE PREPARED TO MATCH AND UTILIZE IN FISCAL YEAR 1970

States	Number of projects	Alloted fiscal year 1970	Federal share needed fiscal year 1970	Percent of need alloted
Total	2,028	$254,400,000	$2,014,585,000	
Alabama	29	6,426,933	24,728,000	26.00
Alaska	4	750,000	4,800,000	15.6
Arizona	110	2,378,115	37,499,000	6.3
Arkansas	13	3,679,007	8,585,000	43.9
California	80	15,359,956	89,968,000	17.1
Colorado	53	2,631,441	35,815,000	7.4
Connecticut	13	2,563,669	38,624,000	6.7
Delaware	8	750,000	4,602,000	16.3
District of Columbia	11	750,000	26,108,000	2.87
Florida	132	8,427,807	104,617,000	8.05
Georgia	52	7,026,358	28,098,000	25.0
Hawaii	23	923,231	14,090,000	6.55
Idaho	2	1,146,533	265,000	532.0
Illinois	112	9,441,163	124,031,000	7.6
Indiana	24	6,143,474	34,136,000	18.0
Iowa	16	3,528,917	22,050,000	16.0
Kansas	21	3,168,620	18,731,000	16.9
Kentucky	24	5,370,069	15,893,000	33.8
Louisiana	17	6,213,090	38,538,000	16.2
Maine	22	1,569,543	13,015,000	12.0
Maryland	23	3,498,679	40,449,000	86.4
Massachusetts	25	6,233,578	40,901,000	15.2
Michigan	12	8,999,688	19,155,000	46.9
Minnesota	96	4,666,479	59,200,000	7.88
Mississippi	22	4,755,672	16,818,000	28.2
Missouri	27	6,236,918	37,605,000	16.6
Montana	27	1,165,902	11,105,000	10.5
Nebraska	19	$1,822,610	$10,570,000	17.3
Nevada	7	750,000	9,906,000	7.58
New Hampshire	14	989,489	9,850,000	10.1
New Jersey	119	6,859,908	87,866,000	7.82
New Mexico	6	1,582,441	4,629,000	34.2
New York	137	16,077,840	162,000,000	9.9
North Carolina	32	8,800,736	68,472,000	12.9
North Dakota	13	1,073,304	8,396,000	12.8
Ohio	53	11,567,377	48,005,000	24.1
Oklahoma	23	3,759,889	10,961,000	34.3
Oregon	14	2,441,921	6,230,000	39.2
Pennsylvania	124	15,138,450	128,911,000	11.7
Rhode Island	15	1,037,329	30,960,000	3.35
South Carolina	36	4,957,456	54,188,000	9.15
South Dakota	12	1,156,063	5,675,000	20.4
Tennessee	14	7,130,596	4,127,000	172.7
Texas	155	16,104,371	157,289,000	10.2
Utah	17	1,531,905	21,296,000	7.2
Vermont	7	820,501	3,646,000	22.5
Virginia	36	6,635,516	53,570,000	12.4
Washington	30	3,438,496	26,222,000	13.1
West Virginia	29	3,441,992	32,211,000	10.3
Wisconsin	67	5,003,579	40,417,000	12.4
Wyoming	3	750,000	1,317,000	57.0
American Samoa	0	375,000		
Guam	3	383,614	4,989,000	7.68
Puerto Rico	34	6,589,775	76,179,000	8.64
Virgin Islands	11	375,000	36,227,000	1.03

A COMPARISON OF THE DISTRIBUTION OF ALLOTMENTS TO STATES BASED ON AN APPROPRIATION OF $172.2 MILLION WITH THE NUMBER OF PROJECTS AND AMOUNT OF FEDERAL FUNDS THE STATES WOULD BE PREPARED TO MATCH AND UTILIZE IN FISCAL YEAR 1970

States	Number of projects	Alloted fiscal year 1970	Federal share needed fiscal year 1970	Percent of need alloted
Total	2,028	$172,200,000	$2,014,585,000	8.5
Alabama	29	4,442,749	24,728,000	18.0
Alaska	4	750,000	4,800,000	15.6
Arizona	110	1,648,702	37,499,000	4.4
Arkansas	13	2,588,691	8,585,000	30.2
California	80	10,297,876	89,968,000	11.4
Colorado	53	1,724,242	35,815,000	4.8
Connecticut	13	1,584,385	38,624,000	4.1
Delaware	8	750,000	4,602,000	16.3
District of Columbia	11	750,000	26,108,000	2.9
Florida	132	5,713,760	104,617,000	5.5
Georgia	52	4,849,149	28,098,000	17.3
Hawaii	23	759,990	14,090,000	5.4
Idaho	2	878,190	265,000	331.4
Illinois	112	6,094,960	124,031,000	4.9
Indiana	24	4,005,616	34,136,000	11.7
Iowa	16	2,298,446	22,050,000	10.4
Kansas	21	2,056,092	18,731,000	11.0
Kentucky	24	3,686,392	15,893,000	23.2
Louisiana	17	4,239,914	38,538,000	11.0
Maine	22	1,087,040	13,015,000	8.4
Maryland	23	2,370,108	40,499,000	5.9
Massachusetts	25	3,916,888	40,901,000	9.6
Michigan	12	5,894,940	19,155,000	30.8
Minnesota	96	3,075,644	59,200,000	5.2
Mississippi	22	3,317,311	16,818,000	19.7
Missouri	27	4,110,697	37,605,000	10.9
Montana	27	822,084	11,015,000	7.4
Nebraska	19	$1,214,859	$10,570,000	11.5
Nevada	7	750,000	9,906,000	7.6
New Hampshire	14	778,594	9,850,000	7.9
New Jersey	119	4,355,701	87,866,000	5.0
New Mexico	6	1,188,670	4,629,000	25.7
New York	137	10,316,586	162,000,000	6.4
North Carolina	32	5,967,884	68,472,000	8.7
North Dakota	13	835,327	8,396,000	9.9
Ohio	53	7,756,801	48,005,000	16.2
Oklahoma	23	2,565,131	10,961,000	23.4
Oregon	14	1,627,710	6,230,000	26.1
Pennsylvania	124	9,800,500	128,911,000	7.6
Rhode Island	15	815,347	30,960,000	2.6
South Carolina	36	3,407,065	54,188,000	6.3
South Dakota	12	853,680	5,675,000	15.0
Tennessee	14	4,790,979	4,127,000	116.1
Texas	155	10,875,297	157,289,000	6.9
Utah	17	1,134,582	21,296,000	5.3
Vermont	7	750,000	3,646,000	20.6
Virginia	36	4,453,604	53,570,000	8.3
Washington	30	2,243,556	26,222,000	8.6
West Virginia	29	2,288,167	33,211,000	6.9
Wisconsin	67	3,333,517	40,417,000	8.2
Wyoming	3	750,000	1,317,000	56.9
American Samoa	0	375,000		
Guam	3	375,000	4,989,000	7.5
Puerto Rico	34	4,507,577	76,179,000	5.9
Virgin Islands	11	375,000	36,227,000	1.0

TENTATIVE FISCAL YEAR 1970 ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES, BASED ON AN APPROPRIATION OF $172,200,000

State	Total	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities
Total	$172,200,000	$27,100,000	$54,200,000	$63,600,000	$18,200,000	$9,100,000
Alabama	4,442,749	334,349	1,538,744	1,814,170	503,658	251,828
Alaska	750,000	200,000	200,000	200,000	100,000	50,000
Arizona	1,648,702	200,000	542,591	639,711	177,600	88,800
Arkansas	2,588,691	200,000	894,650	1,054,788	292,835	146,418
California	10,297,876	1,382,914	3,338,973	3,936,631	1,092,906	546,452
Colorado	1,724,242	309,846	529,742	624,563	173,394	86,697
Connecticut	1,584,385	476,011	415,126	489,431	135,878	67,939
Delaware	750,000	200,000	200,000	200,000	100,000	50,000
District of Columbia	750,000	200,000	200,000	200,000	100,000	50,000
Florida	5,713,760	643,023	1,899,173	2,239,115	621,633	310,816
Georgia	4,849,149	380,066	1,673,832	1,973,438	547,875	273,938
Hawaii	759,990	200,000	200,000	209,990	100,000	50,000
Idaho	878,190	200,000	242,401	285,789	100,000	50,000
Illinois	6,094,960	1,278,294	1,804,014	2,126,923	590,486	295,243
Indiana	4,005,616	759,632	1,215,737	1,433,348	397,933	198,966
Iowa	2,298,446	440,813	695,750	820,286	227,731	113,866
Kansas	2,056,092	409,827	616,585	726,951	201,819	100,910
Kentucky	3,686,392	326,397	1,258,438	1,483,693	411,909	205,955
Louisiana	4,239,914	423,588	1,429,351	1,685,197	467,852	233,926

TENTATIVE FISCAL YEAR 1970 ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES, BASED ON AN APPROPRIATION OF $172,200,000—Continued

State	Total	Modernization	Hospitals and public health centers	Long-term care facilities	Diagnostic or treatment centers	Rehabilitation facilities
Maine	$1,087,040	$200,000	$332,228	$391,696	$108,744	$54,372
Maryland	2,370,108	270,361	786,430	927,198	257,413	128,706
Massachusetts	3,916,888	1,039,839	1,077,558	1,270,435	352,704	176,352
Michigan	5,894,940	1,063,471	1,809,559	2,133,459	592,301	296,150
Minnesota	3,075,644	516,717	958,410	1,129,960	313,705	156,852
Mississippi	3,317,311	200,000	1,167,545	1,376,529	382,158	191,079
Missouri	4,110,697	690,635	1,280,936	1,510,216	419,273	209,637
Montana	822,084	200,000	216,653	255,431	100,000	50,000
Nebraska	1,214,859	200,000	380,101	448,137	124,414	62,207
Nevada	750,000	200,000	200,000	200,000	100,000	50,000
New Hampshire	778,594	200,000	200,000	228,594	100,000	50,000
New Jersey	4,355,701	1,061,751	1,233,702	1,454,529	403,813	201,906
New Mexico	1,188,670	200,000	370,292	436,573	121,203	60,602
New York	10,316,586	2,291,512	3,005,678	3,543,678	983,812	491,906
North Carolina	5,967,884	669,122	1,984,576	2,339,804	649,588	324,794
North Dakota	835,327	200,000	222,730	262,597	100,000	50,000
Ohio	7,756,801	1,038,519	2,516,238	2,966,630	823,609	411,805
Oklahoma	2,565,131	257,573	864,263	1,018,962	282,889	141,444
Oregon	1,627,710	237,083	520,840	614,067	170,480	85,240
Pennsylvania	9,800,500	1,999,463	2,921,768	3,444,748	956,347	478,174
Rhode Island	815,347	200,000	213,560	251,787	100,000	50,000
South Carolina	3,407,065	294,166	1,165,892	1,374,581	381,617	190,809
South Dakota	853,680	200,000	231,152	272,528	100,000	50,000
Tennessee	4,790,979	623,082	1,561,027	1,840,442	510,952	255,476
Texas	10,875,297	1,307,010	3,583,667	4,225,123	1,172,998	586,499
Utah	1,134,582	200,000	350,034	412,689	114,572	57,287
Vermont	750,000	200,000	200,000	200,000	100,000	50,000
Virginia	4,453,604	588,458	1,447,636	1,706,755	473,837	236,918
Washington	2,243,556	422,218	682,156	804,259	223,282	111,641
West Virginia	2,288,167	345,417	727,630	857,871	238,166	119,083
Wisconsin	3,333,517	488,923	1,065,403	1,256,104	348,725	174,362
Wyoming	750,000	200,000	200,000	200,000	100,000	50,000
American Samoa	375,000	100,000	100,000	100,000	50,000	25,000
Guam	375,000	100,000	100,000	100,000	50,000	25,000
Puerto Rico	4,507,577	429,920	1,527,229	1,800,594	499,889	249,945
Virgin Islands	375,000	100,000	100,000	100,000	50,000	25,000

Note: Basis of Allocations, per Statutory Formula:
(a) Total population, as estimated by the Bureau of the Census: (1) Provisional Estimates of the United States, July 1, 1968 (Series P-25, No. 403, September 19, 1968); American Samoa, Guam, Puerto Rico, and Virgin Islands, Provisional Estimates as of July 1, 1967 (Series P-25, No. 392, May 2, 1968).
(b) Allotment percentages for fiscal year 1970, as determined by the Surgeon General, Sept. 30 1968.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I share the feelings of my colleagues that have just been expressed. I had planned to speak on this subject myself, and I am delighted that my colleague has already spoken. It is true that we had anticipated that the President would ask sufficient funds for hospital construction. He has not done so. He has not submitted a sufficient program as we anticipated he would. In fact, there is a present need of 85,000 new hospital beds in this country. This does not go to modernization or long-term care beds. It is estimated that we have almost one-half million beds that need modernization and some 140,000 beds needed for long-term care in this Nation.

The President has termed the health situation in this country in terms, and I quote him, of "a crisis." Mr. Finch, the Secretary, has said, too, "We have a health crisis."

When the previous appropriation bill was vetoed, the President stated that he would request sufficient funds. Unfortunately, this has not yet been done, and I would like to explain that the authorizing legislation that we passed in this House, which was an extension of the Hill-Burton program, did include a loan guarantee program. It has not yet become law because the Senate has not acted. Furthermore, the committee, which was the Public Health Subcommittee of the Interstate and Foreign Commerce Committee, which handled this legislation, included construction funds for hospital beds because we do not yet know, nor do we have any sufficient experience to determine how the loan guarantee program will work, and I think it will be grave error not to have sufficient funds to meet the hospital crisis and simply depend, as the administration proposed, on a loan guarantee program. This bill does not meet the health crisis of this Nation, and I intend—and I know our committee intends—to pursue this subject in this session of the Congress to see if we cannot mount enough interest to help us solve what the President himself has termed a health crisis in this Nation. We must do it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $440,167,000 of which $425,000,000 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and 100 per centum of the amounts payable under section 6 of said title: *Provided further*, That the amount to be paid to an agency pursuant to said title (except section 7) for the current fiscal year shall not be less, by more than 5 per centum of the current expenditures for free public education made by such agency for the fiscal year 1969, than the amount of its entitlement under said title (except section 7) for the fiscal year 1969.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I rise for the purpose of making a point of order against the second proviso of the paragraph in question, beginning on line 18 and down through line 24, on the ground that it is not a valid limitation, a definitive direction. It is legislation on an appropriation bill and, therefore, forbidden.

The CHAIRMAN. Does the gentleman from Pennsylvania care to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, this is legislation on an appropriation bill, and I most reluctantly concede.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule. The point of order is sustained.

AMENDMENT OFFERED BY MR. STEED

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

The Clerk read as follows:

Amendment offered by Mr. STEED: On page 28 line 7 strike out "$440,167,000 of which $425,000,000" and substitute in lieu thereof "$520,567,000 of which $505,400,000."

Mr. STEED. Mr. Chairman, it is not my policy, as those who have been here with me for a while know, to offer amendments to appropriation bills, and I would not be here offering this amendment today unless I found myself in a rather desperate situation.

It just happens that the district I have the honor to represent is probably the most federally impacted district in the

United States. On the basis of the funds now contained in the bill, I have been going over what impact this would have on the several schools in my district that are affected, and I find that unless this additional amount of money is made available, some very serious setbacks are going to take place.

All my amendment does is to split the difference between what the vetoed bill had and what this bill has in it, the $160 million cut. I propose to restore $80 million, which would bring the bill up to the 1969 level.

I have gone over the budgets with the principal schoolmen of my district and I find they can get by the rest of this school term if this additional amount is made available. If this amount is not increased, I am faced with a situation where 42,000 schoolchildren—most of them the children of military people—are going to be faced with a short school term.

One of my school districts already has laid off 36 teachers. The school people have been making every move to economize that they can make, but this fund must be made available if they are to have a normal school year.

I know there are many other situations like this in the country, but I think I have one additional problem that is not typical throughout the country. It has been a popular thing in recent years for people to be concerned about the minority groups. Under the terms of the existing law, the Indian ward children of the Government become impact children.

I happen to have 13 Indian tribes in my district, and some of the worst victims of this cutback are going to be the Indian children. I do not know of any minority group in this country which commands the affection and the care and concern of this Congress more than the children of our Indian people.

In addition to that, I have sizable numbers of other minority groups, and they likewise will be handicapped and harmed if their school districts are unable to finish out the school term.

Mr. Chairman, this subject of impact is a well-known subject to all Members of the House.

I believe when we realize that these school budgets were made up many, many months ago we will see that these school districts had every right to expect the normal amount of income from the Federal impact program, which they have been getting for years. They have run for the first several months of the school year on the full-budget basis and now, with only 2 or 3 months left in which they can economize, there is just not enough of the total budget left so that they can absorb the cutback which the lack of these funds would force on them.

I hope we can get the 1971 bill out in time for the next fiscal year so that they will know exactly what to expect.

I call attention to the fact that all year long, up to the time of the veto, the acts of the Congress and everything we did here led these school people to believe and to expect they would receive these funds. It is only in the last few weeks they have had any real warning to start making economies and to try to readjust their programs to complete the full school year.

It just happens that in my school districts enough retrenchment is not possible. That is the reason why I am doing what to me is an unprecedented thing, coming here today offering to increase this amount by $80 million.

I believe that no one would want it to happen that for the lack of such a comparatively small amount of money we would leave these school districts in such a plight.

I know many Members have different ideas about some of the justification for impact aid, but I have the misfortune or the good fortune, however one wishes to look at it, of representing the school districts where the impact is legitimate. If there is such a thing as hard-core impact, I have it. And I have a lot of it.

I hope that the Committee will be willing to take this step. Let us get through this year. Do not put this burden of cutback on these children.

There is no way, other than getting this money, that they can have a normal school year.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, those who support an increase in impact aid of course have selected the very best person they could to propose the amendment, because the gentleman is one of those who have people in their districts who have at least some legitimate claim to impact aid. That is more than some can say.

It has been said that school districts in 285 congressional districts receive impact aid so "Members do not dare to vote against an increase in impact aid."

I want to point out to the Members that there are 20,000 school districts in the United States; 4,600 of them receive impact aid. So for every one that gets it three are helping the bill and do not get it. Those people who do not receive in many cases need it worse and are beginning to become aware that it is not fair. On a benefit basis, the proportion is three to one against it.

The gentleman from Oklahoma presented the case based upon his district. I am not one of those who believes we ought to do away completely with impact aid. I believe there is a justification up to a certain point. So let us use his district as an example.

He has in his district Lawton, Okla. The local effort there last year, the money raised by local taxes, was $203 per child for nonfederally connected children. They received from the Federal Government, $278 for every one of the federally connected children.

So you really find they are operating a school for profit. They take $75 for the federally connected children and spend that on the education system to reduce the local effort for the nonfederally connected children. That is one of the things wrong with the basic law.

There are some other things wrong with it, too. There is $18 million of entitlement for children whose parents work in leased Federal buildings. Every dime of taxes everybody else pays that makes the same salary in that State is being paid by those people. They are steadily employed and pay their way but we use more Federal money for their children than for children of unemployed. That is another thing that is wrong with it.

Then some members say that we have to replace the local property tax. If one figures up the valuation of these installations and multiply it by the mileage used for education purposes in each district it will be less than full entitlement by a total of $305 million or almost half. So, you see, about 45 percent of that argument is baloney, too.

So the problem we are presented with here is how in the world we do something to make this program more fair. Obviously the committee that has jurisdiction of it is not going to do it. Every few years they come out with another bill that makes it worse instead of better. We have seen this year after year after year. Now there is a bill over in the Senate that will push the total entitlement to over $1 billion next year.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. When I am finished I will be glad to yield to the gentleman.

What we are faced with is trying to get sense into this program and to sort out the ones that have a legitimate reason to receive impact aid from those that do not. So far the ones that should be under the program are being held captive by those who should not be under the program, because they keep putting more of them into the program. So we have this problem and in the committee we put in the $440 million. We took $160 million out of the $600 million in the vetoed bill and provided the cushion we tried to provide, $141,000 of which would have gone to the district of the gentleman from Oklahoma. We were trying to cushion the impact while taking away the windfall. His district would have gotten $141,000 of that cushion, but they have been knocked out on the point of order. What we are trying to do is get enough reduction in money to get this bill enacted and overcome the veto so that people interested in other programs can secure money now. The library people and the people interested in bilingual education, air pollution, student loans, rubella vaccinations, and the health programs need to receive money now. Some Members who are interested in impact aid have said why not cut everything a certain percentage or take a meat ax approach and cut everything 20 percent and give impact the money. Well, we did not choose to do it. We picked out certain items, $160 million, out of impact because it is not as fair as some of the other programs and does not have as high a priority. We had a difficult problem and we tried to meet it. I hope Members will view the broad problem and I challenge anyone to figure out a better way of forcing the subcommittee that has charge of authorizing legislation to come up with a better solution to it. They have not made a good faith effort, which is obvious from the results in the last several years.

Mr. WILLIAM D. FORD. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. WILLIAM D. FORD. As a member of the subcommittee which is indicted, I would like to point out that I do not remember in my 5 years of service on the subcommittee having had the benefit of the gentleman's appearance before that committee during that time and his help in trying to make the change he is suggesting here.

Be that as it may, will the gentleman agree with me that the way the committee cut the funds it will cut the hard-core impact, as described in the bill by the gentleman from Oklahoma, as well as the areas that the gentleman feels are getting a windfall? You do not selectively cut. Instead of cutting selectively, you are cutting in the way you ought not to cut. Would it not be better if we did take the enabling legislation and the authorization legislation and examine it, and if the gentleman is correct in his assumptions, then I am sure that the reasonable members of that committee will follow his suggestion and make the change. But the school people will know in advance who is getting it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. SMITH of Iowa, at the request of Mr. FLOOD, was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. I have to agree with some of what the gentleman said. The best way to do it is through enabling legislation. However, it has become obvious to me that we will not get it done through that method unless we come in with some kind of pressure to make them go back and do something about it. You say, "Why did I not appear before the subcommittee?" I served on that committee for 4 years and tried during that entire 4 years to get something done about it, and I will tell you one example of what happened. I pointed out how local school districts were refusing to reorganize even though the State public instruction board wanted them to. In the same congressional district we are talking about in Oklahoma, there are 80 local school districts getting money, and some of them are very small and inefficient. There is an incentive under the present law not to reorganize and go into a merger with another district to become more efficient, because if the Federal Government will give you a profit on all of those federally connected children, why do it? And, so, I proposed a simple amendment when I was on the committee and suggested that we at least say that a local district cannot receive the money if State public instruction departments say they have refused to reorganize in order to help themselves. But, no, the Education and Labor Committee would not even accept that. Every time I proposed anything it was obvious that the only thing they wanted to do was to shove more people under the tent and get more people into the program who do not deserve it in order to get more votes. So, I believe the only way we can get at this issue and get that committee to do anything is to finally cut the funds down to $440 million this year and then, perhaps, they will go back and really make an effort to try to do something about the basic legislation.

Mr. WILLIAM D. FORD. Mr. Chairman, if the gentleman will yield further, I quite agree with the gentleman's approach. My disagreement with the gentleman in the well does not come on the question of whether the committee might do a better job or is not, in fact, directing more attention to this problem than it has, but it goes to the fact that we are now close to the end of the year and as the gentleman from Oklahoma (Mr. STEED) indicated, at this time to cause a crisis that would put pressure on those of us on the authorizing committee to make changes is not going to do any damage to those of us on the committee. We are not the ones who will suffer. It will be the children in the schools being financed by money that is not for special programs. This is a part of the general fund that has been budgeted along with local and State funds for the operation of these schools.

I quite agree, and I think the gentleman from Iowa agrees with me, that this committee ought to look into this matter further and I shall be most happy as a member of that committee who does not receive a single penny of impacted aid in his district to see if I can get a little in my district and in the district of others, including the gentleman from Iowa. I will join with the gentleman and the chairman of my committee in requesting that we hold hearings and go into this matter which the gentleman has raised. However, I think the proper place for this House to work its will on the re-writing of the formula for distribution of the funds is not in the last months of the year in an appropriation bill, but at the beginning of the school year in the authorizing legislation so that the school people will know what they are up against when they make up their budgets for next year.

Mr. SMITH of Iowa. In response to the gentleman from Michigan, I will say that the best way to approach this problem is through enabling legislation. But I would point out to the gentleman we had language in the bill to cover the defect in the legislation of not cushioning a substantial cutback. However, it was knocked out on a point of order. This bill will go to the other body for its consideration. In my opinion it is better to leave the bill as it is. I think the Senate will reinsert cushioning language and we will cushion the effect this year and reduce the impact of losing the windfall which some of these people are now receiving and thereby help them make the transition to a position where they are paying their share of school taxes just as other people throughout this country are doing.

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

Mr. SMITH of Iowa. I yield to the gentleman from Georgia.

Mr. FLYNT. Will the gentleman from Michigan give me his attention for just a minute?

I was interested in the question asked by the gentleman from Michigan (Mr. WILLIAM D. FORD), and I was intrigued by the reply of my distinguished colleague, the gentleman from Iowa (Mr. SMITH). I think the gentleman gave the best answer and made the most substantial argument which I have heard during debate in this House on the subject of impacted areas.

I come here, I would say to the gentleman from Michigan, from a district in which a large section of the population of my district resides in counties that receive substantial benefits from the Public Law 874 funds. But at this particular time—and I say this with great respect for my friend, the gentleman from Michigan, I am going to stand with the gentleman from Iowa and oppose this amendment, although it may be hard to explain back home. But, I do oppose this amendment.

It may be hard to explain back home, but when I do explain it I am going to say to them that I am going to try to get them as much as I can in fiscal 1970 rather than to see them get nothing, or near nothing, of the category B funds.

Mr. SMITH of Iowa. Mr. Chairman, may I just close by saying, do not think merely about the 4,600 school districts receiving the money but also about the 15,000 who help pay the bill but do not receive money and think about the future.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. FLOOD. Mr. Chairman, if the gentleman from Iowa wishes to proceed further, I would ask unanimous consent that he be permitted to proceed for 5 additional minutes. If not, I will withdraw my request.

Mr. Chairman, I withdraw my request.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase the funds for federally impacted area schools by $80 million, bringing it up to the amount these school districts received last year.

When the President's veto of legislation similar to this was before us in late January, I voted to sustain the veto. I did so because of my grave concern about the serious economic crisis confronting this Nation, and because I felt that by sustaining the veto we would show some measure of support on the part of the Congress for the President's efforts to curb ruinous, runaway, and devastating inflation.

It was not easy for me to vote to sustain the veto. It is never easy to vote for a cut in appropriations that will affect our congressional districts. It is obviously much easier for any of us to economize by cutting funds for some other Member's district. But it will be impossible for us ever to make the overall reduction in expenditures we must make in this way. If we are sincere about wanting to strengthen our economy and reduce inflation every one of us must tighten our belts in a joint effort, with some sacrifice on everybody's part.

However, Mr. Chairman, as I stated very clearly on the floor of this House at the time we had the veto message before us that I disagreed with the President's order of priorities in cutting expenditures. I referred to the $2 billion con-

tained in the same appropriation measure for the so-called war on poverty, which I consider one of the most wasteful and corrupt boondoggles in the history of this Nation. Most certainly some expenditures could be cut in that area. I also mentioned the foreign aid program for which we have appropriated in excess of $150 billion in an attempt to buy friends abroad.

In other words, Mr. Chairman, I do not think the reduction of expenditures called for by the President goes far enough, and I consider it somewhat punitive to single out one area such as education for drastic cuts.

I also stated that I disagree with the President and the Secretary of Health, Education, and Welfare on their interpretation of the purpose of aid to federally impacted areas. I disagree with my colleagues who have called it a windfall or those who say it is aid to wealthy communities at the expense of the poor. The impact aid program is clearly a payment of funds owed the various communities by the Federal Government for property which has been taken off the tax rolls.

Subsequent to the President's veto, I introduced legislation in an attempt to clarify this question by establishing a new formula which would provide a payment in lieu of taxes similar to the amount federally owned property would yield if it were subject to taxation as a private industry.

In the meantime, Mr. Chairman, by this piecemeal approach, this on-again, off-again approach, we in both the executive and legislative branches of the Government are creating severe hardships for all school districts, rich and poor alike, who depend on the impact aid program. All of these school districts have set their budgets for the year, set tax rates and teacher pay scales, on anticipation of these funds. If we failed, at this late date, to appropriate these funds we would be pulling the rug out from under them and cause chaotic hardship to the extent of impairing the education of many of the Nation's children.

If we are going to change this program, reduce the program or abolish the program, we should say so. Let us put the school districts affected on notice and give them ample notice. We have procrastinated for several months and the school districts are the victims of our procrastination. What we should and what we must do is provide the money these school districts had every reason and every right to expect and then work to change the program if we decide it should be changed.

Now, Mr. Chairman, let me discuss in a little more detail the confusion and misunderstanding of what this program really is. Allegations are made that the program favors the wealthy and these arguments are substantiated by comparisons of grants to some communities with high income levels to grants to other lower income communities. Regardless of the validity of the comparisons, the allegations prove a complete lack of understanding of the purpose of the program.

As our colleagues know, the program was enacted to partially compensate communities suffering from the impact of Federal operations in their area by absorbing some of the added local expenses resulting from such operations on properties on which no real property taxes were paid. The formula used was compensating the communities for part of the costs of educating the children of employees living or working on these properties. It was and is a fair and equitable formula as it is geared into the actual expenses of the communities providing the services, on the basis of the number of children served.

In spite of the fact that the program was intended to serve as a payment in lieu of taxes, it has been confused with general aid to education, and this confusion has caused the inevitable question as to whether the communities receiving the aid are in any financial need. Actually need is beside the point, because once a debt has been acknowledged legally and properly, it should never be excused merely on the basis of the financial need of those to whom the debt is owed. For the Federal Government to assume that it can be so excused is a violation of all the moral and economic standards of this Nation.

In an effort to eliminate the confusion once and for all, I have introduced H.R. 15598, which spells out this obligation for exactly what it is, "a payment in lieu of taxes to the communities in which the Federal Government owns real property." Under this legislation, the communities would be free to do as they see fit with the funds, but obviously the net result would be that the school systems, the recipient of the lion's share of community funds, would benefit.

There are a number of amendments which I believe will have to be made to the legislation as I introduced it to make it fit the various situations in our varied congressional districts. But I am confident that an equitable formula can be worked out that will continue to protect the communities who are victims of Federal impact without the on-again, off-again threat of the loss of revenue we have faced annually due to confusion as to the purpose of these payments.

Let us tell it like it is, Mr. Chairman, payment in lieu of taxes for federally owned property. And let us support it.

Mr. Chairman, I urge adoption of this amendment.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding, and I want to commend my colleague for the statement he has made, and to associate myself with that statement.

The gentleman in the well and I are privileged to jointly represent one of the counties in Virginia that relies heavily on impacted aid funds. And I would say to the membership and the Committee that this is not a windfall, as has been said by some of the Members of the House; this is an amount to be paid in lieu of taxes, and it is something that our school districts do depend on.

The category B funds will be hurt very much, and our schools will be hurt, unless this amendment is agreed to. Therefore, I hope it will be adopted and I urge my colleagues to support the additional funds.

Mr. LENNON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I may have the attention of the Members of the House, I believe I can put this matter in the right perspective.

Public Law 874 and Public Law 815 were brought to the floor of this House by a distinguished former chairman, now deceased, of the Labor and Education Committee, Graham Barden. We have had it since that time.

Now what was its initial purpose and justification, for which many of us and hopefully all of us have supported it in the past? As I look about me now, I see some people who in their younger days—who saw service in Fort Bragg, N.C., and Pope Air Force Base in Cumberland County, N.C.

Fort Bragg has some 130,879 acres. Adjoining it is the Pope Air Force Base with around 8,762 acres. None of that is on the tax books of that county—not an acre of it. Neither are any of its many buildings on the tax books of the city of Fayetteville or Cumberland County.

Now listen to me—hear me—there are 17,458 children in that school in that county who are classified as category "B". Eighty percent of the parents of those 17,458 children wear the uniform of the United States at Fort Bragg either of the Army, or the Air Force at Pope Air Force Base. Those parents live off the base—but listen to me—do they rent expensive homes? Do they own expensive homes—that make a contribution to the ad valorem taxes to support the public school system of that county? No. Their wages and their salaries and their income allowance and housing allowance do not permit that.

The preponderant majority of them own trailers. The preponderant majority of them when they are stationed there—58,000 there at Fort Bragg alone of military personnel and in the Pope Air Force Base of 16,747—own trailers and under the soldiers and sailors relief act, they pay no personal property tax on their automobiles. They pay no personal property tax on their trailers. They pay a rental fee to the trailer park owner.

Now, ladies and gentlemen, it costs as much to send a young man to high school in the public schools of that county, whose father works in a plant that is on the tax books that have an ad valorem tax basis of $2 million and who owns a $25,000 or a $35,000 home, and it costs just as much to send the child of a man wearing the uniform who contributes nothing and his Federal Government contributes nothing to his education at that level.

If you do not have this—if you have not lived it—if you have not lived personally with this situation, you cannot understand it and cannot appreciate it.

I will say to my distinguished friend that personally I do not believe that this program should have been extended—where Members of Congress who have expensive homes out in Maryland and who have nice homes out in Virginia and

their children are subject to category "B" under this program. I voted against it when we extended it here several years ago because I knew what it would lead to. But in heaven's name, how can you say, my friends, that we should turn down an equitable and fair proposal like this made by the gentleman from Oklahoma, if you were faced with this situation? Shall we close our schools? That is what it will amount to. I do not know what the answer is. But we cannot stop now and then go back and restructure the basic act—not now—it is too late. We have to do it later.

I urge you, Mr. Chairman, if you believe in equity and justice and if you believe that the Federal Government should make a small contribution toward the education of its children—and they are its children because they are the sons and daughters of the men who wear the uniform of our country—I ask you to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

Mr. SMITH of Iowa. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STEED and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 131, noes 63.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, $2,918,000, to remain available until expended.

Mr. FLOOD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to points of order or amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there any points of order?

POINTS OF ORDER

Mr. O'HARA. Mr. Chairman, I rise to make a point of order against the language contained in section 411, beginning on line 12, through line 20 on page 61, which reads as follows:

SEC. 411. In the administration of any program provided for in this Act, as to which the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. Chairman, I make the point of order on the ground that the section in question constitutes legislation on an appropriation bill and does not come within the exception.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, the language is patently legislation on an appropriation bill. I concede the point of order.

The CHAIRMAN (Mr. HOLIFIELD). The gentleman from Pennsylvania concedes the point of order, and the Chair sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the language on page 57, lines 9 through 16, which reads as follows:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels, including mandatory funding levels for the newly authorized programs for alcoholic counseling and recovery and for drug rehabilitation, shall be effective during the fiscal year ending June 30, 1970: *Provided further*, That of the sums appropriated not less than $22,000,000 shall be used for the family planning program.

Mr. Chairman, I make the point of order on the ground that it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. Mr. Chairman, the point of order is that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Not on this point, Mr. Chairman; no.

The CHAIRMAN. Does the gentleman from Michigan seek recognition on this point of order?

Mr. O'HARA. I do, Mr. Chairman.

Mr. Chairman, it seems to me the amendment simply restates existing law in the authorizing legislation, and if that is indeed the case, I do not think it is subject to a point of order.

The CHAIRMAN (Mr. HOLIFIELD). The Chair will say that if this restates existing law, there is no point in its being in the bill, and the fact that it is in the bill on its face would indicate there must be legislation in it in addition to that contained in existing law. The Chair, therefore, sustains the point of order.

Are there any further points of order?

The Chair will recognize at this time Members who wish to offer amendments.

AMENDMENTS OFFERED BY MR. COHELAN

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

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 60, strike out line 19 and all that follows through line 25, and substitute in lieu thereof the following:

"SEC. 408. Except as required by the Constitution no part of the funds contained in the Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parent or parents."

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that my amendments on sections 408 and 409 be considered en bloc.

The CHAIRMAN. The Clerk will report the amendment to section 409.

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 61, strike out line 1 and all that follows through line 6, and substitute in lieu thereof the following:

"SEC. 409. Except as required by the Constitution no part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. COHELAN) that the amendments be considered en bloc?

There was no objection.

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendments.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. Mr. Chairman, the point of order is that the language puts additional duties upon the Secretary of Health, Education, and Welfare to make a determination of the constitutionality of the provisions.

The CHAIRMAN. Does the gentleman from California (Mr. COHELAN) desire to be heard on the point of order?

Mr. COHELAN. Mr. Chairman, obviously all that my amendments will do is to restore the language of the original bill.

Prior to my presenting these amendments I checked with the parliamentarian. It is my understanding that they are perfectly proper amendments. I ask that they be considered so.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The gentleman from California (Mr. COHELAN) has offered amendments en bloc to insert the provision "Except as required by the Constitution" at the beginning of sections 408 and 409 of the bill. The gentleman from Ohio (Mr. BOW) has raised a point of order against the amendments on the ground that they constitute legislation on an appropriation bill in violation of clause 2, rule XXI.

The precedents of the House establish that it is in order in a general appropriation bill to include, along with a valid limitation, an exception therefrom. On April 27, 1950, a provision limiting the use of an appropriation and specifying certain exceptions to the limitation was held in order—Chairman Cooper, Tennessee, 81st Congress, RECORD, page 5910.

For the reason stated the Chair overrules the point of order.

Mr. COHELAN. Mr. Chairman, this is a very familiar ritual we are going through today. These amendments are the Cohelan-Conte amendments. I want to make it quite clear that this is a bipartisan approach. My colleague from Massachusetts has been working very hard with our colleagues on the other side of the aisle on this issue.

Mr. Chairman, we rise to amend sections 408 and 409 of this bill by adding to each section the words "as required by the Constitution." These sections as presently drafted attempt to reestablish "freedom of choice" plans as viable and acceptable methods for ending unconstitutional school segregation.

The Whitten provisions, sections 408 and 409, are not new to us. The total effect of these provisions will be to further weaken the impact of this bill and of the entire civil rights effort in the area of school desegregation by diluting the authority of HEW in enforcing compliance with laws duly enacted by Congress and the decisions of the courts which serve to implement these laws. The use of emotional words such as "busing" and "abolishment of schools" does not hide the true intent of the authors—that is to turn back the clock in the agonizingly slow process of ending unconstitutionally racially segregated schools.

The Whitten provisions are an attempt to emasculate all Federal and local effort aimed at ending unconstitutional segregation. They attempt to reinstate freedom of choice plans as acceptable means for desegregating schools even though such plans have failed to eliminate segregation, and have been ruled by the Supreme Court as unacceptable means to end segregation. They are an attempt to perpetuate blatantly discriminatory separate but equal dual school systems which were declared unconstitutional by the Supreme Court 15 years ago. They are an attempt to negate effective Department of Health, Education, and Welfare enforcement of title VI of the Civil Rights Act of 1964.

Mr. Chairman, we cannot backtrack. This is a black and white issue that must be resolved now and for all times. Are we going to recognize the right of free men to determine their destiny; to make their own way unfettered by ancient prejudices? Or, is Congress going to build one roadblock after another—confusing and confounding the inevitable drive for full citizenship by all Americans? Can my colleagues who support the amendments as written honestly say they are representing all the people? I have said time and again I abhor all discrimination. I yearn for the day when it will end and support any and all measures to accomplish this. We must face this responsibility now and strike down these repressive sections once and for all.

One hundred five years ago President Lincoln put the issue to us squarely. One hundred five years later I stand here and ask us to face the issue which has remained a blight on our heritage. President Lincoln said in his second inaugural address, "Woe unto the world because of offenses. For it must needs be that offenses come; but woe to that man by whom the offense cometh.

"If we shall suppose that American slavery is one of those offenses, which in the providence of God, must needs come, but which, having continued through his appointed time, he now wills to remove—"

I cannot improve on this language. I merely implore my colleagues to take heed.

Mr. Chairman, we have once again before us, as we have had several times this year, this crucial and historical decision. The authors of these provisions cry regional discrimination and what applies in the South should necessarily apply in the North and all over this country. I have no quarrel with this. I feel very strongly on this question of segregation. I despise its connotations. I deplore its results, and I fear its implications. To my mind, there is absolutely no question but that segregation is wrong—in all parts of this country. And this Congress, this Government of ours has the responsibility and the duty to take steps to destroy every last vestige of this deplorable institution.

However, this is not the real issue here today. The question before us is what are we going to do about the areas in this country that have in the past practiced segregation as official policy. What are we going to do about the laws now on the books that have attempted to correct this situation? And what are we going to do about the many rulings of the Supreme Court and of the lower courts? Are we going to ignore the progress, small that it is, that has been made so far? Are we going to retreat? I sincerely hope not. But this is what we will be doing if we pass this bill with sections 408 and 409 intact. And all under the guise of justice for the entire country.

On December 18, this body accepted this language, "except as provided by the Constitution," and a few days later overwhelmingly passed the HEW-Labor appropriations bill. I ask only that we remain consistent in our thinking and our actions. Now is not the time to jeopardize the fine work of the Appropriations Committee in providing funds for education programs. This is exactly what we will be doing if we fail to correct the mischievous language of sections 408 and 409. The Cohelan-Conte amendment will remedy this situation by making these sections amenable to the Constitution.

The acceptance of the Whitten language will weaken and undermine all the good that the Congress has done in the name of equal opportunity and civil rights. I know that all the laws in the world will not change individual bigotry, prejudice, and discrimination. But the impact of the rule of law is a valuable and vital instrument that can project a momentum for constructive change. But to have this effect, the law must be properly and effectively enforced. These provisions hit at the very core of enforcement of civil rights laws.

Our action here today will determine our respect for the Constitution and our interest in its proper and equitable enforcement. If we do not move to correct these provisions, Mr. Chairman, we will be rejecting effective enforcement by watering down HEW's authority in taking prompt and decisive action to end unconstitutional dual school systems.

I have asked many times before, can any reasonable man believe that there would have been any change in the dual school systems of the South without some reorganization of these systems? Furthermore, can freedom of choice plans be forwarded as effective devices for ending segregation? As I have reminded this body many times before, freedom of choice has been tried in the South from 1954, the year of the first Brown decision, to early 1968. During that 14-year period, black children attending white schools rose from practically 0 percent to a very poor 14 percent—an average of about 1 percent per year. However, between the fall of 1967 and the fall of 1968, following the Green decision—which prohibited freedom of choice if it impeded desegreration—the desegregation rate in the deep South jumped by 6 percent to a total of 20 percent.

Freedom of choice did not alter patterns of unconstitutional school desegregation. Freedom of choice did not work for the obvious reason that making a decision to unlock doors which were closed—or rather locked—requires a degree of fortitude which is a rare commodity in any of us. Surely none of us are naive enough to believe that black people living in areas where centuries-old attitudes of, and behavior of, hostility and prejudice are realities, are really free to choose to send their children to all-white schools. And surely none of us are naive enough to think that these attitudes will just someday disappear—human nature is not like that. Genuine equality is not something which should be given only to those who are willing to take every conceivable psychological and physical risk to attain it. Equality is something which institutions—especially those supported by public funds—should insure and protect.

The Whitten provisions encourage those who are opposed to these long overdue changes in the segregated educational institutions by encouraging delay. I realize that many of my colleagues are seriously concerned about unnecessary busing, but, if we are honest, we will admit that at issue here is not indiscriminate busing, but the means to end segregation.

The six words in my amendment, "except as required by the Constitution," add the crucial dimension to the Whitten language by subjecting it to the test of constitutionality.

Moreover, addition of this language is consistent with the courts and the statutes in dealing with school desegregation. For both the courts and the law have made it explicitly clear that Federal efforts at desegration are too confined to unconstitutional and discriminatory situations, wherever they are found.

In addition, I reject the argument that every effort of HEW or the courts to require positive implementation of school desegregation exceeds statutory and judicial boundaries. The recent Supreme Court decision, Alexander against Holmes County, October 29, 1969, reaffirms these boundaries and reinforces them by illustrating the fact that there has been much unnecessary delay in desegregating schools. The Court ruled that the time in which schools were to desegregate with "deliberate speed" had expired—school systems must desegregate immediately. The Court stated clearly and emphatically that segregation is a concept thoroughly alien to the

will of the Supreme Court and that such a concept as applied to education is no longer constitutionally viable. The Court further stated that school districts "must terminate dual school systems once and for all and operate now and hereafter unitary schools."

Mr. Chairman, the language, will, and intent of the Court is perfectly clear. Can we in good conscience ignore the dictates of the Court? Can we in good conscience run the risk of a mammoth retreat in civil rights progress?

There are those who would contend that anything beyond the voluntary actions of parents or children to desegregate schools is outside the context of the law. I cannot subscribe to such a restrictive interpretation.

I support HEW in its efforts to implement title VI of the Civil Rights Act of 1964. I must point out that HEW includes patient and persistent efforts at negotiation with local school districts. But when meaningless gestures are offered as solutions to serious problems of illegal segregation, then the sanctions of title VI of the Civil Rights Act of 1964 should become fully operative.

The time has come to stop playing around with so-called freedom of choice diversions and strive to fulfill the promise of America which is equality. De Tocqueville, in his classic work, "Democracy in America," pointed out that a major threat to the American polity and its ideas was the institution of slavery. Well time has borne out his prophecy. All Americans—black, white, red, and yellow—are in the grips of a profound threat to our democratic ideals. This threat is not situated solely in the South, although that is where there are the most tangible manifestations, but is located throughout this Nation.

One means to attempt to cure this inequity is the open and equal school system. Racially segregated schools have been by experience inferior. The Court and the Congress, as I have pointed out, have moved to correct these abuses. Now we are asked to regress. We cannot allow this to continue.

A large part of the fight for Federal funds for educational programs was to get needed Federal dollars to impoverished school districts.

As important, in my view, is the necessity to establish equal school systems, equal in the quality of education available. Historical experience has demonstrated that racially divided school districts have been inferior. Children attending these schools have not been given an equal opportunity. They have been denied the promise of America—an equal opportunity.

Mr. Chairman, I feel that it is incumbent for Members of the House to vote to make these sections—408 and 409—amenable to the Constitution of the United States.

In conclusion, it is appropriate to recall at this time the words of Abraham Lincoln, which are so relevant in this crucial period in our national history:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in; to bind up the nation's wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

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

Mr. Chairman, I shall not take 5 minutes. I simply want to point out that the Committee on Appropriations struck from the bill the language that the gentleman now attempts to put back in. I simply want to suggest this: There is no question that the courts can determine constitutionality. By putting this language in we are saying to someone downtown, "You begin to interpret the Constitution."

It seems to me that under the language we have here we have not affected the courts in the proper determination of constitutionality. The language which the gentleman from California wants put in gives to the Secretary of the Department of Health, Education, and Welfare or anyone else the right to determine the constitutionality. It seems to me that under the separation of powers that we have we should preserve to the courts the right to determine what is constitutional and what is not. I think the Appropriations Committee acted wisely when it struck from the bill that word "Constitution," and left it entirely up to the courts.

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

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

Mr. COHELAN. The gentleman from Ohio will agree, will he not, that the language I am proposing to be reinstated in the bill, and all those associated with me, is really the language that was proposed by the Republican administration.

Mr. BOW. I am sure I do not know what the Republican administration has proposed. What the gentleman is trying to say now is that he is going to try to reorganize the Government and turn over to the executive branch the right to determine constitutionality and take that right away from the courts. Whatever administration, whether it was yours or mine, I feel it is an error to do that. We have already had too much erosion of the separation of powers of Government, and for that reason I am opposed to the amendment.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield further, did not Secretary Finch of the Department of Health, Education, and Welfare——

Mr. BOW. Again, I say to the gentleman that, perhaps, he would like to have the power of the courts to determine constitutionality. I am not one who is about to give it to him. I want to preserve the constitutional provision that the courts shall determine constitutionality and not delegate it to someone downtown to make that determination.

Mr. COHELAN. Will the gentleman not concede that the courts have already ruled on all of these issues?

Mr. BOW. Not on all these issues.

Mr. COHELAN. In the case of Brown against the Board of Education?

Mr. BOW. I think there are many issues that should be determined by our courts and not by some administrative officials.

Mr. COHELAN. But the gentleman knows that the courts have repeatedly taken a position on these issues?

Mr. BOW. I agree with the gentleman, but I still say I want the courts to make those determinations and not have them made by some administrator downtown.

Mr. COHELAN. Did your own Secretary of the Department of Health, Education, and Welfare in testimony before the Rules Committee on yesterday say it was unconstitutional—sections 408, 409, and 410?

Mr. BOW. I did not hear him say that.

Mr. COHELAN. Well, he did.

Mr. BOW. Just a minute. I will not yield further until I have answered the gentleman.

I will say this to the gentleman. If he said that, that is all the more reason why we should deny him the right to test constitutionality. The court should make that determination and not the Director of Health, Education, and Welfare.

Mr. COHELAN. May I say to the gentleman that the courts have spoken, both high and low, and far and near.

Mr. BOW. All right; let the courts continue to do that. I am for it. I believe in the courts passing upon these matters. However, I am opposed to giving the authority to the people downtown.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are confronted with the problem of securing the passage of a bill that will meet the approval of the House and Senate and that will be sufficiently satisfactory to the Executive to be enacted into law.

The committee made a reduction in the bill which had been vetoed in the sum of $445 million. The sum of $80 million of that amount has now been clipped away.

What we are considering now are sections 408 and 409. To me, the amendment offered could be considered facetious, and certainly it is capricious. I refer to the proposed language, "Except as provided in the Constitution." That language to me seems to be most inappropriate under the conditions under which it has been offered. If Congress does not have the intelligence or the wisdom to decide whether one thing is constitutional and another thing is unconstitutional, why does it want to pass it up to the executive branch to determine? The gentleman from Ohio has made this point well.

Well, if the Constitution provides it we ought to know it, and if it does not provide it we ought to know it, and it is utterly absurd to put those six words "except as provided in the Constitution" in the bill at this point and under the circumstance.

Now, if this section 408 and section 409 referred to are not constitutional, the amendment will not make them constitutional. If they are constitutional, the proposed added language is irrelevant. I am not willing, as I hope you are not, to go through the motion of voting for an amendment like the one proposed. I say this, further, while not intended to be, it is an affront not only to the executive branch, but it is an affront to the House of Representatives.

Mr. Chairman, I would hope very much that this amendment will be stricken down.

I think the amendment does no credit to the House of Representatives——

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

Mr. MAHON. To vote for an amendment saying "except as provided in the Constitution," as provided by the gentleman from California in the context in which the amendment is offered.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I realize that these provisions have been debated numerous times; and on two occasions the House has approved them. I originally offered them several years ago.

The provisions are as follows:

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

The language which the gentleman from California would restore, "Except as required by the Constituton," was stricken out in committee by a vote of 30 to 13.

Mr. Chairman, the words "Except as provided by the Constitution" are completely unnecessary, for any statute that we pass is subject to the Constitution. So the words are not needed to bring the statute under the Constitution; that is automatic. The only purpose of the language being offered here is to give the Secretary of Health, Education, and Welfare a chance to say what the Constitution means.

While we are standing here, or meeting here, the Secretary and his organization are sending out statements to close schools, to enforce busing, to do the many things that these amendments would prohibit. They provide that he cannot use force to bring about busing; he cannot use force to close the schools or otherwise force a student to go to a particular school against the wishes of his parents; he cannot withhold money until somebody comes in and voluntarily does these things.

I have never been one who would want to visit on any section of the United States what has happened in my section. The schools and public education have been destroyed as of the moment. We are having children hauled miles from one direction to another against their wishes, to create a racial mix satisfactory to Mr. Finch or some court working with him. I have one constituent—a man whose daughter and son are in one school and now the daughter in the next class is going 12 miles in another direction to a different school; and next year she will have to go 12 miles in another direction to another school—against everyone's wishes.

More than 475 schools have been closed; we have had new school buildings closed. Yet in some cases classes are held from 7 to 5 o'clock in the overcrowded remaining buildings.

What I want to call your attention to is this—and I am not one of those who desire to visit this situation on you. I want you to help me to stop it before it reaches you, for quality education is a must if our Nation is to endure.

Any society in history that has stood for any length of time had to provide at least three things: for the internal protection of its people; for the protection of property rights, so men will have the incentive to work and save; and for the education of its people.

Law enforcmeent was seriously hampered by the Federal courts in my section of this country, and it has spread all over the United States until now in this area, as in most other cities, you are afraid to get out on the streets at night. The morning newspaper lists almost a half page on the major crimes of each preceding day. Last year we had 18,000 robberies and 9,000 burglaries and another 9,000 cases of other crimes of violence in Washington.

The Nation's courts let property rights be destroyed in my section. It spread to the burning of Detroit, Cleveland, Washington, Los Angeles, and hundreds of other cities.

So it is here. If you stand by and let HEW or the courts destroy quality education in my section, it is bound to come home to you.

You would not believe what has been done. We have home economic students being sent to schools where they do not have the equipment for teaching the subject.

We have youngsters in the lower grades who are going to schools where all the facilities are large, constructed for seniors and juniors. We have juniors and seniors going to schools with low blackboards, low commodes, and low drinking fountains, facilities intended for elementary school students. The interchange of faculty is unbelievably disastrous. Teachers have quit and you have to hire whoever you can get. One parent, discussing the math teacher, said she was fine until she got into fractions, long division and decimals.

What Mr. Finch is doing is violating the Civil Rights Act of 1964. This language which the gentleman from California would restore would only spur him on. He would be a 10th judge on the nine judge Supreme Court. You would give him an excuse to interpret the Constitution as he saw fit. In anticipation his folks are doing this now. Believe you me, he is destroying public education for all races. It is my section now but if not stopped it will spread to yours, just like violence and property destruction did.

In my hometown there are colored as well as white people who come to me and say:

Congressman, isn't there something you can do to save our schools? Congressman, won't you help us see that our children can go to school where we want them to go—do they have to be carried all around over the country to teachers who are not qualified?

I plead with you, support our provisions. Let us return education to the teachers, with every parent having the right to send his children to the school of his choice.

If you will help us keep these words out and keep the language which my committee accepted, we might save a country.

Mr. CONTE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. COHELAN) and myself. We have all been through this before. The last time was December 18, 1969, when 215 of my colleagues joined me in passing this amendment before us today which add the words "except as required by the Constitution."

Even before that, I spoke at length against these anti-civil-rights provisions. I would refer my colleagues to page 21656 of the July 31, 1969, RECORD, for a further explanation of why I believe they are unconstitutional and a tragic blow to the cause of equal rights.

I am not going to repeat what I said then, although I believe the remarks are equally valid today. Rather, I would ask my colleagues today to take a broader look at what has happened since 1954, and to see for themselves what effect the Whitten amendments would have upon these events.

Fifteen years ago, the Supreme Court of the United States held that segregated schools were unconstitutional and, therefore, were to be integrated with all deliberate speed. These landmark decisions spelled hope for millions of Americans, hope for the chance to enjoy the equal rights to which they were entitled under our Constitution, but which they had not been permitted to exercise.

The years passed, and the term "all deliberate speed" seemed to be forgotten, or twisted to mean all deliberate delay. Then, last year, the Supreme Court spoke again with all the force it could command. It held that desegregation with all deliberate speed was no longer enough, and that schools would have to operate on a unitary basis now.

So here we stand today. The Court has spoken, and HEW is trying to enforce its decree. But the proponents of sections 408 and 409, as currently written, would have us water down Federal enforcement of a judicial order.

That, however, is not the end of the story. By doing this, we would be destroying the hopes of many black citizens that were kindled a long and hard 15 years ago. We would be retreating upon our commitment to uphold the Constitution for all Americans, not just some Americans, and grant the equal rights upon which this Nation was founded.

Mr. Chairman, I, for one, am not going to be a part of any effort to turn back the

tide that was started in 1954. I am not going to stand up here and tell our black citizens that the Constitution does not mean what it says when it calls for equal rights, and when the Supreme Court, the ultimate authority on that document, says it calls for equal rights now.

I certainly hope that my colleagues will join me in refusing to retreat. I urge them to support the amendment from the gentleman from California and myself. It represents what we stand for not only in the eyes of the world, but also in the eyes of those millions of Americans who have been denied their fundamental rights.

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

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

Mr. CONYERS. I want to commend the gentleman from Massachusetts for making a statement of conscience, if you please. To my colleagues here I want to say to you that, notwithstanding all the arguments about money involved in this bill, in my judgment, this is the most critical portion of this entire appropriation measure. What our friends from California and Massachusetts are saying is that we are going to either resolve them honestly here today or they are going to be resolved outside the legislative process across this country. It is about time that we have some plain talking about the kinds of questions before us, and I say to you that all of us who cannot join in doing what we have already done—not go further, but just do what we have already done—by making a distinction between de jure and de facto segregation do not give even a pittance of what really is owed to the black people in this country. I commend the gentleman from Massachusetts. I hope I shall have a further opportunity to speak on this subject.

Mr. CONTE. I thank the gentleman.

I would like to make one further point. There has been a great deal of discussion about where the Secretary of Health, Education, and Welfare stands on this amendment. I would like to read from a letter sent to all Senators on the Senate Appropriations Committee on the subject of the Whitten amendments dated December 13, 1969. These are the Whitten amendments the Secretary is speaking of, the exact amendments we have before us today. He wrote:

> The amendments dealing with school desegregation, as passed by the House of Representatives and as reported by the Senate Subcommittee, would cripple the efforts of this Department to enforce the mandate of the Supreme Court and to protect the constitutional rights of all Americans to an equal opportunity in education. The only districts which HEW deals with under Title VI of the Civil Rights Act are those operating illegally segregated school systems. HEW's role is to assist these districts in working out practical, effective, and educationally sound desegregation plans which meet the requirements of the law.
>
> Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Mr. JONAS. Mr. Chairman, I move to strike the last three words.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. JONAS. But I think we are forgetting or overlooking in the course of this debate a few points that are worth remembering. For example, a few minutes ago I asked the distinguished chairman of the Committee on Appropriations if he did not remember, as I do, that the 14th amendment to the Constitution of the United States, which is the very amendment upon which most of the Court decisions are based, does not in section 5 provide that Congress shall have the power to enforce by appropriate legislation the provisions of the article.

And he agreed with me.

We have acted in Congress since the Brown case. We acted in 1964. We were told earlier today that in the Brown case the Supreme Court decreed the end of segregated schools. Assuming that is what the Court decreed, Congress then undertook to determine what segregation and desegregation mean. The Court did not spell it out, but Congress spelled it out by defining the word "desegregation" in title IV of the Civil Rights Act of 1964, and every person who has spoken in favor of the Cohelan amendment today voted for that Civil Rights Act, as did many other Members of Congress.

What did Congress say desegregation means? Congress said desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin. And then we went further and defined what desegregation does not mean, and here is what Congress said desegregation does not mean:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That is what all this argument is about. If there were not any assignment of students, cross-busing them across counties and across cities to achieve racial balance in individual schoolhouses, we would not have any problem.

We went further and we outlawed, we struck down the busing of students for this purpose, or the use of transportation to achieve racial balance, in section 407 of title IV of the Civil Rights Act of 1964. Are we going to repudiate that today? The purpose of the Whitten amendment is to implement the decision of Congress pursuant to amendment 14 of the Constitution, and it complies with the definition of what "segregation" means, and what "desegregation" means.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding.

I would like at this time just to bring to the attention of the Members what the implementation, of so-called, desegregation by HEW through the closing of schools has done to the South. I have the actual figures compiled from HEW's own records as supplied to me for the year 1968 through 1969. There were 475 schools in the South closed for desegregation reasons, that is, to impose and to force the students out of one school and into another school to achieve racial balance.

In my own district, in suburban Atlanta, we had a school which was 6 years old. HEW said we had to close it, because all the student body was black. Without exception every child going there lived closer to that school than any other but they were to be forced to another school. That is one example.

There is an 8-year-old high school in Gainesville standing vacant in a black area. There were 784 schools totally closed last year and 475 because apparently HEW and the courts interpreted the law to mean that in order to force the students out they had to close the school.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, we have been over this ground before, and, of course, the issues are crystal clear to everyone who is a Member of this House, so I am not going to argue the legalisms that have been raised as if they are some new particular development of the law that is unclear or mysterious.

I hear some of the Members about us talking about the 1954 U.S. Supreme Court decision as if there is still some doubt about it.

Brown against Board of Education in 1954 was decided two times. It is pretty clear what it said: With all deliberate speed we must begin the desegregation of our racist two-system schools that obtained primarily in the southern part of the United States of America.

So what we began to do was to separate out those schools that were desegregated de facto because of the accidental or the intentional racial discrimination in housing that created all-black or all-white school patterns. Then we went at those school systems that were deliberately and intentionally set up to continue and tolerate racial segregation.

Now, there is not a Member from the South, North, East or the West, who is not as well aware of this fact as every school child in America.

So what this amendment does is provide, "except as required by the Constitution," and seeks to establish that wherever there have been school systems established by law to segregate they must be brought to an end.

This was said clearly by Brown in 1954.

Then we had Brown against the Board of Education the second time. Since then we have had scores of cases delineating this.

I am in the well today pleading with my colleagues to merely continue this part of the law. I am not here to ask you today that it is high time we end de facto segregation in the North and the South and everywhere that obtains. I will refrain from that request today, my colleagues. But why can we not continue to abolish it in the legally created dual school systems that obviously foster and continue the

segregation that we claim we do not want?

It is about time the hypocrisy of this one branch of Government came to an end. It can come to an end this afternoon, because all we have to do is go back to where we were only a month ago, and that is to accept this language which will eliminate the de jure two school systems wherever they may exist.

Now a word on busing. I know how inflammatory it is in the districts of some of my colleagues. The fact of the matter is that there is more busing when there are two school systems than there can ever be when there is either de facto segregation or an attempt to create some racial balance. That is the truth. The Secretary of Health, Education, and Welfare has testified to it by pointing out that in 300 cases where districts have submitted school plans in 290 of them there was less busing as a result of these plans which ended the dual school system. In less than 10 was there more busing.

I am asking you to disregard the hysteric conversation that has gone on in the cloakrooms about busing. If you are really hung up about busing then I will introduce a rollerskate amendment to provide a way to get children to school if you wish. Or perhaps we should provide the kids motorbikes. How they get to school is not nearly as important as the fact they all go to unified, desegregated schools with the best available curriculums.

When we begin to talk about freedom of choice, we have only to read what the courts have been saying these many years. I know there are some people here who do not like to have mentioned the fact that there are Federal courts that rule on these questions. The central fact of the matter is that there is no freedom of choice if you have a freedom of choice plan. Many black families struggling under the economic and social conditions that prevail in this country—and I doubt if anyone can seriously question that they prevail—are not free to come to the very people who are working in concert against them and seriously assert a "choice."

So the courts have properly said if the freedom of choice plan does not really accomplish the end to which it is——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. So when we begin to talk about a freedom of choice plan, unless the courts say that it actually provides a freedom of choice, it will not be accepted. So, Mr. Chairman, this is the moment of truth for 25 million black Americans. It is not just them, but it is the moment of truth for this Nation, because we are now about to set aside the Civil Rights Acts that are being quoted by my friends from the South. We are about to nullify the very little progress that has been made in this country.

I appeal to you as Americans, as black and white Representatives that want to put an end to the kinds of polarizations that have gone on in this country to join with us and accept the Cohelan and Conte amendments.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the President's veto message laid before the House on January 27, 1970, it was stated:

> If the veto is sustained, I will immediately seek appropriations which will assure the funds necessary to provide for the needs of the nation in education and health. No school will need to be closed, no child need have his education interrupted or impaired as a result of this veto action.

It is obvious from the arguments of my colleagues here today that the statement that no child's education would be interrupted or impaired and no school will be closed if the veto was sustained must have been based on some misinformation. Member after Member of this body today is indicating that because of the veto and the inadequate funds requested by the President, children will have their education interrupted and impaired and school terms will be shortened and perhaps even schools closed unless we act today to increase the inadequate funds sought by the administration.

I would like to make my position perfectly clear on the issue of school busing to promote racial balance and on de jure and de facto segregation.

The Supreme Court ruled 16 years ago that de jure segregation violated our Constitution and I am proud to state that schools in my congressional district were at once promptly integrated and are so operated today.

As to de facto segregation and busing that will destroy the indigenous character of the neighborhood school, I think the proposal both impractical and harmful to both the school and the schoolchildren involved. A few examples should suffice. In the Ninth Congressional District, we have had and probably now have at least two counties in which there are no black people and indeed it is probable that certain other racial and religious minorities are not represented or have only token representation in such counties, although such minority groups may exist in substantial numbers in other areas of the district.

If these de facto segregation situations are to be cured and the mutual benefits of intermingling made available, then it would be necessary to provide school buses to haul children 100 to 150 miles one way or 200 to 300 miles round trip each day to banish de facto segregation.

To state the facts, I think indicates how far astray we can go when pure theory is ascendant to experience and practicality. It further indicates the absurdity implicit in the attempt to apply the language of the corporate lawyer to the problems of civil rights.

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for at least the third time in a year and a half I rise in opposition to the so-called Whitten amendments which attempt once again to perpetuate illegal dual school systems in the South.

As the gentleman from Michigan has just said, this Congress, this House, today faces a moment of truth on an important matter, far more important than any money in this bill. Are we to make today a craven retreat from racial integration or are we going to stand foursquare back of equal educational opportunity for all Americans? I think there are few of us in this House today who cannot reflect with a measure of sadness that some 16 years after the Supreme Court declared that segregated education is inherently unequal, we still are trying here in this body to find devious ways to perpetuate this morally reprehensible and educationally damaging practice.

It seems to me that the Congress should not further demean itself and should not further default on a moral debt to all Americans that dates from the Revolutionary War and the Civil War. That is why I strongly support the amendment offered by the gentleman from California (Mr. COHELAN) and the gentleman from Massachusetts (Mr. CONTE) to strike out section 410 and to add the words "except as required by the Constitution" to sections 408 and 409.

Mr. Chairman, the Supreme Court made quite clear and abundantly plain on October 29, 1969, just a little while ago, in the case of Alexander against Holmes County Board of Education that every—and I repeat every—school district is obligated to end dual school systems "at once" and "now and hereafter" to operate only unitary systems.

The Court held that:

> Continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible.

Mr. Chairman, some will argue that these sections of the bill are intended only to allow children to attend the school of their and their parents' choice. However, freedom of choice plans have been totally inadequate and insufficient and the Supreme Court has clearly held that such plans are acceptable only when they result in the elimination of discrimination and unconstitutional segregation.

Specifically, on May 27, 1968, the Supreme Court held in the case of Green against County School Board of New Kent County that:

> The burden on a school board today is to come forward with a desegregation plan that promises realistically to work, and promises realistically to work now.

Now, what are we doing here today? As I understand it, the Whitten amendment seeks to prohibit the Federal Government from cutting off Federal funds to school districts which use freedom of choice plans. The Jonas amendment, section 410, as I understand it, would seek to go still further in denying the Government power to force school districts to move beyond freedom of choice. This would appear to me to be in direct contravention of the Supreme Court's mandate in the Alexander case.

Mr. Chairman, I compliment the gentleman from California (Mr. COHELAN), the gentleman from Massachusetts (Mr. CONTE), and the gentleman from Mich-

igan (Mr. CONYERS) for their eloquent statements.

It seems to me that it is about time that the Congress give the Department of Health, Education, and Welfare full authority to withhold money in order to enforce desegregation, and it is about time that the administration use the full force of its moral and political power to back up such actions by the Department of Health, Education, and Welfare. This House, if it is to honor its heritage, if it is to have relevancy to the future, must support the amendment and must do so in order to uphold the integrity of the House and the integrity of the American dream.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as one southern voice in support of the Constitution and in support of the U.S. Supreme Court as the ultimate authority to interpret that instrument.

There has been a lot said about constitutionality that has not been, with all due respect, not too well said.

What the Constitution requires, as I understand it under the Brown decision, is that there may not be two sets of schools, whatever the cause; that no governmental authority resulting in two sets of schools may ultimately be upheld and that where there are two sets of schools, one black, and one white, there must hereafter be just one set of schools. By whatever means, the wrongful governmental action must be upset. That is what the Court says, it seems to me. If it is necessary to upset that black school and that white school by using various techniques, new techniques, the Court says they must be used.

Mr. Chairman, it seems to me that what the gentleman from Mississippi (Mr. WHITTEN) said was perfectly correct—that we may not write law in opposition to the determination of the Supreme Court with respect to constitutionality and, therefore, he argues that we do not need the qualification. I want to suggest to you that we do need the qualification.

Just as the able gentleman from North Carolina (Mr. JONAS) pointed out, it is the duty of this Congress to write its laws in conformity with the Constitution, and there is one thing that is not done if we utilize the language that now appears in the bill, the language of the Whitten amendment:

The language of the Whitten amendment would imply that HEW should be blind to what is being done by the Justice Department. It seems to me that it is the duty of Congress to make it clear that HEW should act in conformity with the Justice Department, operate in conformity with the Constitution, and that every arm of the Government should act as a single arm to enforce the 14th amendment.

That is all this amendment that the gentleman from California (Mr. COHELAN) has offered would do. The Cohelan amendment merely guarantees that HEW, the Justice Department, and every other arm of the Federal Government support the Constitution; but not beyond what is must do to accomplish that purpose—not to the point of gratuitously requiring busing, not to the point of gratuitously destroying the neighborhood school, but to the extent that it is necessary to bring into conformity all forces of the Federal Government to do away with the segregated school.

Therefore, Mr. Chairman, I strongly urge that the amendment offered by the gentleman from California (Mr. COHELAN) be adopted.

Mr. RYAN. Mr. Chairman, once again, like a recurrent bad dream, we are faced with the Whitten amendments. And now, in addition, the Jonas amendment has been added to H.R. 15931, the Labor-HEW appropriation bill, 1970, to compound the severity of the situation.

The Whitten amendments are embodied in sections 408 and 409 of the bill. These provide:

SEC. 408. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district, or school.

These amendments are not new to the House. On July 31 of last year the House rejected an amendment which would have stricken them from the previous HEW appropriation bill, H.R. 13111. I opposed the Whitten amendments then, and I oppose them now.

Fortunately, this House was offered an opportunity to redeem itself. On December 17, the other body adopted an amendment offered by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) which added to the beginning of each section—then, as now, sections 408 and 409—the words, "except as required by the Constitution." And on December 18, the House instructed the House conferees on H.R. 13111—since vetoed by the President—to accept this language, which at least lessened the impact of the Whitten amendments.

Despite the fact that the House clearly expressed its will on December 18, the Appropriations Committee has resurrected the Whitten amendments and incorporated them once again in the Labor-HEW appropriation bill now before us.

These amendments are another in a long line of attempts to frustrate the Supreme Court's decision in *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), and the rulings which have followed from it. The vice of sections 408 and 409, of course, is that they compel the Department of Health, Education, and Welfare to accept so-called freedom-of-choice plans without regard to whether or not these plans will end dual school systems and segregation.

Yet the Supreme Court has made eminently clear, in *Green* v. *School Board of Virginia*, 391 U.S. 430 (1968), that "freedom of choice" plans can be sanctioned if—and only if—they effectuate "conversion of a State-imposed dual system to a unitary, nonracial system." And even in such case, a "freedom of choice" plan "must be held unacceptable" when "there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system."—Green against School Board of Virginia.

The Whitten amendments fly in the face of Green and compel the Federal Government to accept a "freedom of choice" plan without regard to its effectiveness in achieving a unitary, nonracial school system.

The Jonas amendment is even more destructive of the law of the land. Embodied in section 410 of H.R. 15931, it provides:

No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Section 410 would deny Federal funds to any school district which tries to "formulate, carry out, or implement" a unitary, nonracial school system and thereby comply with the law of the land.

And it does not even allow the southern white student enlightened enough to throw off the bigotry of his parents to attend an integrated school against his parents' wishes: the words used are "any public school of his or her choice as selected by his or her parent or guardian"—and I emphasize, "as selected."

"Freedom of choice" plans are nothing less than subterfuges for perpetuating segregation. I need not resort to unsupported polemic to make this point. The report of the U.S. Commission on Civil Rights, issued in July 1967, and entitled, "Southern School Desegregation, 1966–67" offers somber testimony to the hypocrisy of "freedom of choice." As the report states, in presenting its examination of "freedom of choice":

Instances of . . . misconduct—including intimidation by violence and economic reprisal, and improper acts of school authorities and other public officials—were found in the present study. (p. 74).

The cases cited by the Commission detail this violence and economic reprisal:

But the parents of a twelve-year-old Negro boy in the seventh grade of one of the schools (in Clay County, Mississippi) under the Superintendent's supervisor reported that just before school opened: "White folks told some colored to tell us that if the child went, he wouldn't come back alive or wouldn't come back like he went." (p. 76)

The mother of two of the children attending the formerly all-white school (in Clay County, Mississippi) reported that she had received a notice in her mailbox on August 29 saying that she had three days to remove her children from the white school "or burn on the cross—KKK." (p. 76)

Jennie Joyce Willis, 13, one of the (Negro) children who had sought to transfer, was

hit in the face by the shotgun blast and lost her right eye. (p. 79)

One, a fourteen-year-old boy, filled in his own (transfer) form. His father reported: "He was in before I know. I came out of work, and saw him walking home [from the formerly all-white school] and that Monday night, the man came and said, "I want my damn house by Saturday . . ." (p. 83)

"Freedom of choice" is really a throwback to the institution of segregation—an institution declared unconstitutional 16 years ago by a unanimous court in *Brown* v. *Board of Education of Topeka,* 347 U.S. 483 (1954). The Court there made clear the evil which segregation is, and the damage it inflicts:

In *McLaurin v. Oklahoma State Regents . . . supra.*, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: '. . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . Separate educational facilities are inherently unequal . . . "

The Court in Brown was spouting neither pipedreams nor baseless platitudes. Numerous scientific studies have reported the damage which segregation brings upon the victim—and, as well, on the majority group child.

For example, the appendix to the appellant's brief in the Brown case, which was drafted and signed by some 32 sociologists, anthropologists, phychologists, and psychistrists, noted the findings of the 1950 Midcentury White House Conference on Children and Youth. The brief recounts some of these findings:

Some children, usually of the lower socio-economic classes, may react by overt aggressions and hostility directed toward their own group of members of the dominant groups. Antisocial and delinquent behavior may often be interpreted as reactions to these racial frustrations. These reactions are self-destructive in that the larger society not only punishes those who commit them, but often interprets such aggressive and anti-social behavior as justification for continuing prejudice and segregation.

Middle class and upper class minority group children are likely to react to their racial frustrations and conflicts by withdrawal and submissive behavior. Or, they may react with compensatory and rigid conformity to the prevailing middle class values and standards and an aggressive determination to succeed in these terms in spite of the handicap of their minority status.

The report indicates that minority group children of all social and economic classes often react with a generally defeated attitude and a lowering of personal ambitions. This, for example, is reflected in a lowering of pupil morale and a depression of the education aspiration level among minority group children in segregated schools. In producing such effects, segregated schools impair the ability of the child to profit from the educational opportunities provided him. . . .

With reference to the impact of segregation and its concomitants on children of the majority group, the report indicates . . . that confusion, conflict, moral cynicism, and disrespect for authority may arise in majority group children as a consequence of being taught the moral, religious, and democratic principles of the brotherhood of man and the importance of justice and fair play by the same persons and institutions who, in their support of racial segregation and related practices, seem to be acting in a prejudiced and discriminatory manner. Some individuals may attempt to resolve the conflict by intensifying their hostility toward the minority group. Others may react by guilt feelings, which are not necessarily reflected in more humane attitudes toward the minority group. Still others react by developing an unwholesome, rigid and uncritical idealization of all authority figures . . . they despise the weak, while they obsequiously and unquestioningly comform to the demands of the strong whom they also, paradoxically, subconsciously hate.

Perhaps all this is commonplace. But it is clear that the proponents of the Whitten and Jonas amendments either refuse to acknowledge, or ignore, or what is even worse, embrace, the evil, both overt and subtle, wreaked by the institutions of segregation, and by racial prejudice.

And yet, the evidence repeats itself. In March 1967, for example, the U.S. Civil Rights Commission concluded, in its report entitled "Racial Isolation in the Public Schools":

The central truth which emerges from this report and from all of the Commission's investigations is simply this: Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be.

Negro children who attend predominantly Negro schools do not achieve as well as other children, Negro and white. Their aspirations are more restricted than those of other children and they do not have as much confidence that they can influence their own futures. When they become adults, they are less likely to participate in the mainstream of American society, and more likely to fear, dislike, and avoid white Americans. The conclusion drawn by the U.S. Supreme Court about the impact upon children of segregation compelled by law—that it "affects their hearts and minds in ways unlikely ever to be undone"—applies to segregation not compelled by law.

The major source of the harm which racial isolation inflicts upon Negro children is not difficult to discover. It lies in the attitudes which such segregation generates in children and the effect these attitudes have upon motivation to learn and achievement. Negro children believe that their schools are stigmatized and regarded as inferior by the community as a whole. Their belief is shared by their parents and by their teachers. And their belief is founded in fact.

Isolation of Negroes in the schools has a significance different from the meaning that religious or ethnic separation may have had for other minority groups because the history of Negroes in the United States has been different from the history of all other minority groups. Negroes in this country were first enslaved, later segregated by law, and now are segregated and discriminated against by a combination of governmental and private action. They do not reside today in ghettos as the result of an exercise of free choice and the attendance of their children in racially isolated schools is not an accident of fate wholly unconnected with deliberate segregation and other forms of discrimination. In the light of this history, the feelings of stigma generated in Negro children by attendance at racially isolated schools are realistic and cannot be easily overcome. (pp. 11–12).

Given the irrefutable evidence—evidence which should make even consideration of the Whitten and Jonas amendments, let alone passage of them insupportable—I can only deplore the invocation of "freedom of choice." Let no one deceive, or be deceived. "Freedom of choice" is a perversion of terms—"freedom" can never be equated with the repression and injustice which "freedom of choice" actually constitutes.

The statistics released by the Secretary of Health, Education, and Welfare on January 4, 1970, show how little progress has been made since the Supreme Court's 1954 desegregation decision. How, then, can we allow passage of the Whitten and Jonas amendments, in light of the following figures?

NEGROES BY STATE—NUMBER AND PERCENTAGE ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION FALL, 1968 ELEMENTARY AND SECONDARY SCHOOL SURVEY

State	Total number of students	Total number of Negro students	Percent of total students	Negroes attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Arkansas	415,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	91.1	279,614	88.1	278,620	87.8	259,897	81.9
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	206,736	92.4	197,447	88.2
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229,393	65.1	227,057	64.5	207,742	59.0
South Carolina	603,542	238,036	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. COHELAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COHELAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. Bow.

The Committee divided, and the tellers reported that there were—ayes 122, noes 145.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. JONAS

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

The Clerk read as follows:

Amendment offered by Mr. JONAS: On page 61, line 9, after the word "student" insert a comma and add the following: "because of his or her race or color".

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. JONAS. Mr. Chairman, this is merely a perfecting amendment. I do not think the criticism I have heard directed to it is valid, but it has been charged that without this perfecting language some local school board might be denied the right to make assignments of students on a geographical or a zone basis. The perfecting amendment is to make crystal clear that the amendment is intended only to deal with assignments on the basis of race or color. I have spoken with the distinguished chairman of the subcommittee, and while he will not support my amendment, he will accept this perfecting amendment to it.

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

Mr. JONAS. I yield to the distinguished Chairman.

Mr. FLOOD. Of course, I cannot speak for the subcommittee, but I do agree that the amendment is entirely for the purposes of clarification.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBISON

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

The Clerk read as follows:

Amendment offered by Mr. ROBISON: On page 61, line 7, strike out section 410 through line 9.

Mr. ROBISON. Mr. Chairman, this is a motion to strike section 410—now the last section—from the bill before us.

I have no reservations about offering such a motion, though I do have certain regrets—regrets relating to the respect, admiration, and real affection I have for the distinguished gentleman from North Carolina (Mr. JONAS), whose words these are and whose amendment this was.

The words—the changed words, now—on the surface, seem almost innocuous; but, in the context of current events, they offer no help, or solution, to anyone. They stand, at best, as a symbolic gesture against the turbulence and trouble that now surrounds the issue of school integration in the South, as well as, now, in some other sections of our Nation, and one can well understand why those who have been most upset by this developing and deteriorating situation might take some comfort from having some such words in this bill.

However, the plain fact of this matter is, Mr. Chairman, that this is the wrong time and the wrong place for these words—even if they are to be taken only as a symbolic banner. They serve to do nothing but render this poor vehicle, already overloaded with controversy, and already 7 months overdue, even more controversial. One can visualize, for example, the other body spending—in its present mood—several days struggling with words such as these, seeking a consensus as to their meaning and true effect. And all this, while our main objective ought to be to get this appropriation bill—already so unnecessarily delayed—through this Congress and again down to the President, whatever its final form may be.

And in addition to the fact that this wording is totally out of place in this appropriation bill, there are also some disturbing implications to the section. The wording, even as now changed, if taken literally, would still seem to tend to destroy the traditional concepts of neighborhood schools; it would seem to dissolve local district lines almost at the parents' whim; it would seem to further confuse already overburdened school administrators as they try to make sense out of congressional intent and constitutional mandates.

Further, section 410 might be interpreted as requiring the cutting off of funds to school districts which have adopted and already implemented desegregation plans based on factors other than "freedom of choice." This might happen even if the school district were obeying the dictates of a court decision; and to that extent, this unfortunate wording will—I fear—encourage districts to defy the orders of the Federal courts involving "pairing" and "rezoning" decisions which go beyond the scope of "freedom of choice."

Aside from the practical problems, of course, is the very real possibility that the wording may be unconstitutional inasmuch as it would prevent the Department of Health, Education, and Welfare from promoting effective desegregation measures on the local level consistent with the provisions of title VI of the Civil Rights Act.

Even if these other very real problems were only illusory, let us be honest enough to emphasize that this is hardly the vehicle for such provisions, which have so many social and political manifestations. We owe it to a troubled people to address this entire problem area in a sensible, rational way. Adding section 410 to the tail end of this appropriations bill, obscuring the primary functions and purposes of the measure, is hardly responsible at this juncture.

How can we expect the people of this Nation to work together to overcome the tremendous racial and social crises we have inflicted upon ourselves, if we as their representatives choose to deal with such a crucial issue in this backhanded manner?

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

Mr. Chairman, the amendment offered by the gentleman from New York seeks to strike section 410 as amended by the amendment I offered just before the gentleman spoke, which was a perfecting amendment. In order to bring this into focus, let me impose on the good nature of Members by reading again the amendment as it now stands, and which is sought to be stricken by the motion of the gentleman from New York.

It is a very simple amendment which provides:

SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Will someone please tell me, pray, how anybody could possibly object to that if we believe in freedom? Why, freedom is what this country is all about. That is why our ancestors fought a Revolutionary War and why we have fought many wars since. If one is going to be denied the right to attend a school of his choice because he is black, that black person does not have freedom of choice, and some of his freedom is thereby denied. If a white student is denied the privilege of attending the school of his choice simply because he is white, then we are denying that white student one of the freedoms that was guaranteed to him by the Constitution itself.

Mr. Chairman, I am not going to take the 5 minutes. The issue is crystal clear. It is simply a question of whether we believe in freedom of choice or whether we believe in denying freedom of choice to people because of their color or race. I ask for a negative vote on the amendment.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment to strike section 410 of this bill. No issue in my memory has more greatly disturbed my constituents, or more properly done so, than the issue of compelling students to attend schools out of their home neighborhood for the purpose of securing racial ratios. This compulsion is being sought almost always in opposition to the wishes and judgment of parents and guardians. If I am any judge of the wishes of my constituents, and based on many contacts with them, both black and white, it is my opinion that section 410 of this bill is what they desire to be the law. So, I sincerely hope that the pending amendment to strike section 410 will be defeated.

Recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval

County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

A third bill, House Joint Resolution 1047, would amend the Constitution to require that Federal judges be reconfirmed every 6 years, to require 5 year's prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of judges at the age of 70.

Mr. Chairman, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President AGNEW's new school committee. We hope to present Florida's position and that of our own districts to the administration as soon as possible. On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

Mr. Chairman, again I express the hope that the pending amendment will be defeated.

Mr. O'NEAL of Georgia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, it would be extremely difficult if not impossible to find a single Member of Congress who admits opposition to public education. Yet those who are attempting to delete section 410 from this bill are calling for the destruction of our public schools.

Unless reason is restored and the will of Congress is reaffirmed, our schools will most certainly be destroyed by those overzealous bureaucrats at HEW who attach more importance to the integration of the bodies of schoolchildren than to the enlightenment of their minds.

Our object is not to interfere with anyone's civil rights. What greater civil right exists than the freedom of choice—or to put it another way—the freedom from force? We seek nothing more than to prevent the destruction of our public schools.

I know that it must be difficult for many of my colleagues to fully comprehend the magnitude of the problems faced by school districts in my section of the country. Just as those who have never missed a meal cannot fully comprehend the meaning of hunger, those who have never been twisted and ground beneath the heel of Federal tyranny cannot appreciate the crisis we face in our public schools.

It is important to bear in mind that the Congress has never given HEW the right to force busing, the right to abolish schools, or the right to force transfer of pupils from where their parents are sending them to where HEW wants them. Nevertheless, they have assumed these powers which calls to mind the truism that "any excuse will serve a tyrant."

I do not think there can be any doubt that the sole purpose of title VI of the Civil Rights Act of 1964 was to prohibit the forced separation of races in the public schools. In other words, a system was instituted by which students would be free to attend the schools of their choice without regard to race, creed, or national origin.

Therefore, I fail to see how there can be legitimate objection to the language in section 410 of this bill. It is very simple and straightforward. Its only purpose is to keep HEW honest.

Mr. Chairman, I urge my colleagues to defeat the pending amendment and support the language in this bill which would prohibit HEW officials from setting policy that is contrary to the legislative intent of Congress.

Mr. FLYNT. Mr. Chairman, I oppose the amendment offered by the gentleman from New York (Mr. ROBISON).

If any reasonable person would carefully analyze the language of section 410 there is only one logical conclusion at which such person could arrive. That conclusion simply stated is that it would bar discrimination of any kind against any race in the assignment of pupils to an elementary or secondary public school.

So far as I know, under the laws as interpreted and understood, no child nor the parent of any child can be denied the right to attend the school of his choice because of his race, creed or color.

Mr. Chairman, I am not talking about 1854, 1896, or 1953, but I am talking about the period from 1954 forward when I say with sincerity and candor that all people of good will recognize and understand that discrimination because of race, creed, or color is unconstitutional. Unless the language of section 410 is preserved in its present form and enacted into law you are going to see discrimination start all over again. This time it will be against schoolchildren of both minority and majority races who will not only be denied the right to attend the school of their choice but in many instances will be forced to attend a particular school against their will and against the will of their parents or guardian.

Recent decisions, during the past 90 days, handed down by the Fifth Circuit Court of Appeals and the Supreme Court of the United States, have held that schoolchildren of both races must be reassigned and forced to attend schools which they did not choose to attend.

Mr. Chairman, so far as I know—and I think I know and understand the educational system throughout the State which I represent—for the past decade no child has been discriminated against in school attendance because of his race. This may come as a shock to some of my friends and colleagues from other parts of the country, but regardless of what the situation may have been prior to May 17, 1954, in recent years there has been no de jure or de facto discrimination against any person insofar as school attendance is concerned.

Every legal scholar who can objectively study the 1954 decision in the Brown against Topeka case has said and still says that the law of the land is that no person shall be denied the right to attend any public school because of his race. That fact, Mr. Chairman, has been accepted. No person with any sense of objectivity has ever contended that the Brown against Topeka decision was ever intended to insure racial balance in the schools in direct proportion to racial balance in the total population of such school district.

Mr. Chairman, recent decisions of the Supreme Court of the United States and of the fifth circuit court of appeals have held that all schools within a given school district beginning on specified effective dates, February 1, 1970, and February 16, 1970, must undergo a total faculty and pupil reassignment in order to achieve racial balance based on racial balance in the community at large. It was bad enough that such an order be made effective in the middle of a school term and even in the middle of a school grade period. It is much worse that these decisions including but not limited to the case of Bivens against Bibb County decided by the U.S. Supreme Court on January 14, 1970, ordered the very discrimination which Brown against Topeka prohibited in 1954.

In my judgment, the effect of the most recent Supreme Court decision in education cases will be to literally destroy public education not only in the South but in many other parts of the United States. The Court has attempted to do something which no court, no legislature, and no effective branch of government of free people can or should do.

The line of reasoning contained in these most recent cases applies the lash of tyranny and oppression to all citizens of the United States.

The provisions of section 410 of this bill which we are debating this afternoon would do more to prohibit discrimination and to permit, even require, that any child of any race will be permitted to attend the school of his choice as determined by his parent or guardian without being discriminated against because of race, creed, or color.

The provisions and the language contained in section 410 of H.R. 15931 is necessary if public education is to be preserved, strengthened, and expanded, Mr. Chairman, I hope the Robison amendment will be resoundingly defeated.

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

The amendment was rejected.

AMENDMENTS OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. O'HARA: On page 60, line 20 after the words "school district" insert "in which students are assigned to particular schools on the basis of geographic attendance areas drawn without consideration of the race or color of prospective students and in which personnel are assigned without regard to race or color" and on line 23 after the words "particular school" insert the words "other than his neighborhood school."

On page 61, line 2, after the words, "school district," insert the words, "in which students are assigned to particular schools on the basis of geographic attendance areas drawn without consideration of the race or color of prospective students and in which personnel are assigned without regard to race or color." And on line 4, after the words, "particular school," insert the words, "other than his neighborhood school."

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendments be considered en bloc?

Mr. GERALD R. FORD. Mr. Chairman, I reserve a point of order against the amendments as legislation on an appropriation bill. I do so primarily because I have not had an opportunity to examine the amendments the gentleman from Michigan has offered. Frankly, I am not qualified, just from hearing a reading of the amendments, to determine whether they are or are not subject to a point of order.

So I wish to reserve a point of order to let the gentleman make his argument. This will give us an opportunity to hear the argument, let us determine the substance of his remarks and to make a decision as to whether or not in our judgment the amendment is subject to a point of order.

Therefore, Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Michigan, the respected minority leader, reserves a point of order.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. If a point of order may be lodged against one amendment, would both amendments fall?

The CHAIRMAN. The Chair understands that the point of order is reserved against the two amendements which are requested to be considered en bloc.

Mr. GROSS. Against both amendments?

The CHAIRMAN. The Chair would assume that is correct.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Not having seen the amendments, may I ask, is the gentleman from Michigan seeking to add the same language to both sections 408 and 409.

Mr. O'HARA. I am.

Mr. GERALD R. FORD. So if there is a point of order against language in one instance it would be equally true against the other?

Mr. O'HARA. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that the amendments be considered en bloc?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WHITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITTEN. If I understood correctly, sections 408 and 409 have been considered and acted upon, after which action was taken on section 410. It was after we had passed sections 408 and 409 that unanimous consent was asked the bill be opened thereafter. I raise the point that the amendments come too late. We finished action on these sections, and had acted on section 410.

The CHAIRMAN. The Chair will state that the opening of the bill occurred on page 36, and all language thereafter is open to amendment.

Mr. WHITTEN. Then my understanding was incorrect. I thank the Chair.

Mr. O'HARA. Mr. Chairman, these are the neighborhood school amendments.

We have heard a good deal of oratory recently to the effect that the problem of segregation in the South is just exactly like the problem of segregation in the North, and that we ought to treat the two alike and consider them the same.

Well, I do not happen to agree with that, Mr. Chairman, but I am here giving a clear-cut opportunity to any southern school system to enjoy the benefits of the Whitten amendment by establishing a neighborhood school system in which attendance areas are drawn without regard to race and in which personnel are assigned without regard to race.

This amendment is designed to prevent a school district from having its cake and eating it at the same time. The Whitten amendment, if my amendments are adopted, would apply only to school systems that have a bona fide neighborhood school system. It would not apply to a school system that is already busing pupils in order to maintain segregation. The Whitten amendments, if my amendments are adopted, would not apply to dual school systems—the school systems where they are now taking a black child who might live next door to the white school and busing him across the county to the black school. They would not obtain any benefit from the Whitten amendments if my amendments to them are adopted.

Mr. Chairman, this is an eminently reasonable amendment, and I hope it will be adopted.

Mr. GERALD R. FORD. Mr. Chairman, let me preface my remarks with the simple statement that I am a firm believer in the neighborhood school concept, and if that is the purport of the gentleman's amendment substantively, I would agree with it.

But to refer to the point of order, as I read the language proposed in the amendment, it seems crystal clear to me that the language imposes on the executive branch additional burdens and consequently is contrary to the rules of the House as far as legislation on an appropriation bill is concerned. It is clearly an instance of where the language proposed adds burdens and is contrary to the rules of the House as far as legislation on an appropriation bill is concerned. None of the additional burdens were previously authorized by law.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. O'HARA. I do, Mr. Chairman.

Mr. Chairman, the limitation is in sections 408 and 409. It is a bona fide limitation. All my amendment seeks to do is to prescribe with particularity the school districts to which the limitation in sections 408 and 409 will apply. It does not seek to insert the limitation or to provide for legislation. It simply seeks to describe with more particularity the school districts and the school systems to which the limitations in sections 408 and 409 will apply. Therefore I submit it is not legislation.

Mr. GERALD R. FORD. Mr. Chairman, may I be heard additionally?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GERALD R. FORD. There is nothing in Federal law today which would authorize such action by the proper officials in the executive branch of the Government. This addition to the limitation in sections 408 and 409 does put additional burdens on the executive branch of the Government to determine these kinds of school districts. It is perfectly obvious by the proposed language that it has to be done in each and every case. It is not authorized by law. It is a new burden. It is therefore legislation on an appropriation bill.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is prepared to rule.

The Chair has had occasion to study both of the amendments and the language contained therein. It is clear to the Chair that the language relates to the limitations which are already a part of sections 408 and 409. It defines the limitations further by adding an additional definition to the limitations and in the opinion of the Chair is negative insofar as additional action is concerned on the ground that it really is a description of the school district as it exists at the present time. Therefore, the Chair is constrained to overrule the point of order.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. Chairman, as we all know, the various sections of this country are not the same and the various school districts are not the same. Doubtless the gentleman's amendment would relieve his schools from what HEW and the courts are doing to my section. There should be fairplay and if it be students we are interested in, and we are, they should have an equal break. If it be schools, they

should have an even break. If it be sections of the country, all should have the same opportunity. If it be race, creed, or color the same applies.

Mr. Chairman, I respectfully submit if this amendment were to be adopted, that instead of trying to settle or to bring to a given level the operation of our schools and restore quality education, language such as this would require a reopening—and may I respectfully say that I differ with the Chair's ruling—I think there would have to be a decision to determine whether a school district is as described here or not, and that, therefore, additional actions would be required, would call for checking records and many other things.

Mr. Chairman, in some areas we have finally worked out solutions by reason of agreements between the school boards and HEW, or the court. This amendment would require that each case be gone into all over again and we would start back with the turmoil that we originally had though, of course, it would doubtless leave the gentleman's district untouched.

This amendment should be defeated. If you believe it helps to force people together when neither group desire such action, at least you should be national in your viewpoint and not regional. Surely, you want the people whose schools may be set up on a different pattern to have an equal break with those in the gentleman's district, which he would protect.

Defeat this amendment and help us return quality education as the prime objective of the Department of Education.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we enter into debates like this one many of us in this Chamber—and I include myself—are prone to bolster our remarks with weighty references to the scales of justice, the principles of morality, or the rights of man. Sometimes, in our haste to be noble, we lose touch with the more ordinary hopes and fears of the people we represent. This afternoon I would like to talk about more homely things—about white and black; the old yellow schoolbus; about the faces of children, white and black; and about the anguish and aspirations of parents that you and I know.

Mr. Chairman, to some the familiar yellow bus has become a hated symbol of ruthless, destructive, and impersonal government by fiat, government by decree without any understanding of local conditions and human problems. But it seems to me that busing is only a symptom and not the cause of this deep unrest that pervades our schools.

Basic to any solution of this controversy is a better understanding of what are goals in American education really are. What are we trying to do in the neighborhood school? Once we know the answer to that question, then perhaps the precise methodology will become, if not less controversial, at least more clearly discernible. I would suggest that there are three things we are trying to do in this legislation.

The first is that we are trying to protect and extend the quality of education that our children are receiving. Not all of us are happy with present education programs; more than a few of our brightest students are bored; more than a few of our disadvantaged and slowest students are not getting the help that they should; more than a few parents are deeply concerned about the quality of education their children are getting. This is our first purpose.

The second is that we are trying to preserve the best characteristics of our neighborhood school systems. For many of us, the school is the centerpiece of our communities, the hub of the wheel, the symbol of a common concern for quality in our life together. We want to keep those elements which are essential to building community spirit and developing a better life together in our neighborhoods—parental responsibility and so forth.

The third purpose—and the one around which the present controversy swirls—is that we are trying to build, across the Nation, in the South and in the North, single public school systems in which any child, white or black, rich or poor, fast or slow, has the greatest possible opportunity for the best education he can get, without discrimination because of race, color, or creed. This purpose grows out of a traditional American concern for equal treatment of all citizens. It was made the law of the land in the 1954 Brown decision, which rendered invalid the "separate but equal" approach to education. That law was reinforced by the Green decision.

The thing that concerns me most as we consider this bill this afternoon is that it seems to me that sections 408, 409, and 410 of the bill, as they are presently worded, may not only not represent the best of congressional wisdom on the sensitive subjects we are discussing—but may also launch once again the chain of circumstances which places Congress on a collision course with the Supreme Court.

Let me make clear that in my judgment the courts have not been exempt from error in some of their decisions in this area. At times they have exhibited a tendency to repeat the same type of error that characterized some of the reapportionment decisions that flowed from Baker against Carr. There were cases where congressional redistricting plans were invalidated despite a variation of only about 3 percent in the population of the respective congressional districts within a State. Similarly in the area of education, if I correctly understand some recent lower Federal court decisions, the courts are displaying an unfortunate tendency to play a kind of numbers game regarding the racial balance of both students and faculty in a given school. What we want is not an educational emulsion of some kind based on the impersonal decisions of a computer, but quality education, with a proper respect for our neighborhood school system and a necessary concern for eliminating the historical and present inequities that keep some of our children from getting the best education they can.

Thus the courts should not be considered infallible, and yet it seems to me that in a few basic areas a bedrock of law has been established, and Congress tampers with that bedrock only at its own peril, as well as the peril of the courts, the legal system, and the whole country. The Brown decision and the Green decision are part of that bedrock, and my concern is that, without the proviso, "except as required by the Constitution," sections 408–410 are in direct contravention of the Green decision.

Let me come back to the old yellow schoolbus. In hearings before the Rules Committee on Tuesday, Secretary Finch indicated that of more than 300 cases in which desegregation was to be accomplished on the basis of a voluntary plan written jointly by the local school board and HEW—out of more than 300 such cases, in less than 10 would there be more busing than before the plan. In response to a further query, he stated that there were four court cases last year where the courts had decreed a plan for desegregation on a basis that would require more busing than would be necessary to maintain the unconstitutional dual school system. We have to put the question of busing in perspective. It is a highly inflammatory issue, for reasons which I can understand as well as anyone. But we are talking here not about whether to scrap the neighborhood school system and transport all our children all over town in every city of the Nation. We are talking about how best to achieve, with a minimum of anguish and unrest, the desegregation that the courts have ordered in those school districts where it has been clearly shown that a dual school system operates to deny to some children the benefits that accrue to others. These are a small fraction of our schools, and to my mind the result of reversing both the courts and the law of the land in the mistaken impression that we are fighting an attempt to overturn the whole system of public education would be a great tragedy.

In that same testimony before the Rules Committee, Secretary Finch indicated that busing must be considered as only one potential alternative in the whole complicated equation of trying to bring both quality and desegregated education to the American school system. Given the limited material resources of a particular district, busing may not necessarily be the best way to achieve this goal. It may well be true, to cite a specific case now much in the news, that a $180 million expenditure to bus children across sprawling Los Angeles is not the best means of raising the level of educational achievement and affording each child an equal right to quality schooling regardless of race or color or creed. I doubt that anyone at the present time has all the facts on either this case or others that are being so hotly debated.

There are questions that go beyond those I have just raised. Are we going to legislate in the area of de facto as well as de jure segregation? Is there a moral or a legal distinction between the

two? Is there the same cause and effect relationship? These are tremendously difficult questions which unfortunately do not lend themselves to the calm, rational, and detached analysis which is both necessary and desirable when they are caught up in the swirling vortex of controversy that surrounds busing.

What I am suggesting, Mr. Chairman, is that with so many deep and unanswered questions about our schools, and about the effect of Federal laws and Federal programs on our public education system. I think it would be tragic if today the House voted to reopen old questions and old wounds about the basic need to desegregate our schools, by writing legislation into an appropriation bill that would call in question not only recent decisions like the Green case but the whole past 15 years of movement toward a unitary school system in all parts of our country.

As a cosponsor with the gentlewoman from Oregon of a proposal to establish a select committee to study the whole range of Federal laws and programs affecting education, I would urge that the duty of Congress today is not to legislate but to investigate. Our task is not to add further confusion and heap new fuel on the flames of racial mistrust and suspicion, but to begin today to take a new, hard, realistic and humane look at how we best can solve the enomous problems that confront us.

Further, I should like to address a question, if I may, to the gentleman from Michigan who is the author of these two amendments that we are now considering en bloc.

If I understand the purport of the gentleman's amendments they would do this: We would, in effect, retain in this bill an antibusing amendment, which would apply to those districts that are based on lines that are drawn—geographic lines that are drawn—without any consideration whatever as to race or color or anything of that kind; is that correct?

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, the gentleman is absolutely correct but we would not as the gentleman from Mississippi suggested, be required to go into all of this all over again.

Mr. ANDERSON of Illinois. Do we not then, however, lay ourselves open to the charge that we are in effect trying to perpetuate de facto segregation in northern cities?

We say we are not going to permit busing in those areas where the lines have been drawn without any reference to race, but because of housing patterns and so on, you have all-black and all-white schools. I, for one, do not want to confuse the issue by incorporating that kind of language in this bill.

I opposed initially, as the gentleman knows, sections 408, 409, and 410 on the grounds that in my opinion we are getting ourselves into deeper trouble, if we think we can solve the crisis facing American education by putting language of this kind in an appropriation bill. It does not belong there in the first place and, second, it does not get to the root of the problem.

I listened to the Secretary of Health, Education, and Welfare when he testified before our Committee on Rules just 2 days ago, and he made it quite clear that he did not think that busing is the whole answer. There may well be districts where, because of the limitation of resources available, that it does not make sense to spend $180 million on busing as apparently would be necessary under the decision in the Los Angeles case, and they ought to spend that money on something else.

What I would like to take this time to do is to lobby this afternoon for, instead of importing language of this kind into an appropriation bill, to rather proceed to get some consideration to a bill that I introduced a couple of days ago, with the gentlewoman from Oregon and some others, to set up a select committee of this House on the quality of education; to try to hold some hearings so as to get to the very heart and the very root of the problem as to what we must do to get quality education in this country. I believe that we are focusing on the wrong answers when we focus on busing. I do not want to put myself in a position of carving out any exemptions for northern districts and for northern schools that are not equally applicable to southern districts.

Mr. O'HARA. Mr. Chairman, if the gentleman would yield further, I wish to say to the gentleman that this makes no distinction between North and South. I have voted—and would have voted today—to delete sections 408 through 410. I do not believe they have any place in this bill, and I agree with the gentleman to that extent. But the committee has already made that decision. We decided to leave them in. The question now is, Are we going to have the antibusing provision apply to school systems that are deliberately and purposefully segregated? Are we going to let them keep on busing to segregate, but say you cannot require them to bus to integrate? This amendment would limit application of the antibusing provisions of the bill to school systems that have bona fide neighborhood schools.

Mr. ANDERSON of Illinois. Mr. Chairman, I have only a minute or so remaining, and maybe I do not really understand what the gentleman is trying to do. I am going to be constrained to vote against his amendment simply on the ground that I oppose fundamentally the idea of trying to solve the problem in the way we are doing this afternoon. I just simply do not think, with all due respect to the authors of these amendments—and they are gentlemen I hold in great affection—that this represents the very best wisdom that the Congress can bring to bear on this whole area. It seems to me we are going to be in grave danger of encouraging some false hopes that we have accomplished something here this afternoon when in fact we have accomplished very little or nothing at all.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, there is another reason why this amendment should be defeated. I do not believe we ought to start legislating on the floor of the House on a bill that has received as much consideration as this one has. This amendment was not proposed in the committee. It was never considered by a subcommittee or by the committee with jurisdiction over this bill. It is an amendment that we had difficulty obtaining copies of to try to understand what is involved in it. We settled this issue once this afternoon, let us now not complicate matters by undertaking to amend two sections that we have already agreed to leave in the bill.

Mr. Chairman, I ask for a negative vote on these amendments.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment offered by the gentleman from Michigan (Mr. O'HARA).

Mr. Chairman, I think the last speaker was really trying to put us on a little when he suggested that we should not adopt the amendments because they had not been considered in the committee. I seem to recall some other amendments very similar to those that are now in the bill which first came onto earlier bills when they were on the floor. I am sure the gentleman voted for those amendments.

What this amendment does is to say that if a school district has its schools organized along neighborhood lines, then there shall be no busing by reason of the funds in this bill.

We have heard a lot of talk about the sacredness of the neighborhood schools in America. What this amendment says is that if, in fact, that is the way the school district has organized its enrollment and the assignments to the school are based on neighborhood geography, then busing may not be compelled.

It also says in effect that if a school district is not observing the neighborhood concept, then busing presumably could be required to eliminate de jure segregation similar to the busing being employed today to preserve segregation.

I think this amendment really goes to the heart of the question of where people stand on the issue of neighborhood schools. If you really believe in neighborhood schools, then you ought to adopt this amendment.

Instead if you are interested in preserving segregation on the basis of race, then you ought to vote against this amendment. It seems to me this is what the issue is.

Now the gentleman from Mississippi said that this would require the Department of Health, Education, and Welfare to go in and review a lot of past decisions. That is not the case, because these riders in this appropriation bill seek to stay the hand of HEW. By putting this qualifier in, you would not require any affirmative action on the part of that department.

So I would really urge this Committee to be very careful before they reject this amendment. If you do, you are saying that you do not really believe in the neighborhood school concept but in fact all you are interested in doing is to preserve the segregation of the races. I am sure no Member of the House wants to find himself in that position.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to vote against this amendment—and it is not because I am opposed to the neighborhood school. I am very much in favor of neighborhood schools.

I wish it were possible in these days for us to once again turn our attention to the quality of education—to look at what is happening in our school systems.

May I call the attention of the entire membership of the House to an editorial which appeared in this week's Newsweek magazine by Stewart Alsop. The first paragraph reads as follows:

Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

Then he goes on to say that he interviewed 20 different people. Let me quote one of them:

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

Then the author writes:

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We though the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

Then the author of the article talks about quality in education, and he says:

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen."

Mr. Chairman, I reject the arguments that have been made—that you are a racist and that you are opposed to integration if you oppose these amendments. I do not support this amendment and I find it offensive when the accusation is made that if one votes against the amendment that per se—he or she is a racist or is opposed to integration because quite the contrary is true. But, I would like to make the plea that this House look at what is happening in the schools of this country.

Look at the quality of education. See what is happening in terms of deterioration. See what is happening in respect to physical violence in the schools, the number of teachers who have to be escorted by the police, the number of teachers who have to lock their doors, the daily beatings, the muggings, robbery, and extortion. Let us look at that. If the situation continues, teachers cannot teach, students cannot learn, and all the dollars voted today will change it little.

I wish it were possible to talk about an appropriation bill for education on this floor in terms of what it is doing for quality in education.

One final thing that has nothing to do with this amendment, but I would like to say it. I am very sorry that today we are debating the appropriation bill for a fiscal year that started last September, and I am not criticizing the Appropriations Committee of this House. This House Appropriations Committee voted out this bill last July. The full House voted on it in July 1969. I repeat—the House appropriation bill was approved last July. Then it went over to the other body, and this House is taking the blame for the lateness of the appropriation bill. It is not the fault of the Appropriations Committee of the House or this House itself. But the facts are that today we ought to be debating the appropriation bill for the next fiscal year, not the fiscal year that started 6 months ago.

And for those who believe there is political mileage in adding another $100 million at the cost of further delay in a school year now two-thirds gone, I say I don't think there is 1 inch of political mileage. Educators are going to say: A plague on both your houses.

May I say to you that any school superintendent or any college or university president would much rather have $95 today than $100 on May 31. So, for Heaven's sake, let us reach some kind of compromise and not argue about what will be a very, very small amount in terms of millions of youngsters in this country. Let us reach an agreement. Let us get the bill passed by the House. Let us get the President to sign it so the funds that are available will be immediately available and used by the superintendents and by the colleges and permit them to turn to the problem of quality of education.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. O'HARA).

The question was taken; and on a division (demanded by Mr. O'HARA) there were—ayes 63, noes 194.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL of Massachusetts: On page 37, line 16, strike out "$436,000,000" and insert "$471,000,000", so as to make the language read, "of which $471,000,000 is for grants for vocational rehabilitation services under section 2;"

Mr. O'NEILL of Massachusetts. Mr. Chairman, we have talked about impacted areas, we have talked about segregation and desegregation, and we have talked about busing. We have talked about everything but the quality of special education. In this particular bill today, there is approximately $500 million or a half billion more than the President of the United States requested. But interestingly, on page 37 of the bill and on page 44 of the report, there is an item which has not been discussed. It is important for it deals with rehabilitation and education of those particularly disadvantaged people.

Mr. Chairman, under the item for rehabilitation, originally the House appropriated $471 million. When the bill went to the Senate, the Senate cut that item to $436 million. When the House and Senate met in conference to compromise, the House agreed on $436 million. When the bill was vetoed, we came back and appropriated $436 million. That is a cut, as I say, in rehabilitation of $35 million.

Mr. Chairman, I believe this is the only item of all the items that the President requested in which we have a cut. Who is affected? The blind and the deaf.

I talked to those in charge of the education of the blind and deaf, in Massachusetts, and they told me about the programs they have going forward and those they had hoped to begin. This is the money that pays for the braille for the poor child who is blind. This is the money that pays for the closed circuit system or the radio from which he gets his messages about his classwork. This is for the new modern electronic equipment that is used by a person who is deaf and dumb and blind, which enables him to learn.

We have talked about busing and about impacted areas, but how about the rehabilitation program?

I know the committee is going to say there is $90 million more in this bill than there was a year ago, but that money will not go for any new programs. In 1970 we are increasing the Federal share of the matching funds from 75 to 80 percent. This is where the $90 million will go.

This is the first time in history that a President's recommendation—be he Democrat or Republican—with regard to rehabilitation for the poor children of America has been cut. I think it is a wrong policy, I think it is a mean policy, and I will be surprised at the committee and the Congress if we do not go along with an amendment of this type.

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

Mr. Chairman, this is exactly and precisely the kind of amendment which, in my original remarks, I pleaded not be introduced today under any circumstances.

Insofar as the deaf and the blind are concerned, let me assure our Members that the gentleman from Massachusetts could not be more concerned than the gentleman from Pennsylvania, but I can assure the Committee, Mr. Chairman, that less than 10 percent of the amount involved here in any way touches the deaf and the blind; but, more importantly, as we heard, this bill provides $90 million more and the 1969 appropriation for all of these problems with regard to vocational rehabilitation.

Furthermore, I have been assured—and we inquired about this—by the Department that there are ample and sufficient funds now to match all of the funds that can be expected to be provided by the States in this area. There are ample funds in the bill, already.

Now mark this: This is a matching program under a formula set by the law.

If by any chance the Department should be in error, and the States can match as much as the 1970 budget, then there is absolutely nothing for the Congress to do but, in a supplemental bill, match the funds. But why vote these funds now when all indications are that they cannot be used?

I suggest urgently that the amendment, for obvious reasons, be voted down.

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

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

Mr. SMITH of Iowa. I want to support what my chairman has said. I was the author of one of these bills which is in effect now for providing materials for the blind.

It is automatic. The only limitation on the amount of money they can get is that the total for this group of programs cannot come to more than $500 million. Going to $471 million will not do one thing. It will not put 10 cents more in the coffers for this purpose.

At the time we were on the floor in July with this bill, it was estimated $471 million was needed. By the time it got to the Senate 6 months later a new estimate had been prepared, and they found that $436 million was all that was needed. We gave them every dime they said they could use.

If they can use more money, they will get it automatically.

This amendment actually will not increase by 10 cents the amount of money available for this purpose. The only way it can be increased is for the States to file more applications and match more money and then we will automatically make that money available.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our able friend from Massachusetts has complained that the cuts made by the committee were too deep in this particular item, which involves about a half billion dollars.

I have looked into this matter with members of the committee who are more familiar with the details and, while I am convinced that the intentions of the gentleman from Massachusetts are absolutely sound I do not think the amendment is required. I certainly agree with him that we should provide adequately for the blind and handicapped. I think the record will show that the amendment offered by my friend is not needed.

But I wish to address myself in a more general way to the question of whether or not the bill has been cut too deeply by the Appropriations Committee. With the amendment which was adopted a $20-billion bill has been cut by $365 million. That is about 1¾ percent.

We are in a very serious fiscal situation in this country. It is a very serious situation. For the first time in the history of this Nation a budget has been submitted calling for expenditures of more than $200 billion.

Let me say this, and I mark my words well: Had the budget submitted by the President been submitted on the same guidelines as the budgets of President Eisenhower and the budgets of President Kennedy and the first three budgets of President Johnson, the present budget for fiscal 1971 would show a deficit of $7.3 billion. That is $7.3 billion, and nobody in the Bureau of the Budget or the White House or the Treasury will deny that statement.

What now bothers me is that by this new budget submission called the unified budget—and I agree it has its good points—the country may be led to believe that the fiscal situation is not as critical as it actually is.

We are going to be in the red this present fiscal year by $7.1 billion and next year by $7.3 billion. Last year we were in the red by $5.5 billion. The trend is toward going deeper in the red every year in a 3-year period. Some may say, well, we thought we had a balanced budget this year and last year, and that a balanced budget was projected. It was, if you consider the unified budget plan. What is the unified budget plan? The $8 billion plus which is expected to come into the trust funds for retirement of Federal workers, for highway construction, for social security payments—it means $8 billion plus coming into those trust funds, and which are not currently needed for trust fund purposes, will be expended for the regular operation of the Government and used to achieve a balance in the unified budget. That is the method by which the new budget for 1971 is able to project a $1.3 billion surplus.

We are going to borrow that $8 billion from the trust funds and we are going to spend the $8 billion for the regular functions of Government. Of course, we will have to pay interest on this money and, of course, we will have to restore this money to the trust funds at a later time.

Mr. Chairman, the point I am trying to make here is that we should not be misled by the fact that under the unified budget plan whereby the excess trust funds are used to achieve a budget balance, that we are actually achieving a balance in the regular Federal funds. The fiscal situation is not as bright as it may appear. The national debt will have to go up. Mr. MILLS and Mr. BYRNES will have to bring in legislation providing for an increase in the Federal debt by probably about $8 billion.

The point I make here is, please do not say we have cut this bill too deeply. I think the contrary is true, that we have not cut it deeply enough. I rise, following the amendment offered by my friend, not so much to oppose his amendment but to point out that unless we are willing to raise additional revenues we ought not to provide funds so far above what we are able to pay under the present circumstances.

Mr. BOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish the gentleman from Texas would have gone back an additional year. Even under the unified budget at that time we had a deficit of $25 billion, plus. So we are doing pretty well now by getting it where it is. That was also under the so-called unified budget. If we had taken that situation with the unified budget of a $25 billion deficit that year, then I wish the gentleman would have made the same pleas that he has made today for economies. We would not have had the $25 billion which added to the flames of inflation.

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

Mr. BOW. I yield to the chairman of the committee.

Mr. MAHON. The gentleman is correct that some previous deficits have been much higher. We had a huge deficit back in fiscal 1968 of $25 billion when war costs had rapidly accelerated. No, I am not saying we have not had deficits in the past. I am just saying that we have a deficit situation which we must face up to today. We cannot safely pile deficit upon deficit forever.

Mr. BOW. May I say in conclusion, because the hour is late, the gentleman just made the finest argument that could be made for the motion to recommit which the gentleman from Illinois (Mr. MICHEL) will offer and which he will explain in just a few minutes. I appreciate what the gentleman has said. He had supported our motion to recommit as well as anybody could have done it.

Mr. MAHON. Will the gentleman yield further?

Mr. BOW. Yes.

Mr. MAHON. I am not in a position to support a motion to recommit.

Mr. BOW. If the gentleman follows through on his philosophy, he has to.

Mr. MAHON. I am in a position to say that we have to stop, look, and listen or else the dollars that we are providing will buy less and less and less as has been the case in recent years.

My record for economy and fiscal restraint is well known. The way to reduce spending is to reduce specific items, and not delegate that responsibility to the executive branch.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I thank the gentleman for yielding. I did not realize when I offered this amendment that we were going to get into a debate on fiscal responsibility and the fiscal condition of the Nation.

However, the fact remains that I believe this to be the first time in history that an item with respect to rehabilitation has been cut. You are setting a precedent by cutting an item of rehabilitation which takes care of, as I said earlier, the blind, the deaf, those who are severely disabled.

Mr. Chairman, I would like to respond to the argument of the chairman of the committee. As I said, I have talked with those in authority in my own State who like those in authority in other States are worried about this matter. What they say to me is that they need these additional funds. True, it represents an increase of $90 million. But this $90 million does not go for anything new. If the additional $35 million is not appropriated, the program will remain static. The $90 million is required to finance an increase in Federal matching funds as a result of last year's amendments to the

Vocational Rehabilitation Act. Under these amendments the Federal matching rate shall go from 75 percent to 80 percent, effective in 1970. The $35 million appropriated by the House was to expand the basic program to begin new programs, to reach people who heretofore have not been helped.

Mr. Chairman, as I have previously stated there are new devices today which can be used in cases where before there was no hope. If a boy is deaf or blind, he can use these electronic devices which allow him to gain knowledge through other sensations and to permit him to know what is going on.

A new invention transforms light waves into electronic impulses so that a blind child can actually see. The poor boy will never be able to get that kind of treatment and attention unless there is this additional money. This is something extremely worthwhile that the Federal Government does. It is just one of the new programs possible in this field at the present time. However, without the $35 million for which I am asking, there would be nothing new. These programs would continue at the 1969 level. So, there is no real increase insofar as being able to do anything new or to initiate or innovate any new programs.

Mr. Chairman, I hope my amendment is adopted.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make clear in the legislative history that there is not a solitary member on this committee who is opposed to this program. It is not controversial on either side of the aisle. We have not limited in any way the number of applications which can be filed. We have provided all of the money which they said they would need to fund requests. We in no way at this time wish to put a limitation on this program, and this amendment, if adopted, would not make 10 cents worth of difference. It is just a question of whether you want to appropriate an additional $35 million which in all probability will not be expended.

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

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I simply want to reaffirm what the gentleman from Iowa has just said. The gentleman from Iowa has stated exactly the situation as it exists and I subscribe to what the gentleman has stated and urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The question was taken; and on a division—demanded by Mr. O'NEILL of Massachusetts—there were—ayes 41, noes 135.

So the amendment was rejected.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

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

Mr. MICHEL. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I do appreciate the opportunity to speak in behalf of an amendment which I prepared but did not have the opportunity to offer, to provide full funding for heavily impacted school districts. The amendment reads as follows:

On page 28, line 18, following the word title and prior to the words *"Provided further:"* insert "and 100 per centum of the amounts payable to any local educational agency which the Commissioner determines will have in the fiscal year for which such assistance is provided a total number of pupils of whom 50 per centum or more are the children or dependents of personnel of the United States Armed Forces."

I have in my district in Nebraska one of these school districts. It is Bellevue, located adjacent to Offutt Air Force Base, headquarters of the Strategic Air Command. In addition to Bellevue other smaller communities close to Offutt Air Force Base would also be helped.

It was for school districts such as Bellevue that Public Law 81–874 was enacted in 1951—not the wealthy areas such as neighboring Montgomery County in Maryland.

Mr. Chairman, approximately 80 percent of the 10,670 children educated in the Bellevue school district are dependents of personnel who serve at Offutt Air Force Base and the headquarters of the Strategic Air Command.

Unless there is full funding for these students, this and the other adjacent school district—which are doing a superb job in educating these youngsters of the military—faces financial ruin. Indeed, they may even be forced to close their doors in the very near future.

In the 19 years since Public Law 81–874 was enacted, enrollment in the Bellevue schools has grown from 833 to more than 10,000. More than half of these students live on Offutt Air Force Base, the others in the city of Bellevue.

Mr. Chairman, we must provide for the education of these youngsters. We owe this to those who serve in the military.

Mr. MICHEL. Mr. Chairman, I take this opportunity to advise the membership of the contents of the motion to recommit, which will read as follows:

On page 61, after line 11, insert a new section as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 97.5 per centum of the total appropriations contained herein."

Now, why do I offer that motion? I came to this floor this afternoon supporting the bill as reported out of our full Committee on Appropriations. However, in the process of reading the bill the bill was amended and, most importantly to me, was the striking, on a point of order, of the language which I had written into the bill giving the President discretionary authority to make some of these adjustments he feels he has to make within this limited period of time of 4 months remaining in the current fiscal year.

Now, there is a need in this bill for making further dollar reductions. You will recall that the President vetoed the bill because it was $1,262,000,000 above his budget. Now, actually, the net increases which the President proposed, while we have been talking about $449 million, the real figure we ought to be talking about here is a net increase of $317 million because Congress reduced the bill by $159 million below the budget. And the President decided in his message, when he sent his letter to the Speaker, that he was willing to absorb $139 million of that reduction, so then we are down to a figure of $945 million.

Your Committee on Appropriations reduced that figure by $446 million. That brings us down to a total of $499 million over what the President thinks we ought to be spending.

On the floor here this afternoon in the amendment offered by the gentleman from Oklahoma (Mr. STEED), we added $80 million to impacted aid. That brings us up to a total net of $579 million over what the President would like to be having us spend in this bill.

What I propose to do by the language in the motion to recommit, by saying that we would not spend more than 97.5 percent of that which is appropriated in this bill, exclusive, of course, of the trust funds and the other exclusions that are spelled out in it, we can make a saving or additional savings could be realized of $433 million.

If he subtracted that from the $579 million, you still have say at least $146 million and conceivably $150 million more than what the President thought he ought to be spending.

So in this bill now we will have a total with the impact aid of $19,381,000,000. If we take out the social security trust funds, you are taking out $2,015,000,000. If you take out the railroad trust funds, it is another $19 million and the Soldiers' Home is $9,000,000.

Taking out these trusts the total in the bill is $17,358,000,000 and that is the figure we are using in computing that 97½ percent.

Mr. COHELAN. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. MICHEL. I yield to the gentleman.

Mr. COHELAN. The gentleman and I discussed this. I want to call the attention of the House, if I may, that while the gentleman is correct in his calculations, he has applied the data to page 54 of the report and he is using the figure of $1,261,000,000 which is strictly the HEW bill. When the distinguished gentleman from Illinois says $500 million is the gap—that is correct.

But when you go to page 56 and you come to $1,139,000,000 and you take that difference and you do the necessary subtraction, you are coming out with a gap that we are talking about of $244 million plus what we put in today.

So this is quite a different picture than the $500 million, when you consider the total bill. The gentleman from Illinois is quite correct—he is not misleading the House, but neither am I. All I am trying to do is to point out that the gaps are much narrower under the actions taken

by the House on the money side if you look at it in terms of total bill as opposed to HEW.

I thank the gentleman for yielding.

Mr. MICHEL. We have gone over the pitfalls really of forcing this additional spending on the executive department in the last one-third of the fiscal year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOW. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MICHEL. Mr. Chairman, I thank my colleague from Ohio sincerely.

Mr. Chairman, there is ample precedent for an overall reduction or expenditure limitation. We have done this any number of times. This would seem to be an avenue by which both sides can take credit. You folks on the majority side of the aisle over here have in effect forced the President to relook at the original budget which he presented and came up with an increase in the amount of some $449 million. He would have liked, of course, to help us make an attempt to resolve this impact aid problem. But we were thwarted in that attempt because of the striking of the language which would have made that transaction possible. Then you will remember that the language which was struck also had a savings clause—that no school would be losing more than 5 percent.

But since that language is not in there and the President tried to help us to resolve this thing and to get us started on the right foot, we raised $80 million on the floor of this House—for what reason? To bring up the impacted aid to what it was last year. Bearing in mind now that without any language, both the A and B categories would be paid at the same percentage of entitlement and there is no change. The administration cannot change that without the language.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. WILLIAM D. FORD. Before I ask the gentleman a question, I should like to point out to you that we did not strike out the language that you just referred to. Category A children are still given a preference. We only struck out the proviso that followed that. So what you just said is not correct. I am sure maybe you did not notice the limited extent of the proviso.

What I would like to ask the gentleman is this: How much money does this cut off or authorize the President to cut from the money we appropriated for education?

Mr. MICHEL. By my calculation, which is supported by the latest figures from HEW this afternoon, adding the $80 million, and adjusting for the exclusion of the trust funds, 2½ percent from that would mean $433 million.

Mr. WILLIAM D. FORD. Is it correct that the effect the amendment would be to say that the President will cut or not spend $433 million wherever he sees fit? This is not, in fact, a 2½-percent cut across the board, but what you really do is give the President authority to hold back up to $433 million out of two programs, four programs, one program, or anywhere he sees fit. Is that correct?

Mr. MICHEL. Theoretically, that is true.

Mr. WILLIAM D. FORD. In effect, what you are doing is coming in the back door and giving back to the President the authority to decide which programs we are going to spend money on and which ones we are not going to spend money on; is that a fair statement?

Mr. MICHEL. My answer to the gentleman is that the President pretty well spelled out in his letter to the Speaker where he would make significant increases in spending.

Mr. WILLIAM D. FORD. Would it be correct to assume that if that motion carries, the President could spend no money for title II, ESEA, since he asked for none in his budget; no money for title III above that already committed to ESEA; no money for title III, NDEA, equipment for remodeling, and no money for title V, A, guidance and counseling, because he asked for no funds? Could he refuse to put any money into those programs this year if the gentleman's motion is agreed to?

Mr. MICHEL. If the President had not said in his message that they would be spent, I think that is correct.

Mr. WILLIAM D. FORD. He could refuse to spend money on those programs if your motion is adopted?

Mr. MICHEL. Yes; I think that is correct.

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

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

Mr. McFALL. I would like to ask the gentleman about the meaning of his motion. As I read the gentleman's motion to recommit, it merely makes a 2½-percent across-the-board cut, excepting certain amounts that have been listed. I will ask the gentleman, is he not making the President's job that much more difficult, because there are still the mandatory provisions of the law, and the President would have to spend the amounts of money that are mandatory, and he would have to take the 2½-percent cut out of those things that are discretionary with the President, which he would have under the law anyway, as I understand it. He has the discretionary authority, and it would seem to me he could use it.

Mr. MICHEL. No; I believe he could take the 2½-percent out of any appropriation or program in this bill except those which are specifically excluded by the language of the motion to recommit.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ICHORD, and by unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

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

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

Mr. ICHORD. I think most Members of the House feel that there is greater justification for aid to category A students than to category B students. Did I understand the gentleman correctly to say that by reason of the amendments that have been adopted, both category A and category B will get the same percentage of entitlement?

Mr. MICHEL. I am not altogether sure what was left in the bill when that point of order was made, because I was called off the floor at the time. In the absence of a change in the basic law, the percentage for both would be the same. I do not know whether the gentleman from Oklahoma (Mr. STEED) changed the language by his amendment which would make a difference. If so, then, of course, it would have to comply with whatever was prescribed in that amendment.

Mr. ICHORD. It provided 90 percent of the entitlement for category A students. Has that been changed?

Mr. MICHEL. Not with the increase in the funds that was voted by virtue of the Steed amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, I want to pose the same question and try to get some explanation from the author of the amendment as to whether or not these students will be treated the same or differently now.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield to me so that I may respond?

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

Mr. WILLIAM D. FORD. Mr. Chairman, it was not the amendment which changed that. It was the point of order made by the gentleman from Michigan, which applies itself to the second proviso on page 28, and it did not apply to the first proviso which applies to category A children, so the language of the bill as written, as presented to us right now, is intact above line 18, where the proviso applies to this 95 percent.

Mr. MICHEL. Mr. Chairman, but by virtue of the fact that we have increased the level to what it was last year, which was at a 90-percent level, we have to assume we are talking about the same thing.

Mr. WILLIAM D. FORD. But so we do not give the impression we have done anything today to favor category A or B, what we have done is to say category A gets 90 percent of its money, and then whatever is left over would go to category B. And in the second place, because of the amendment adopted, which was offered by the gentleman from Oklahoma (Mr. STEED), we have brought category B up to that level. But with the amendment offered by the gentleman from Illinois, the President will not be able to take it out of category A. He will have to take it all out of B. It means we go back to where we were before we adopted the Steed amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, I have the impression both category B and A students on the point of order and the procedures which have occurred in the House up to this point and under the gentleman's motion to recommit would have up to 78 percent of their entitlement or with $505 million to be utilized on an equal basis between A and B, but the President would be able to cut 2½ percent any place in it except where there is a restriction by virtue of the motion to recommit.

Mr. MICHEL. I have not by my amendment said any specific item is going to be cut by 2.5 percent.

Mr. BROWN of Ohio. I understand that. I am concerned about the treatment of category A and B students prior to the motion to recommit, prior to the cut of 2.5 percent.

Mr. MICHEL. As I said, I was not aware there was a complete striking of the two provisions, but only one, and in that case, as the gentleman from Michigan stated accurately, the A category will get 90 percent of entitlement from whatever is appropriated, and the B category will share in what is left over to the extent funds are available.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate today since we started this morning, has been conducted in just the way we all hoped it would be. Now, as the curtain is about to go down, we are confronted with this.

We have heard some technical discussion here in the last 10 minutes, but make no mistake about it, here is where we are. Let me tell Members, this motion to recommit, stripped of all its niceties, is nothing more than a meatax cut across the board, willy-nilly, without rhyme or reason or explanation.

You have heard this debate all day. Everything that might be attempted to be done should have been done in proper order as the bill was read, paragraph by paragraph, for amendment. One was made to increase the impacted aid school program, by the gentleman from Oklahoma, and properly made. I opposed him but he was successful. One was made by my friend from Massachusetts, and it was properly done, and it was defeated. That is the regular, orderly way to amend the bill.

But what kind of an amendment is proposed in the motion to recommit. I have seen meatax cuts, but this is a meatax upon a meatax upon a meatax, exclamation mark.

And finally this: A rose by any other name. What is this? This is what you abhor in the House? You say, and it seems clearly so, that a line item veto can be given to the President only by an amendment to the Constitution of the United States. This is an attempt to do indirectly something that cannot be done directly except by amendment to the Constitution.

This is a line item veto. You have said for nearly 200 years you abhor this. This is what it is.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the one who made the point of order against the language on page 28, I want to assure the Members that the point of order was directed only to the second proviso on page 28 beginning at line 18. The gentleman from Michigan (Mr. WILLIAM D. FORD) is correct. If any reduction is made in impacted area funds by the motion to recommit it would, under the language remaining on page 28, have to come entirely out of category B and would take out much of the amount that Mr. STEED put in.

That is not why I rose, Mr. Chairman. I rose to inform the Members that an effort will be made to defeat the ordering of the previous question, after the Committee rises, so that the gentleman from California (Mr. COHELAN) will have an opportunity to reoffer his amendments in the House, his amendments that would insert at the beginning of the two Whitten provisions the words, "except as required by the Constitution."

Mr. Chairman, we had a record vote on that issue on December 19 when the gentleman from Massachusetts (Mr. CONTE) offered a motion to instruct the conferees to accept the Scott amendment to the Whitten amendments; that is, the words, "except as required by the Constitution."

On that vote, which was taken by the yeas and nays, the motion to instruct acceptance of those words prevailed by 216 to 180. I hope the Members of the House will repeat that performance, and join in voting down the previous question following the rising of the Committee.

Mr. COLMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not propose to take the entire 5 minutes. My main purpose in rising is to try to clarify this question of the motion to recommit which will occur after we get back into the House.

Now, this bill is about 8 months behind schedule. If we do not take appropriate action here and if we do not take action that the President would sustain, we will be right back where we were before.

I wanted to ask the gentleman from Illinois (Mr. MICHEL), who will offer the motion, if he can give us any assurance that if this action is taken that he proposes and if the motion to recommit is sustained, the administration would go along with the bill and we would get the bill enacted so that we can start on the next appropriation bill at least by the time this one has expired.

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

Mr. COLMER. I yield to my good friend from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I have every belief one can get at this point that if the motion to recommit prevails as to the dollar amounts and other provisos, the President will not veto this. He will approve it. On the other hand, I am just as convinced—I have no comparable assurance but I am just as convinced—that there will be a veto if we do not make some dollar changes in the bill.

Mr. COLMER. I thank the gentleman from Michigan for his observation. This is a thing that will have quite a bearing on my own acton in this matter.

I think that at some time, somewhere we have to have a final disposition of this matter. I am not interested in who offered the amendment. I am interested in trying to get some money to these people before it is too late; and remove the uncertainty and confusion now existing.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the hour is late and I will not use my 5 minutes, but I think some brief straight speaking is long overdue in this House as to whether we are, or are not, going to finance adequately and fully a unitary, integrated school system in this country.

We have heard a great deal on the floor today about the Alsop article in the current issue of Newsweek. To me, the article as it has been interpreted, bespeaks delusion and hypocrisy and we had better lay some of the most self-evident examples of these to rest right now. We had better bite the bullet and make the tough decision to get on with the utterly inescapable necessity of financing a school system that works for all of our kids—together. Mr. Alsop quotes Mr. Bel Holman, the Director of the Department of Justice's Community Relations Service as saying that we had better stop the phantom of integration, and concentrate instead on "gilding the ghetto—a massive diversion of manpower and money to the central city schools." He quotes Dr. Alan Westin of Columbia University as saying that "if the white does not want to integrate, he damned well better be prepared to pay——"

I have been here, Mr. Chairman, for 5 years and have watched remedial programs like the poverty program and the education program—designed in major part for the benefit of central core minority citizens—being cut, and shaved, and starved to death. It is clear to me and I believe it is clear to every Member of the House that the American people, through their Congressmen have given very clear evidence that they are not willing to pay adequately to fund these remedial programs when they are essentially black and central city in focus.

Mr. Alsop also quotes Senator RIBICOFF as stating that the answer to our education problems is not to try to force middle-class whites to send their children to school in the ghettoes, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Mr. Chairman, I think for any Member of this House to say that the American people are not prepared to finance the integration of our schools but are prepared to open up middle-class neighborhoods to Negroes is guilty of the most flagrant hypocrisy.

The effort to integrate schools and finance them adequately for all the children of America has been a tortuous one. It will be a long and agonizing problem. We are going through a frustrating and embittered era in this country. Our population is anxiety ridden and fear, mistrust, and suspicion poison the air. But I suggest that it is specious to suggest that we would be willing lavishly to subsidize all-black schools in the central cities, when it is abundantly clear that we are not willing to create a unitary, well-financed system for all of the kids of America. So let us dispense with

the argument that there are any simple or magical solutions to this problem. Let us commit ourselves to do the job that our political and religious heritage challenges us to do, and that is at whatever cost, to create a pluralistic school system that educates American kids of whatever race, color or creed—educates them to be effective, prideful citizens—and educates them together. Hard experience and searching honesty tell us there is no other way.

Mr. DENNIS. Mr. Chairman, I had sincerely hoped—after the HEW veto—that the Committee on Appropriations, and thereafter the Committee of the Whole and the House itself, would come up with a compromise bill which would be reasonable and which would be acceptable to those of us who, like the President of the United States, are gravely concerned with the problems of budgetary responsibility and with the fight against inflation. Most unhappily this was not the case.

The Appropriations Committee has brought in a new bill which appropriates over $816 million more for HEW than the President proposed in his budget.

To this we have added on the floor, by adoption of the Steed amendment, another $80 million—and this addition is all in so-called impacted aid—which, as I have previously pointed out, is distributed on the basis of a most inequitable formula, and which is of no benefit whatever to the people of the district I have the honor to represent.

We thus have a bill which is still $896 million over what the President of the United States originally proposed as appropriate and proper for HEW funding.

In addition to this, the House has refused to grant the President any flexibility whatever in the spending of these funds, and has rejected the 2½ percent expenditure limitation proposed by Mr. MICHEL in his motion to recommit, which would have effected, according to his calculations, a saving of $433 million.

In other words, although the Appropriations Committee and the House have labored, we have not effected a sufficiently material saving, and, despite the warning of the veto, we have failed to really face up to the dangers of inflation and to our budgetary situation.

It is my understanding that, unless further substantial savings are made in conference, we will probably face a second veto by the President; but, whether this is true or not, I am impressed by the statements of Mr. MAHON, the chairman of the Committee on Appropriations—which statements I believe to be true—that we are facing a $7 billion deficit in the budget for fiscal 1971 on a sound accounting basis, and that another increase in the statutory debt limit will be necessary.

Under these circumstances I am convinced that we must retrench. Of course we must have, and of course we will have, an HEW appropriation. No schools have been, or will be, closed because of this appropriation bill, despite political claims to the contrary. I sincerely hope that we may yet arrive at a measure to which I can give my support. But while a substantial sum of money is involved, it alone will not make or break the Government; yet, more important than the money is the psychology and the symbolism of this situation for our immediate and long-range future. If our inflationary psychology is to be checked we need to start here, where the line has first been drawn. In this situation we need to support the President—not because he is President, but because in this instance he is right—and because, for the first time in many years, the Executive is beginning in some measure, to supply the leadership toward fiscal responsibility which a legislative body must have if it is to behave responsibly toward the use of the public purse.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

Mr. O'HARA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 157, not voting 36, as follows:

[Roll No. 25]

YEAS—238

Abbitt	Burlison, Mo.	Dickinson
Abernethy	Burton, Utah	Dorn
Adair	Bush	Dowdy
Alexander	Byrnes, Wis.	Downing
Andrews, Ala.	Cabell	Duncan
Andrews, N. Dak.	Caffery	Dwyer
Arends	Camp	Edmondson
Ashbrook	Carter	Edwards, Ala.
Aspinall	Casey	Edwards, La.
Baring	Cederberg	Eshleman
Beall, Md.	Chamberlain	Evins, Tenn.
Belcher	Chappell	Fallon
Bell, Calif.	Clancy	Fascell
Bennett	Clark	Fish
Berry	Clausen, Don H.	Fisher
Betts	Clawson, Del	Flood
Bevill	Collier	Flowers
Biaggi	Collins	Flynt
Blackburn	Colmer	Ford, Gerald R.
Bow	Corbett	Foreman
Bray	Cowger	Fountain
Brinkley	Cramer	Frey
Brock	Crane	Fulton, Pa.
Brooks	Cunningham	Fuqua
Broomfield	Daniel, Va.	Galifianakis
Brotzman	Davis, Ga.	Garmatz
Brown, Mich.	Davis, Wis.	Gettys
Brown, Ohio	de la Garza	Giaimo
Broyhill, N.C.	Dellenback	Gibbons
Broyhill, Va.	Denney	Goldwater
Buchanan	Dennis	Goodling
Burke, Fla.	Derwinski	Green, Oreg.
Burleson, Tex.	Devine	Griffin
		Gross
Grover	May	Sikes
Hagan	Mayne	Skubitz
Haley	Meskill	Slack
Hall	Michel	Smith, Calif.
Hammer-schmidt	Miller, Ohio	Smith, Iowa
Hansen, Idaho	Mills	Smith, N.Y.
Harsha	Minshall	Snyder
Harvey	Mize	Springer
Hastings	Mizell	Steed
Hébert	Montgomery	Steiger, Ariz.
Hogan	Morton	Stephens
Hosmer	Natcher	Stubblefield
Hull	Nelsen	Stuckey
Hunt	Nichols	Taft
Hutchinson	O'Konski	Talcott
Ichord	O'Neal, Ga.	Taylor
Jarman	Passman	Teague, Tex.
Jonas	Patman	Thompson, Ga.
Jones, Ala.	Pickle	Thomson, Wis.
Jones, N.C.	Pirnie	Ullman
Kazen	Poage	Utt
Kee	Poff	Vander Jagt
King	Preyer, N.C.	Vigorito
Kluczynski	Price, Tex.	Waggonner
Kuykendall	Pryor, Ark.	Wampler
Kyl	Pucinski	Watkins
Landgrebe	Quillen	Watson
Landrum	Randall	Watts
Langen	Rarick	Weicker
Latta	Reid, Ill.	Whalley
Lennon	Rhodes	White
Lloyd	Rivers	Whitehurst
Long, La.	Roberts	Whitten
Lujan	Rogers, Fla.	Widnall
McClory	Roth	Wiggins
McClure	Ruppe	Williams
McDonald, Mich.	Ruth	Wilson, Bob
McEwen	Sandman	Winn
McKneally	Satterfield	Wold
McMillan	Saylor	Wright
Mahon	Schadeberg	Wylie
Mann	Scherle	Wyman
Marsh	Schneebeli	Young
Martin	Schwengel	Zablocki
Mathias	Scott	Zion
	Sebelius	Zwach
	Shriver	

NAYS—157

Adams	Gaydos	Obey
Addabbo	Gilbert	O'Hara
Albert	Gonzalez	Olsen
Anderson, Calif.	Gray	O'Neill, Mass.
Anderson, Ill.	Green, Pa.	Ottinger
Annunzio	Griffiths	Patten
Ashley	Gude	Pepper
Barrett	Halpern	Perkins
Biester	Hamilton	Philbin
Bingham	Hanley	Pike
Blatnik	Hanna	Podell
Boggs	Hansen, Wash.	Price, Ill.
Boland	Harrington	Quie
Bolling	Hathaway	Railsback
Brademas	Hawkins	Rees
Brasco	Hechler, W. Va.	Reid, N.Y.
Burke, Mass.	Heckler, Mass.	Reuss
Button	Helstoski	Riegle
Byrne, Pa.	Hicks	Robison
Carey	Holifield	Rodino
Celler	Horton	Roe
Chisholm	Howard	Rogers, Colo.
Clay	Hungate	Rooney, N.Y.
Cleveland	Johnson, Calif.	Rooney, Pa.
Cohelan	Karth	Rosenthal
Conable	Kastenmeier	Rostenkowski
Conte	Keith	Roybal
Conyers	Koch	Ryan
Corman	Kyros	St Germain
Coughlin	Leggett	St. Onge
Culver	Lowenstein	Scheuer
Daddario	McCarthy	Shipley
Daniels, N.J.	McCulloch	Sisk
Delaney	McFall	Stafford
Diggs	Macdonald, Mass.	Staggers
Donohue	MacGregor	Stanton
Dulski	Madden	Steiger, Wis.
Eckhardt	Mailliard	Stokes
Edwards, Calif.	Matsunaga	Stratton
Eilberg	Meeds	Sullivan
Erlenborn	Melcher	Symington
Evans, Colo.	Mikva	Thompson, N.J.
Farbstein	Miller, Calif.	Tiernan
Feighan	Minish	Udall
Findley	Mink	Van Deerlin
Foley	Mollohan	Vanik
Ford, William D.	Moorhead	Waldie
Fraser	Morgan	Whalen
Frelinghuysen	Mosher	Wilson, Charles H.
Friedel	Murphy, Ill.	Wolff
Fulton, Tenn.	Murphy, N.Y.	Wydler
Gallagher	Nedzi	Yatron
	Nix	

NOT VOTING—36

Anderson, Tenn.	Jacobs	Pelly
Ayres	Johnson, Pa.	Pettis
Blanton	Jones, Tenn.	Pollock
Brown, Calif.	Kirwan	Powell
Burton, Calif.	Kleppe	Purcell
Dawson	Long, Md.	Reifel
Dent	Lukens	Roudebush
Dingell	McCloskey	Teague, Calif.
Esch	McDade	Tunney
Gubser	Monagan	Wyatt
Hays	Morse	Yates
Henderson	Moss	
	Myers	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Dent against.

Mr. Pollock for, with Mr. Burton of California against.

Mr. Henderson for, with Mr. Moss of California against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Jones of Tennessee with Mr. Johnson of Pennsylvania.

Mr. Jacobs with Mr. Wyatt.

Mr. Brown of California with Mr. Powell.

Mr. Monagan with Mr. Teague of California.

Mr. Long of Indiana with Mr. Esch.

Mr. Purcell with Mr. Pelly.

Mr. Kirwan with Mr. Reifel.

Mr. Anderson of Tennessee with Mr. Roudebush.

Mr. Lukens with Mr. Myers.

Mr. Yates with Mr. McCloskey.

Mr. Gubser with Mr. Kleppe.

Mr. Dingell with Mr. McDade.

Mr. Tunney with Mr. Pettis.

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

The result of the vote was announced as above recorded.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am in its present form; yes, sir.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 15931 to the Committee on Appropriations with instructions to that Committee to report it back forthwith with the following amendment: On page 61, after line 11, insert a new section as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditures shall not exceed 97.5 per centum of the total appropriations contained herein."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 189, nays 206, not voting 36, as follows:

[Roll No. 26]

YEAS—189

Abbitt	Fish	Nelsen
Abernethy	Fisher	Nichols
Adair	Flowers	O'Konski
Anderson, Ill.	Flynt	O'Neal, Ga.
Andrews, Ala.	Ford, Gerald R.	Passman
Andrews, N. Dak.	Foreman	Poff
Arends	Fountain	Price, Tex.
Ashbrook	Frelinghuysen	Quie
Baring	Frey	Quillen
Beall, Md.	Fuqua	Railsback
Belcher	Gettys	Rarick
Bell, Calif.	Goldwater	Reid, Ill.
Bennett	Goodling	Rhodes
Berry	Griffin	Riegle
Betts	Gross	Rivers
Blackburn	Grover	Robison
Bow	Hagan	Rogers, Fla.
Bray	Haley	Roth
Brock	Hall	Ruppe
Broomfield	Hammer-schmidt	Ruth
Brotzman	Hansen, Idaho	Sandman
Brown, Mich.	Harsha	Satterfield
Broyhill, N.C.	Harvey	Schadeberg
Buchanan	Hastings	Scherle
Burke, Fla.	Hébert	Schneebeli
Bush	Hosmer	Schwengel
Byrnes, Wis.	Hunt	Sebelius
Caffery	Hutchinson	Shriver
Camp	Jarman	Sikes
Carter	Jonas	Skubitz
Cederberg	Jones, N.C.	Smith, Calif.
Chamberlain	Keith	Smith, N.Y.
Chappell	King	Snyder
Clancy	Kuykendall	Springer
Clausen, Don H.	Kyl	Stanton
Clawson, Del	Landgrebe	Steiger, Ariz.
Cleveland	Landrum	Steiger, Wis.
Collier	Langen	Stephens
Collins	Latta	Taft
Colmer	Lujan	Talcott
Conable	McClory	Taylor
Corbett	McCloskey	Thompson, Ga.
Coughlin	McClure	Thomson, Wis.
Cramer	McCulloch	Utt
Crane	McDonald, Mich.	Vander Jagt
Cunningham	McEwen	Waggonner
Daniel, Va.	McMillan	Wampler
Davis, Ga.	MacGregor	Watkins
Davis, Wis.	Mailliard	Watson
Dellenback	Marsh	Weicker
Denney	Martin	Whalley
Dennis	Mathias	Whitten
Derwinski	May	Widnall
Devine	Mayne	Wiggins
Dickinson	Meskill	Williams
Dowdy	Michel	Wilson, Bob
Duncan	Miller, Ohio	Winn
Dwyer	Minshall	Wold
Edwards, Ala.	Mize	Wydler
Edwards, La.	Mizell	Wylie
Erlenborn	Montgomery	Wyman
Eshleman	Morton	Zion
Findley	Mosher	Zwach

NAYS—206

Adams	Brasco	Corman
Addabbo	Brinkley	Cowger
Albert	Brown, Ohio	Culver
Alexander	Broyhill, Va.	Daddario
Anderson, Calif.	Burke, Mass.	Daniels, N.J.
Annunzio	Burleson, Tex.	de la Garza
Ashley	Burlison, Mo.	Delaney
Aspinall	Burton, Utah	Diggs
Barrett	Button	Donohue
Bevill	Byrne, Pa.	Dorn
Biaggi	Carey	Downing
Biester	Casey	Dulski
Bingham	Celler	Eckhardt
Blatnik	Chisholm	Edmondson
Boggs	Clark	Edwards, Calif.
Boland	Clay	Eilberg
Bolling	Cohelan	Evans, Colo.
Brademas	Conte	Evins, Tenn.
	Conyers	Fallon
Farbstein	Koch	Rees
Fascell	Kyros	Reid, N.Y.
Feighan	Leggett	Reuss
Flood	Lennon	Roberts
Foley	Lloyd	Rodino
Ford, William D.	Long, La.	Roe
Fraser	Lowenstein	Rogers, Colo.
Friedel	McCarthy	Rooney, N.Y.
Fulton, Pa.	McFall	Rooney, Pa.
Fulton, Tenn.	McKneally	Rosenthal
Galifianakis	Macdonald, Mass.	Rostenkowski
Gallagher	Madden	Roybal
Garmatz	Mahon	Ryan
Gaydos	Mann	St Germain
Giaimo	Matsunaga	St. Onge
Gibbons	Meeds	Saylor
Gilbert	Melcher	Scheuer
Gonzalez	Mikva	Scott
Gray	Miller, Calif.	Shipley
Green, Oreg.	Mills	Sisk
Green, Pa.	Minish	Slack
Griffiths	Mink	Smith, Iowa
Gude	Mollohan	Stafford
Halpern	Moorhead	Staggers
Hamilton	Morgan	Steed
Hanley	Murphy, Ill.	Stokes
Hanna	Murphy, N.Y.	Stratton
Hansen, Wash.	Natcher	Stubblefield
Harrington	Nedzi	Stuckey
Hathaway	Nix	Sullivan
Hawkins	Obey	Symington
Hechler, W. Va.	O'Hara	Teague, Tex.
Heckler, Mass.	Olsen	Thompson, N.J.
Helstoski	O'Neill, Mass.	Tiernan
Hicks	Ottinger	Udall
Hogan	Patman	Ullman
Holifield	Patten	Van Deerlin
Horton	Pepper	Vanik
Howard	Perkins	Vigorito
Hull	Philbin	Waldie
Hungate	Pickle	Watts
Ichord	Pike	Whalen
Jacobs	Pirnie	White
Johnson, Calif.	Poage	Whitehurst
Jones, Ala.	Podell	Wilson, Charles H.
Karth	Preyer, N.C.	Wolff
Kastenmeier	Price, Ill.	Wright
Kazen	Pryor, Ark.	Yatron
Kee	Pucinski	Young
Kluczynski	Randall	Zablocki

NOT VOTING—36

Anderson, Tenn.	Hays	Pelly
Ayres	Henderson	Pettis
Blanton	Johnson, Pa.	Pollock
Brooks	Jones, Tenn.	Powell
Brown, Calif.	Kirwan	Purcell
Burton, Calif.	Kleppe	Reifel
Cabell	Long, Md.	Roudebush
Dawson	Lukens	Teague, Calif.
Dent	McDade	Tunney
Dingell	Monagan	Wyatt
Esch	Morse	Yates
Gubser	Moss	
	Myers	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Pelly for, with Mr. Hays against.

Mr. Reifel for, with Mr. Dent against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Henderson with Mr. Johnson of Pennsylvania.

Mr. Long of Maryland with Mr. Esch.

Mr. Tunney with Mr. Teague of California.

Mr. Yates with Mr. Pollock.

Mr. Brooks with Mr. Roudebush.

Mr. Cabell with Mr. Lukens.

Mr. Moss with Mr. Gubser.

Mr. Burton of California with Mr. Pettis.

Mr. Anderson of Tennessee with Mr. Kleppe.

Mr. Monagan with Mr. Morse.

Mr. Jones of Tennessee with Mr. Myers.

Mr. Purcell with Mr. Wyatt.

Mr. Brown of California with Mr McDade.

Mr. Dingell with Mr. Powell.

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

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

The result of the vote was announced as above recorded.

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 315, nays 81, not voting 35, as follows:

[Roll No. 27]

YEAS—315

Abbitt	Edwards, La.	Lujan
Abernethy	Eilberg	McCarthy
Adams	Evans, Colo.	McClory
Addabbo	Evins, Tenn.	McClure
Albert	Fallon	McDonald,
Alexander	Farbstein	Mich.
Anderson,	Fascell	McFall
Calif.	Feighan	McKneally
Andrews, Ala.	Fisher	McMillan
Andrews,	Flood	Macdonald,
N. Dak.	Flowers	Mass.
Annunzio	Flynt	Madden
Ashley	Foley	Mahon
Aspinall	Ford,	Mailliard
Baring	William D.	Mann
Barrett	Foreman	Mathias
Beall, Md.	Fountain	Matsunaga
Belcher	Fraser	May
Bennett	Frelinghuysen	Mayne
Bevill	Frey	Meeds
Biaggi	Friedel	Melcher
Biester	Fulton, Pa.	Meskill
Bingham	Fulton, Tenn.	Mikva
Blatnik	Fuqua	Miller, Calif.
Boggs	Galifianakis	Miller, Ohio
Boland	Gallagher	Mills
Bolling	Garmatz	Minish
Brademas	Gaydos	Mink
Brasco	Gettys	Minshall
Brinkley	Giaimo	Mize
Brock	Gibbons	Mizell
Brooks	Gilbert	Mollohan
Broomfield	Goldwater	Montgomery
Brotzman	Gonzalez	Moorhead
Brown, Ohio	Gray	Morgan
Broyhill, N.C.	Green, Oreg.	Mosher
Broyhill, Va.	Green, Pa.	Murphy, Ill.
Buchanan	Griffin	Murphy, N.Y.
Burke, Mass.	Griffiths	Natcher
Burleson, Tex.	Grover	Nedzi
Burlison, Mo.	Gude	Nichols
Burton, Utah	Hagan	Obey
Bush	Haley	O'Hara
Button	Halpern	O'Konski
Byrne, Pa.	Hamilton	Olsen
Cabell	Hammer-	O'Neal, Ga.
Caffery	schmidt	O'Neill, Mass.
Camp	Hanley	Ottinger
Carey	Hanna	Patman
Casey	Hansen, Idaho	Patten
Celler	Hansen, Wash.	Pepper
Chamberlain	Harrington	Perkins
Chappell	Harsha	Philbin
Chisholm	Harvey	Pickle
Clark	Hastings	Pike
Clausen,	Hathaway	Pirnie
Don H.	Hébert	Poage
Cohelan	Hechler, W. Va.	Podell
Collins	Heckler, Mass.	Preyer, N.C.
Colmer	Helstoski	Price, Ill.
Conte	Hicks	Pryor, Ark.
Conyers	Hogan	Pucinski
Corbett	Holifield	Quillen
Corman	Horton	Railsback
Coughlin	Howard	Randall
Cowger	Hull	Rees
Culver	Hungate	Reid, N.Y.
Cunningham	Ichord	Reuss
Daddario	Jacobs	Riegle
Daniel, Va.	Jarman	Rivers
Daniels, N.J.	Johnson, Calif.	Roberts
Davis, Ga.	Jonas	Robison
de la Garza	Jones, Ala.	Rodino
Delaney	Jones, N.C.	Roe
Dellenback	Karth	Rogers, Colo.
Denney	Kastenmeier	Rogers, Fla.
Dickinson	Kazen	Rooney, N.Y.
Donohue	Kee	Rooney, Pa.
Dorn	Keith	Rosenthal
Dowdy	Kluczynski	Rostenkowski
Downing	Koch	Roybal
Dulski	Kyros	Ruppe
Duncan	Landrum	Ruth
Dwyer	Leggett	Ryan
Eckhardt	Lennon	St Germain
Edmondson	Lloyd	St. Onge
Edwards, Ala.	Long, La.	Schadeberg
Edwards, Calif.	Lowenstein	Scherle
Scheuer	Stuckey	Watts
Schwengel	Sullivan	Weicker
Scott	Symington	Whalen
Sebelius	Taft	Whalley
Shipley	Taylor	White
Shriver	Thompson, Ga.	Whitehurst
Sikes	Thompson, N.J.	Whitten
Sisk	Thomson, Wis.	Widnall
Skubitz	Tiernan	Wilson,
Slack	Udall	Charles H.
Smith, Iowa	Ullman	Winn
Springer	Van Deerlin	Wolff
Stafford	Vander Jagt	Wright
Staggers	Vanik	Wydler
Stanton	Vigorito	Wyman
Steed	Waggonner	Yatron
Steiger, Ariz.	Waldie	Young
Stephens	Wampler	Zablocki
Stratton	Watkins	Zwach
Stubblefield	Watson	

NAYS—81

Adair	Diggs	Nelsen
Anderson, Ill.	Erlenborn	Nix
Arends	Eshleman	Passman
Ashbrook	Findley	Poff
Bell, Calif.	Fish	Price, Tex.
Berry	Ford, Gerald R.	Quie
Betts	Goodling	Rarick
Blackburn	Gross	Reid, Ill.
Bow	Hall	Rhodes
Bray	Hawkins	Roth
Brown, Mich.	Hosmer	Sandman
Burke, Fla.	Hunt	Satterfield
Byrnes, Wis.	Hutchinson	Saylor
Carter	King	Schneebeli
Cederberg	Kuykendall	Smith, Calif.
Clancy	Kyl	Smith, N.Y.
Clawson, Del	Landgrebe	Snyder
Clay	Langen	Steiger, Wis.
Cleveland	Latta	Stokes
Collier	McCloskey	Talcott
Conable	McCulloch	Utt
Cramer	McEwen	Wiggins
Crane	MacGregor	Williams
Davis, Wis.	Marsh	Wilson, Bob
Dennis	Martin	Wold
Derwinski	Michel	Wylie
Devine	Morton	Zion

NOT VOTING—35

Anderson,	Henderson	Pelly
Tenn.	Johnson, Pa.	Pettis
Ayres	Jones, Tenn.	Pollock
Blanton	Kirwan	Powell
Brown, Calif.	Kleppe	Purcell
Burton, Calif.	Long, Md.	Reifel
Dawson	Lukens	Roudebush
Dent	McDade	Teague, Calif.
Dingell	Monagan	Teague, Tex.
Esch	Morse	Tunney
Gubser	Moss	Wyatt
Hays	Myers	Yates

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Pelly against.

Mr. Pollock for, with Mr. Reifel against.

Until further notice:

Mr. Blanton with Mr. Ayres.

Mr. Long of Maryland with Mr. Wyatt.

Mr. Dent with Mr. Johnson of Pennsylvania.

Mr. Monagan with Mr. Morse.

Mr. Dingell with Mr. Esch.

Mr. Henderson with Mr. Roudebush.

Mr. Purcell with Mr. Kleppe.

Mr. Burton of California with Mr. McDade.

Mr. Moss with Mr. Gubser.

Mr. Jones of Tennessee with Mr. Lukens.

Mr. Tunney with Mr. Pettis.

Mr. Teague of Texas with Mr. Teague of California.

Mr. Yates with Mr. Myers.

Mr. Kirwan with Mr. Anderson of Tennessee.

Mr. Brown of California with Mr. Powell.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed (H.R. 15931), and all amendments thereto, and to include extraneous matter.

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

There was no objection.

APPOINTMENT AS MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER laid before the House the following communication:

FEBRUARY 18, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Acadamy for the year 1970:

Honorable Thomas N. Downing of Virginia, Honorable John M. Murphy of New York, Honorable Charles A. Mosher of Ohio.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

EDWARD A. GARMATZ, *Chairman.*

LEGISLATIVE PROGRAM—PERMISSION TO CALL UP DISTRICT BILLS ON TUESDAY NEXT

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week. May I start the announcement of next week's program by saying that Monday the House will observe George Washington's Birthday, and the main order of business for the day will be the traditional reading of George Washington's Farewell Address.

Monday is also District Day, but in view of the fact that Monday is a holiday and we have no additional business for Tuesday, and in order that I may make the announcement of the complete program now, I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that there are nine bills, and to advise Members what those bills are. As I understand it, they are all noncontroversial.

The SPEAKER pro tempore (Mr. MILLER of California). Is there objection to

the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may we hear the list first in order to determine for ourselves whether or not they are controversial?

Mr. ALBERT. If the gentleman will yield, that is exactly what I intended to do.

Mr. HALL. But the request for unanimous consent was placed prior to the reading of the list.

Mr. ALBERT. I did announce that I would read the list before I asked that my request be acted upon. The list is as follows:

H.R. 10335, to revise District of Columbia laws relating to the civil liability of hotels;

H.R. 10336, to revise District of Columbia laws relating to the liability of hotels;

H.R. 13307, to amend the District of Columbia Code relating to adoption;

H.R. 8656, to authorize the use of certain real property for chanceries;

H.R. 14982, to exempt from District of Columbia taxation the COMSAT consortium;

H.R. 10937, to authorize a study of the Eisenhower National Memorial Arena;

H.R. 14608, to compensate holders of ABC licenses who return such licenses;

H.R. 15980, to revise retirement benefits for District of Columbia public school teachers; and

H.R. 15381, to amend District of Columbia tax laws with respect to investment companies.

These are the bills which will be called up on District Day.

Mr. Speaker, I ask unanimous consent that the calling of the District Day bills under the District Day procedures may be put over from Monday until Tuesday next.

The SPEAKER pro tempore (Mr. MILLER of California). Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, further reserving the right to object, do I understand the distinguished majority leader to say that the bill listed as No. 4, H.R. 8656, to authorize the use of certain real property for chanceries, may not be controversial and that all of these are noncontroversial?

Mr. ALBERT. Mr. Speaker, I was advised there was little, if any, controversy about any of these. I also advise my friend that if there is any controversy in the matter it would not appear to me to make much difference if they are considered on Monday, which is a legal holiday, or if they are considered on Tuesday, which is the following day.

Mr. HALL. Mr. Speaker, I have no desire whatever to defile the memory of George Washington, but I do think we should have these bills listed before we grant the unanimous-consent request, and opinions about whether or not they are controversial are sometimes moot.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, in view of the order which has been granted, Tuesday will be District Day, and the nine bills already indicated will be called.

For Wednesday, there will be a joint meeting to receive the President of the Republic of France.

Also on Wednesday we will have House Resolution 822, to establish a Select Committee on Lobbying Practices, and H.R. 11832, to provide for the establishment of an International Quarantine Station, which is subject to a rule being granted.

For Thursday and the balance of the week, we will have H.R. 12025, National Forest Timber Conservation and Management Act of 1969, under an open rule with 2 hours of debate, and S. 2910, to authorize additional funds for the Library of Congress James Madison Memorial Building, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later. I understand there will be a conference report from the Committee on Banking and Currency on Tuesday.

ANNOUNCEMENT OF EASTER RECESS

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I would like at this time to advise the House that the Easter recess will extend from the close of business on Thursday, March 26, 1970, to noon Monday, April 6, 1970, which is precisely in accordance with the custom of recent years in the House.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman agree with me that in the light of this announcement, that the recess will be from the conclusion of business Thursday, March 26 to Monday noon, April 6, all Members ought to be forewarned, there is no mistake that there is a likelihood we will have important business on thursday and important business on Monday?

Mr. ALBERT. Mr. Speaker, the gentleman is correct. We must get our business done, and we cannot do it if we extend the length of these recesses.

ADJOURNMENT TO MONDAY, FEBRUARY 23, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT, FEBRUARY 21, TO FILE REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday, February 21, to file certain reports.

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

Mr. GROSS. Mr. Speaker, reserving the right to object to the last request, does this mean now that some of these bills which are scheduled for Tuesday may not be filed until Saturday night?

Mr. ALBERT. Only the first two have been reported. It is expected the rest will be reported and will be filed.

Mr. GROSS. How could we possibly get these bills over the weekend to study them, to find out what is in them?

Mr. ALBERT. Will the gentleman admit it would be easier to do that on Tuesday than it would be to do it on Monday?

Mr. GROSS. To admit what?

Mr. ALBERT. It will be easier to get the bills to Members for consideration on Tuesday than it would be if they were called up on Monday.

Mr. GROSS. Yes, it would be easier; there is no question about that. Why should not these bills be available so that we might have them over the weekend?

Mr. ALBERT. I hope they will be.

Mr. GROSS. Why should we not have a few days to study a bill and a report? This is a common complaint.

Mr. ALBERT. I am merely complying with the request of the gentleman from South Carolina (Mr. MCMILLAN). I understand it has been agreed to by the Republican leadership on the committee.

Mr. GROSS. I do not know about that. This is a common complaint for bills coming from the District of Columbia Committee, Mr. Speaker; and I object.

The SPEAKER pro tempore. Objection is heard.

COST OF LIVING INCREASE

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

Mr. ALBERT. Mr. Speaker, once again the sad facts are available to the American people showing that the Nixon administration not only has brought economic growth in the United States to a screeching halt, but at the same time prices consumers and workers have to pay continue to increase at fantastic rates. For those workers not thrown out of work as a result of the Nixon economic policies which have brought our great productive economy to a virtual standstill—they are now, as a result of the January cost-of-living figures just released, paying prices for goods and services which they buy at a price of an annual rate of 7 percent higher than they did last year. Consumer prices last year increased at a rate of 5.4 percent. We were told that by raising interest rates, tightening money to the point where it was available only to the richest of the rich and the biggest of the big, that our

economy would soon right itself and everything would be fine, but in place of this glowing prediction, we hear statements made by the new Chairman of the Federal Reserve Board and the Council of Economic Advisers that we can now expect unemployment to increase, throwing hundreds of thousands of workers out of work and economic activity to be further curtailed.

To those of us who have lived through the previous Republican economic policies, we knew this was coming, but knowing that it was coming does not in any way lessen the burdens of those who will have to pay the prices in terms of unemployment or, as these most recent cost-of-living figures show, another cut out of their wages and salaries of 7 percent to pay for higher priced goods and services.

This Neanderthal economics—the gloom and doom Republican approach to economic problems—is unfortunately with us once again with vengeance. It is highly questionable and most unfortunate that it does not appear that economic sanity will take over before this Nation is plunged into a severe recession.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS UNTIL MIDNIGHT FRIDAY, FEBRUARY 20, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, February 20, to file certain reports.

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

There was no objection.

EQUAL JUSTICE

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

Mr. BEVILL. Mr. Speaker, through the concerted and determined efforts of many concerned Members of Congress, national attention has been focused on the glaring injustices being brought to bear on school districts throughout the South. I refer to the forced busing of children in many southern school districts. This busing edict from the Department of Health, Education, and Welfare is causing much confusion and disrupting the orderly educational process.

As a result of U.S. Supreme Court decisions and policies adopted by the Department of Health, Education, and Welfare, the South has become the victim of a double standard of justice.

The freedom of parents to choose the school their children will attend is enjoyed in every State except those in the South. And the busing of students to achieve racial balance is practically unknown outside the South.

The fact is that segregated school districts in the North have long been shielded by the claim that the difference in racial balance in their schools and those in the South is the result of de facto segregation, as opposed to de jure segregation.

Obviously, what is most needed at this time is a national policy to restore local control to every school district in the Nation. A freedom-of-choice plan.

But whatever policy is adopted by the administration, it must apply to every section of the United States. To do otherwise is to interrupt the orderly educational process of hundreds of school districts throughout the South bringing about more chaos and distrust and pushing us toward the brink of violence.

Members of this distinguished body will soon take up a revised HEW-Labor appropriation bill. This measure contains an amendment stipulating that no Federal funds could be used for the busing of pupils in order to secure racial balance.

I strongly support this amendment.

I urge my colleagues in the House of Representatives who believe in fair and equal treatment for every section of America to join with me in voting for this amendment.

Our primary objective is, and must always be, to provide the best possible education for every child in this country. This can best be done by making good schools available to every community and letting local elected educational leaders control these schools.

The neighborhood school is the foundation of the American system of education. In many areas of the South it is being torn apart by these HEW edicts and judicial rulings.

To insure equal justice for every section of our Nation; to protect the constitutional rights of every citizen, we must adopt a freedom of choice plan.

After this has been accomplished, we can channel our efforts toward the goal we are all seeking: that of providing unlimited educational opportunities for every child in America.

THE NONDISCRIMINATORY EDUCATION ACT

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

Mr. MIZELL. Mr. Speaker, the public schools in many areas of our country have been thrown into complete confusion and disarray by the failure of the U.S. Supreme Court to pass judgment on many subjects dealing with the problem of school integration. As a result of this indecision, the problems facing our schools have reached crisis proportions unmatched in the history of our educational system. The High Court has, to date, refused to review any cases that deal with the question of the legality of de facto segregation, nor has it clearly defined what it has meant by "normal geographic boundaries" as mentioned in past cases. Consequently, lower courts have rendered varied and inconsistent interpretations of what is meant by a "nondiscriminatory school system."

The preservation of our public school system is a concern that is shared by all of us. In this light, I am introducing a bill today, with 14 cosponsors, that I feel will eliminate the confusion that has resulted from various lower court decisions. My bill is designed to protect the rights of our children to attend their neighborhood schools, and define once and for all what a "nondiscriminatory school system" really is. By its adoption, I feel it will preserve our public school system.

Due to the vagueness of Supreme Court decisions, lower courts have approved a wide variety of methods of overcoming what has been termed as racial imbalance. They have drawn school zones forcing the closing of many of our elementary and secondary institutions, some of them only a few years old. Some of the courts have set percentages and quotas and forced the busing of children back and forth across towns and cities in order to meet these figures. Busing, however, is not eliminating discrimination, but instead causes double discrimination.

The decisions by the lower courts have further created some of the most outlandish and ridiculous situations ever encountered by our school systems. In the Los Angeles unitary system alone, recent decisions require the busing of more than 250,000 students at a first-year cost of close to $50 million. The cost of the program projected over an 8-year period is estimated at more than $180 million, and this is a conservative figure. You would have to agree that with our schools facing financial crises, those demands are really quite ridiculous. It is just as ridiculous to impose such demands in such cities as Winston-Salem and Charlotte, N.C., Mobile and Birmingham, Ala., and Dallas, Tex., where the courts are requiring busing at an astronomical cost.

If we are going to use percentages as a measuring stick for achieving racial balance, then let us be totally fair about it. Let us apply racial balance to Cleveland, Ohio; San Francisco, Calif.; Detroit, Mich.; Newark, N.J.; and New York City. In order to achieve the necessary percentages, we could install special student commuter trains and bus students from Harlem to Upstate New York and the students from Upstate into New York City. This is preposterous, I agree, but no more so than to require these same percentages in such cities as Greensboro and Durham, N.C.; Atlanta, Ga.; or Jackson, Miss.

Another court requirement facing many of our school districts is the "pairing" of schools, or the placing of all of the first grade in one building, and the second in another, and in the same way all the way through the grade structure. Once again, busing is required in order to meet the pairing demands. The financial burden imposed upon these school systems by the courts is overwhelming. Can you imagine what a similar plan would do to the Philadelphia system that is finishing this year with a $35 million deficit? Or maybe the District of Columbia? That would be a fine example. There is only one way to achieve racial balance in the Nation's Capital and that would be the exchange of students with areas of Maryland and Virginia. More than 16,000 schoolbuses loaded with children right in the middle

of rush hour traffic in both the morning and the afternoon. The cost would be overwhelming and just as ridiculous as imposing these decisions on Statesville and Raleigh, N.C.; Montgomery, Ala.; Minneapolis, Minn.; or St. Louis, Mo.

These irresponsible decisions by our lower courts are adding untold billions to the overall operating costs of our public schools. This additional financial burden is coming at a time when our schools are faced with a tremendous need for financial assistance.

Even the President himself has said he is opposed to busing. These decisions, you will agree, are beyond reason. You might say that this would never happen in St. Louis, Detroit, Baltimore, and Houston, but I never thought you would see a decision like this handed down in Los Angeles.

I would say to my colleagues, it is imperative that the Congress act, and act now, to eliminate the confusion that now exists and establish once and for all a policy that defines a "nondiscriminatory school system" so that our public schools might get on with the task for which they exist, and that is to provide opportunity for every child in the United States to have a chance for developing his or her mental capacity to the fullest. The laws of our land should be applied equally and fairly in all areas of the Nation, but these laws must be just, fair, and reasonable for all Americans.

Mr. Speaker, my bill is the most honest, fairest, and reasonable bill that has been proposed thus far, and I invite all of you who believe our public school system is worth preserving to join with me and my colleagues who are cosponsoring this bill that we might have the maximum effort from the Representatives of the people.

A draft of my bill follows:

By Mr. MIZELL (for himself, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CRANE, Mr. DERWINSKI, Mr. DICKINSON, Mr. DOWDY, Mr. EDWARDS of Alabama, Mr. JONES of North Carolina, Mr. ROBERTS, Mr. SCOTT, Mr. WILLIAMS, Mr. ZION, and Mr. FLOWERS):

H.R. 16083

A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes

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 "Nondiscriminatory Education Act".

TITLE I—GENERAL PROVISIONS

SECTION 1. The right of elementary and secondary education students to attend their neighborhood schools shall not be abridged by any Federal authority based upon the race, creed, color, religion, or national origin of the student.

SEC. 2. Each local "nondiscriminatory system" shall have the right to determine their own attendance zones without interference from Federal authority as long as they are reasonably drawn as to serve the needs of the community and no effort is made by drawing such attendance zones to force a student to attend a particular school because of his race, color, creed, religion, or national origin.

SEC. 3. Each local "nondiscriminatory system" shall have the right to determine the placement of any new school or school facility without interference from Federal authority so long as the new school or facility is placed so as to reasonably serve the needs of the community and no effort is made through its placement to discriminate against any student or group of students based upon race, creed, color, religion, or national origin.

SEC. 4. Each local "non-discriminatory system" shall have the right to determine the placement of faculty and administrative personnel without interference from Federal authority as long as such placement reasonably serves the needs of the school system and no effort is made through its placement to discriminate against any faculty or administrative member on the basis of race, creed, color, religion, or national origin.

TITLE II—DEFINITIONS

(1) The term "non-discriminatory system" whenever applied to any school system receiving public support means a school system wherein all schools comprising the system function as a part of an overall single administrative unit and in which there is no force or discrimination present, based on race, creed, color, religion, or national origin, in establishing the make-up of the student body, faculty or in the allocation of funds, books and facilities to the respective schools.

(2) The term "pairing" whenever applied to any school or school system receiving public support means any act required by any Federal authority or person or board acting pursuant to such authority to cause the merger of schools or the alteration of the grade structure for the purpose of altering the race or ethnic make-up of the student body.

TITLE III—ILLEGAL ACTS

SECTION 1. (a) The operation of any school system receiving public support other than a "non-discriminatory school system" shall be illegal.

(b) The forced closing of any school for the purpose of forcing any student or group of students into a different school for the purpose of altering the racial or ethnic make-up of the student body shall be illegal.

(c) The "pairing" of schools shall be illegal.

(d) Forcing a child to leave his neighborhood school to attend another more distant because of his race, color, creed, religion, or national origin shall be illegal.

TITLE IV—PENALTIES

SECTION 1. Any person who violates section 1 of title III of this Act shall be subject to be imprisoned for not more than one year, or fined not more than $1,000, or both.

Mr. BUCHANAN. Mr. Speaker, in a continuing effort to insure that the vital function of providing our Nation's young people with the best possible education remains the primary goal of educational systems and to prevent this goal from being jeopardized by applying disruptive methods of achieving racial balance in these educational systems, today I am joining my distinguished colleague from North Carolina (Mr. MIZELL) in introducing legislation toward this end.

This legislation, the Nondiscriminatory Education Act, is designed to preserve the rights of our schoolchildren to attend their neighborhood schools, while at the same time upholding the legal prohibition against operating these schools on a discriminatory basis. This latter aspect of the bill is, in my judgment, extremely significant and its importance to those sponsoring this legislation is indicated by the title of the bill itself—the Nondiscriminatory Education Act.

For the first time, this bill would end the extreme confusion plaguing school officials all across the Nation as to what constitutes a nondiscriminatory school system. As my colleague has pointed out, because the Supreme Court has failed to define what constitutes a nondiscriminatory school system, there are great discrepancies among the various requirements imposed by lower courts in order to end discrimination and achieve racial balance. There has been the imposition by some courts of requirements which, in my judgment, are unreasonable in the extreme and destructive of the rights of both children and their parents. Some school systems have been required to bus young children to schools at great distances from their homes. Many have had to incur sizable costs through such requirements as the forced closing of schools within their districts.

The legislation we are introducing today would provide a precise definition of what a nondiscriminatory school system is and a definition which, in my judgment, fully upholds the goals of nondiscrimination set by Congress and the Supreme Court. Title II of this bill states:

The term "non-discriminatory system" whenever applied to any school system receiving public support means a school system wherein all schools comprising the system function as a part of an overall single administrative unit and in which there is no force or discrimination present, based on race, creed, color, religion, or national origin, in establishing the make-up of the student body, faculty or in the allocation of funds, books and facilities to the respective schools.

Under this act, a school system which meets the above requirements shall have the rights to determine its own attendance zones, the placement of its faculty and administrative personnel, and the location of its school facilities without interference from Federal authority so long as these actions in themselves are carried out on a nondiscriminatory basis and in a manner designed to best serve the needs of the community. The forced closing of schools for the purpose of altering the racial of ethnic make-up of the student body; the pairing of schools; and forced attendance of children at schools beyond their neighborhood schools because of their race, color, creed, religion or national origin will be illegal actions under the terms of this act.

Mr. Speaker, I feel compelled to emphasize that integration per se is no longer an issue to those of us who are now trying to bring about more reasonable school desegregation policies and preserve the rights of American citizens. People everywhere, in the South as well as the rest of the country, recognize that dual school systems are a thing of the past and that only desegregated, nondiscriminatory school systems will be permitted to stand in the future. The issue now is whether we are going to allow the methods used to obtain desegregation or racial balance to disrupt the vital process of educating students and impinge upon the rights of the very people our educational systems are intended to serve.

In this regard, I was extremely gratified by the statement last week in which the President of the United States reiterated his judgment:

In carrying out the law and court decisions in respect to desegregation of schools, the

primary objective must always be the preservation of quality education for the schoolchildren of America.

In this same statement the President indicated his continued opposition to the use of compulsory busing of schoolchildren to achieve racial balance—a practice which is expressly prohibited by the Civil Rights Act of 1964. I fully support this administration's stand and believe that it represents a victory for Americans concerned about providing quality education for the Nation's children. This legislation would clearly serve this end, and I urge its support by my colleagues.

Mr. Speaker, there does not have to be a conflict between the attainment of nondiscriminatory schools and the preservation of both quality education and the rights of American citizens.

THE TWO OLD CROWS ARE BACK

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

Mr. MELCHER. Mr. Speaker, like old crows that come back to the same roost in some high tree every night, not out of sight but temporarily out of reach, a pair of proposals repeatedly rejected by Congress have shown up on Capitol Hill again.

Roosting in the President's budget, out of reach for several months are a couple of the same poor old proposals that have been sent up here by the Budget Bureau every January for a decade or more.

One of them would deny 17 million schoolchildren—more if it was adequately funded—a refreshing glass of milk each day, needed in many instances to round out their daily nutrition. In every case it is a stimulant to better school work and the ability to absorb more of their schooling.

Another would terminate a key part of our program to end the pollution of the water of our streams and, unlike other civilizations which have destroyed their lands, basic resources, and then their societies themselves, to maintain the fertility of our soils to pass along in good condition to the generations of Americans who will follow us.

I refer, of course, to the budget proposals to end the school milk program and the agricultural conservation practices program.

These two decrepit old crows have been sent to roost up here year after year, regardless of the party occupying the White House. The Budget Bureau, which never changes and suffers from an acute case of fourth dimensional myopia—they can never see into the time dimension beyond the next June 30 and are unable to comprehend the effect the proposals will have on both our human and our natural resources in the years beyond their annual budget year.

It will be several months before the two old birds can be routed out of the agricultural budget proposals again and their threat to the seed funds, intended to assure a healthier and better educated crop of young people, and an improved soil and water resources base for our sustenance in future years, can at least be shooed out of the branches of the bill.

The school milk program was established in 1954 to help meet the nutritional needs of millions of schoolchildren during their hours in school. While it has benefited several million malnourished and deprived children the most, it has also benefited every child who has participated by providing nutritional elements even some of the well-to-do needed just as badly as the poor, and by giving them all a healthful pick-me-up during the school day, and an increased alertness to the subject matter at hand.

We are in the midst of a renewed effort to eliminate hunger and malnutrition. To eliminate a program which has proved highly successful in their field would, in my judgment, be a step backward—not forward against malnutrition as we wish to go. There may be some who think all food funds should be restricted to the economically poor. By the same logic, schools should, too. But our educational opportunities have always been extended universally to young people, and healthful nutritional aid to their learning should be extended to all of them just as the schooling itself is provided.

For the current year, $104 million was appropriated for this program, and the House has demonstrated its continuing support of it by passing H.R. 5554 to make it permanent. The vote was 384 to 2.

Under the program, milk is provided to children in, first, nonprofit schools of high school grade and under; and second, nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

Congress needs to complete action on this measure to make the program permanent, to provide an appropriation of at least $125 million annually for it. By thus blasting the old bird with both barrels of the legislative gun, perhaps we will get rid of the old crow permanently. I have no doubt the Budget Bureau first aid crew will try to revive it again, but as a veterinarian I suggest to them that the most humane course for them to pursue would be to let that poor old crow expire and get out of its misery.

The second old crow, the proposal to end the conservation practices program, should have been humanely asphyxiated before it was sent back to the Hill by an administration vowing all-out devotion to the antipollution cause.

The agricultural conservation practices program—an appropriation of about one-thousandth of the $200 billion budget, is the cheapest sort of insurance against repeating what a good many races of men have done in the past—destroy their land base, drain it of its fertility, and thereby drain their nations of their most essential resources and their ability to survive.

This comparatively small amount of conservation seed money has been matched many times over by our agricultural producers—temporary custodians of our basic land resources—in establishing conservation practices which have halted the erosion of soil and pollutants into our streams, saved the soil and its fertility, and reduced the pollution problem which it has become so popular—belatedly—to attack.

The Federal Government is doing considerably more than providing agricultural conservation payments—which do not amount to a great deal when spread across the land—to stimulate soil conservation practices. The great Soil Conservation Service is providing technical assistance to farmers to establish both temporary and permanent practices on their land. The small watersheds programs are helping. All in all, we may be investing two one-thousandths, or even three one-thousandths of our total Federal budget to the effort to avoid what brought the downfall of many of the nations of mankind in the past—a tiny fraction of the amount of matching funds that are to be paid out to attack urban blight, and even a smaller fraction of what we are going to have to appropriate to halt the erosion of human health and housing and social conditions in the years ahead.

The agricultural conservation programs are the biggest bargain which have been left out of the Budget Bureau's version of Eisenhower, Kennedy, Johnson, and now the Nixon budgets over recent years.

It is to the everlasting credit of Congress that it has restored these funds, as it has restored the school milk funds to strengthen oncoming human resources.

I earnestly hope that the Agricultural Appropriations Subcommittee will not weary of its annual task of scaring these two old crows out of the roost; that they will shoot both barrels at them this year and increase funding appreciably. We can sacrifice the supersonic transport for a year or two—and the sonic boom it will make to disturb everyone in the countryside—for a year or two if necessary to save our soil.

I want to assure the committee that this late arrival in the Congress of the United States is prepared to help—although the Agricultural Appropriations Subcommittee has not shown need for such help for the past several years—in pulling the triggers to shoot them down again.

I am fresh from the country. I have seen school milk and the agricultural conservation practices in operation. I can vouch for their value and their need.

INVESTIGATION OF CAMPUS DESTRUCTION

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

Mr. SCHADEBERG. Mr. Speaker, I would like to return Members of this House with me to the evening of February 7, a Saturday night, on a campus in my home district in Wisconsin.

That campus, located at Whitewater State University in the city of Whitewater, was in the midst of its annual winter weekend festivities, a proud tradition of this campus for many decades and equally a proud memory for many a graduate of that fine institution.

Central to the theme of fun and tradition on the campus was the gracious

landmark known as "Old Main," a distinguished hall of learning. "Old Main" was the main administration building of the university although it housed various other activities on the campus.

That Saturday night marked the final winter weekend for Old Main. About 10 p.m. that night, someone set fire to accumulated paint and other flammable materials. Flame shot into the cold night, and in the early morning sun, Old Main was a gutted and worthless building—a ghostly victim of the evil intent to upset the university for what reason only the guilty person—or persons—know.

Many of Whitewater's loyal students and faculty braved the icy winds and the flames on that night, to carry from the burning building some of the important historical records and documents stored there, but their efforts were futile. Loss of this building and its contents is estimated in the neighborhood of $4 million.

Damaged beyond use are the north and west wings of Old Main, a complex of offices, classrooms and shops, the College of Business and Economics, offices of the dean of men and dean of women, the music, art and mathematics departments, the campus radio station, placement services, basement dramatic workshop in which to fulfill its educational commitments to every student, regardless of his racial or ethnic origin; his social or economic status or his religious convictions. Whitewater has kept faith with its alumni and supporters. It has continuously expanded its facilities and improved its academic prestige in keeping with its responsibilities.

When "demands" were made upon the administration of this school by those who claimed to speak for the minority group, the administration of the school took the initiative to listen and gave serious consideration to the demands. It agreed to act in the affirmative in the instances in which it considered the demands reasonable and fair and it rejected with credible explanation those demands which were not in the capability of the structure of the institution either to fulfill or administer.

Today Whitewater University is under armed guard. The president tells me he is deeply concerned that more trouble will follow and the fires of hatreds resulting from the destruction of "Old Main" are not as easily extinguished as are the remaining glowing and dying embers in those charred ruins. Those hatreds will have fanned into open flame in the days and weeks to come unless something is done now to bring the truth of what really did happen to light where everyone can see it.

If this be arson and if someone has deliberately violated the law—as the fire marshal's report indicates—it is imperative that the guilty party be apprehended and given a fair trial so that justice to all be done. The path taken by the suspected arsonist as he or they fled from the cold February 7 grows less distinguishable with each new sunset.

The district attorney who has jurisdiction in the area in which the dastardly deed has taken place has told me to his knowledge that as of this date no action has taken place to produce the identity of the suspected arsonist, because witnesses are reluctant to speak of the matter, including the ones who allegedly reported 10 minutes before the fire started that "Old Main" was being put to the torch. Students today sadly shake their heads as they pass by the now blackened ruins of what was once a historic structure. White students blame the black students, black students blame the white students, the truth remains as apparent as a vacant stare. This situation must not be allowed to persist. Vigilant justice must grow from embryo to full-fledged fact. A concentrated effort must be made to reveal the truth about what took place at Whitewater on February 7. There must be a complete and full investigation by the Federal Government to piece together the puzzle of that Saturday night. The people of Wisconsin must pay the bills and have a right to know the truth and they have a right to expect that the culprit whoever he or they may be, will be brought before the bar of justice. It is imperative that it be determined what took place on the Whitewater campus is a parochial or unrelated incident—a mistake perhaps—a carnival, or if it is a part of a larger mission of organized or unorganized groups to destroy the so-called establishment by destruction on the campuses and destroying that which the people have a right to expect the government to preserve.

I, as a citizen of Wisconsin, as one who has great pride in our academic institutions and profound respect for the large majority of students who are sacrificing much in time and effort to secure an education through which they can make for themselves a decent living and decent life. I, as a citizen have been aware of the true intent of the so-called revolutionaries who spit upon the law and degrade what is sacred to those who have and are building this great country cannot allow Old Main to be leveled on the campus and a new structure erected to take her place without an answer to some of the questions being asked by the students and members of Whitewater and citizens of the community alike. Suspicions will grow, unsubstantiated charges will be made, hatred will be fanned, rumors will expand all out of proportion to the facts and utter chaos and disruption of the academic climate will result unless the facts are sifted and the truth as it is, is fully revealed.

Today, I have requested assistance from the Justice Department in finding the answers to some of these questions, I have asked that LEAA, Justice Department fledging law enforcement assistance administration make a thorough investigation in cooperation with the appropriate local and state agencies to apprehend the guilty party or parties to the end that the events of Saturday night, February 7, 1970 do not result in a defeat to those Americans who believe that the triumph of justice and for those students who today and in the years to follow have a right to expect to be able to study in an academic institution consistent with their dedication to adequate preparation to become useful and constructive citizens.

HOUSING STARTS PLUMMET DURING NIXON ADMINISTRATION

(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, on Tuesday the Bureau of Labor Statistics reported that housing starts for January stood at 1,166,000. This figure represents a 6.5 percent decline from December. Even more ominous is the outlook for the future. New building permits in January declined 23 percent from the previous month. This drop was the largest drop on record. The 950,000 permits issued in January compared with 1,400,000 issued in January 1969. Housing analysts agree that this sharp decline in permits foretells a further worsening of housing construction in the months ahead.

Since President Nixon took office in January of 1969, housing starts have plummeted by some 40 percent. After only 1 year in power, the Republican Party has succeeded in rolling back the level of housing construction to that of 1946, a time when our population was approximately 140 million. Today it is well in excess of 200 million and our housing needs proportionately larger. The economic polices being pursued by the Republican administration are foisting on this Nation a housing shortage the like of which we have not seen since the crisis experienced in the immediate post-World War II period.

The administration, in denying vitally needed housing to the American people and strangling the national homebuilding industry, has acted in direct defiance of the national housing mandate proclaimed by Congress. As long ago as 1949 a Democratic Congress established as our national housing objective "the goal of a decent home and a suitable living environment for every American family." In the Housing and Urban Development Act of 1968 we reaffirmed this policy and called for the construction or rehabilitation of 26 million housing units within the next decade. The administration's obvious indifference to the congressional directives of 1949 and 1968 clearly belie their professed desire to solve the gargantuan problems facing our cities or improve the quality of our environment.

The housing debacle we are now experiencing is the President's responsibility and solely the President's responsibility. It has been of his making. It is the product of his misbegotten and misguided anti-inflation program, a program which has utterly failed to dampen the fires of inflation. It is a program which, however, has seriously weakened our economy to the point where we are now heading into a serious recession. The homebuilding industry has been a prime victim of this so-called anti-inflation program.

Mr. Speaker, this Congress, by way of contrast, has acted imaginatively and with dispatch to bring relief to the beleaguered housing industry. Last year's housing legislation, approved by the House 339 to 9, contained a provision which makes available $2 billion to the Government National Mortgage Association to purchase FHA and VA mort-

gages on low-cost housing. The President could within the hour release this money which would produce over a hundred thousand units of new housing for low- and moderate-income families, those families most acutely in need of shelter. Yet the President refuses to use these funds. He likewise disdains the use of the authority we granted him in Public Law 91–151 to institute selective credit controls when necessary to curb inflation. The President's negative attitude stands in sharp contrast to the near unanimous 358 to 4 vote of the House in approving this measure. Experts are in agreement that the establishment of selective credit controls is an absolute necessity if the home construction industry is to receive its fair share of available credit and if housing is to be restored to its proper position as one of our foremost national priorities.

Mr. Speaker, the record speaks for itself; the Republican administration's housing record has been a national disaster. It has ignored a national housing mandate of over 20 years standing. It has pursued an economic policy which has left the housing industry prostrate, and the President has obstinately rejected the tools which this Congress has given him to rescue housing from the ever deepening abyss into which that policy has plunged the homebuilding industry.

Mr. Speaker, on several occasions last year I took the floor to warn this body what the Republican high-interest, tight-money policy was doing to housing. I also pointed out that the tight-money policies of the 1950's had badly crippled the housing industry during that period. This in turn had triggered our greatest post-World War II recession, that of 1957–58. President Nixon's administration has followed traditional Republican economic policies. This prescription calls for tight credit and resulting vast profits for the large banks. Add to this strangulation of the homebuilding industry and starvation for the public sector of the economy, for example, schools and community facilities. This long since discredited elixir is then guaranteed to halt any growth in the gross national product, reduce industrial production, undermine consumer and business confidence and increase unemployment.

The employment of this old-time Republican formula by the President is well on the road toward attaining the same economic result it achieved for his political forebearers in 1929 and 1957. I will leave to experts in semantics the debate as to whether the proper terminology for our current condition be depression, recession, or adjustment, rolling or otherwise. For me the evidence is clear. President Nixon's economic policies of the past 12 months have killed the high level of prosperity this country enjoyed during the 8 previous years of Democratic administration.

Mr. Speaker, this Republican administration has achieved a truly remarkable feat: acute economic stagnation in consort with recordbreaking inflation.

CONGRESSIONAL RECORD COST

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

Mr. EDWARDS of Alabama. Mr. Speaker, from time to time Members of this body bring to the attention of their colleagues some of the facts of life. Today, I would like to point out one very impressive fact that points to a bit of reckless irresponsibility on the part of this Congress. The fact is the CONGRESSIONAL RECORD cost $5,024,418 last year to print its some 42,000 pages.

Now, Mr. Speaker, that is quite an astounding fact when you consider little was done in this body last year. To extend the matter further the average cost per page amounts to $116. Let me repeat that, $116.

Since it is not my custom to criticize without offering a solution I make the following suggestion and especially direct it to the Clerk of the House: I would venture to say that all Members order extra copies of the daily RECORD to clip items of special interest to their constituents or for other purposes. My staff has discovered that these extra copies with only one or two pages missing are then completely discarded.

There is absolutely no reason why these RECORDS cannot be returned to the document room with the missing pages marked on the cover for further use by others.

Or as an alternative suggestion, you will notice by examining the RECORD in front of you that each copy is a series of small sections stapled together. Now, if these sections were left loose, Members could request those sections containing the particular page to be clipped.

These two suggestions may not be the answer. In fact this may appear to be nit-picking. Yet, I hope by rising here today to discuss the problem, a workable solution will be found. I invite my colleagues to give the matter some thought.

I hope this situation will not be passed over lightly. Fiscal responsibility—a topic we frequently discuss with respect to the executive branch—begins at home, so to speak. Let us lead the way in finding cost-cutting techniques in our own affairs.

Now before someone rises and reminds me that I have spent approximately $40 of the taxpayers' money already I will conclude my statement, hoping that this investment of our time and the taxpayers' money was a good one.

BILL TO PROVIDE FOR THE TRANSFER TO THE FEDERAL POWER COMMISSION ALL OF THE FUNCTIONS AND ADMINISTRATIVE AUTHORITY NOW VESTED IN THE SECURITIES AND EXCHANGE COMMISSION UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

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

Mr. STAGGERS. Mr. Speaker, on January 22, 1970, I introduced, at the request of the Securities and Exchange Commission, H.R. 15516 to provide for the transfer to the Federal Power Commission all of the functions and administrative authority now vested in the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

I hereby place in the RECORD the text of the letter from the Securities and Exchange Commission transmitting the proposed bill. This letter sets forth in some detail the reasons behind the Commission's proposal.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C. December 2, 1969.

The PRESIDENT OF THE SENATE,
The SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR: In the absence of Chairman Budge, I have the honor to transmit to the Congress a draft of a proposed bill to transfer to the Federal Power Commission those regulatory functions over public utility holding companies which are now exercised by the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq.].

While the proposed legislation would transfer the special regulatory functions of this Commission under the Public Utility Holding Company Act, it would retain in the Commission, with respect to such public utility holding companies, the type of responsibility which it now exercises with respect to publicly owned corporations generally, e.g., proxy solicitations, insider trading restrictions, and reports to investors. In order to accomplish this purpose, it is necessary to amend the Public Utility Holding Company Act in various ways, due to the existence of special provisions therein on these subjects which duplicate provisions of the Securities Exchange Act of 1934 as amended in 1964 [15 U.S.C. 78a et seq.]. These proposed amendments are described in the Explanatory Statement of the Draft Bill which is attached.

In connection with this proposed legislation, attention is called to the existence of certain provisions in the Internal Revenue Code relating to the tax impact on changes in corporate structures required by this Commission pursuant to the Public Utility Holding Company Act. If the proposed bill is enacted, technical modifications of those provisions of the Internal Revenue Code will be required. However, such modifications have not been included in the proposed bill, since the Commission does not believe it to be appropriate for it to undertake the drafting of amendments to the Internal Revenue Code. Nevertheless, this matter will have to be taken into account in the consideration of the proposed legislation.

There are two primary reasons for the proposed transfer of functions. First, the principal mission entrusted to the Commission by the Congress through enactment of the Public Utility Holding Company Act was largely accomplished during the first twenty years of the Act's history. This was to eliminate or reorganize the complex, unwieldy and unsound utility holding companies' structures which had been built up during the 1920's and which Congress determined to be contrary to the public interest. The Committee on Independent Regulatory Commissions of the first (1949) Hoover Commission suggested that the Commission's functions under the Act should probably be transferred to the Federal Power Commission once the Securities and Exchange Commission had accomplished the primary mission of the Act. This primary mission was substantially accomplished by the middle 1950's. Thereafter, the Commission's functions under the Act were, for a considerable period, largely with securities issuances and minor acquisitions by those companies which continued as registered holding companies. During that period, the attention of the Commission and of its staff was therefore largely focused on other areas of the Commission's responsibilities, in view

of the tremendous growth of the securities markets in general and of the investment company industry in particular during the postwar period.

Second, as the Commission has pointed out in testimony before the appropriations committees of Congress, there has recently been a considerable revival of activity and interest in the public-utility holding company area, and this appears likely to increase. The nature and motivation of this development is, however, quite different from that which existed in the 1920's. Then, holding-company empires were built up primarily as promotional ventures accomplished by the manipulation of corporate structures for the profit of those who engaged in these activities. The current interest is more a response to technological developments in the utility industry, such as the increasing importance of atomic energy in the generation of electricity, and the economies available through the use of very large electric generating plants which have become feasible, particularly when accompanied by transmission facilities capable of transmitting large amounts of power over long distances. The holding-company device is viewed by some as one means of facilitating the best use of these technological advances.

The regulatory problems and opportunities which are presented by these developments are therefore quite different from those which existed in the 1930's. While these problems include corporate structure and financial aspects, they are more a matter of industry, technology. This Commission in recent years has had a rather limited exposure to these types of problems, while the Federal Power Commission has, of course, been deeply involved in such matters for many years and has been concerning itself recently with the impact of the new technology. For example, Section 30 of the Public Utility Holding Company Act calls essentially for economic studies of developments in the public-utility field and the making of recommendations as to the type and size of geographically and economically integrated public-utility systems which can best serve the public interest. The Commission has never been in a position to mount such a study, since during the early years of the Act, it had more important tasks and thereafter it did not have the available resources. The Federal Power Commission, on the other hand, has for some time been making studies relating to interconnections and coordination of electric facilities and national power requirements.

Consequently, it appears that this would be an appropriate time to centralize in one agency Federal responsibilities for public-utility regulation, and that the Federal Power Commission is the appropriate agency for this purpose. Such centralization should produce greater efficiency, economy and coordination of regulatory policy. As pointed out above, the special conditions which led Congress to vest administration of the Public Utility Holding Company Act in this Commission rather than in the Federal Power Commission, i.e., the fact that the problems in the public-utility holding company area were largely corporate and financial rather than economic and technical, have been very substantially modified by the events of the past thirty years.

It is recognized that the transfer of the Holding Company Act to the Federal Power Commission will give that Commission a greater degree of responsibility in the area of corporate finance and perhaps also investor protection than it has heretofore had. This Commission is confident, however, that the Federal Power Commission has or can develop the capacity to assume those responsibilities, particularly if its efforts are adequately funded, and that the transfer should, as mentioned above, promote efficiency and economy in the Federal Government.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

By direction of the Commission.

HUGH F. OWENS,
Commissioner.

INFLATION CONTROL AND PEACE A JOINT VENTURE

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

Mr. MELCHER. Mr. Speaker, last week I made some brief comments on the floor about the need for the Government to quit competing for dollars needed to finance homebuilders, contractors, farmers, ranchers, and small businessmen.

Government payment of 8 to 8½ percent interest for money, while prohibiting banks from offering more than 5 to 5¾ percent on deposits, has resulted in a growing shortage of capital across the countryside for essential industries like food production, homebuilding, and necessary construction.

There are hopeful signs that the Federal Reserve System is getting into the Government securities market to pull down interest and make some capital available, to head off a recession which is beginning to appear. There is also some grumbling that it may renew inflationary trends.

The most powerful method of controlling inflation in the administration's hands rests on the President's policy of ending the war in Vietnam.

As one of the majority of the House who last November backed the President and encouraged him to quickly implement a withdrawal policy, I now urgently and earnestly call on the President to speed up that withdrawal and Vietnamization program.

Reduction of Federal expenditures and releasing production capacity to provide more consumer goods and services, will do more to hold down prices and inflation than the current tight-money, high-interest policies which are themselves inflationary.

If we can reduce the budget by a substantial part of the more than $20 billion now devoted to fighting in South Vietnam, paying some Government obligations to the public to make more capital available and thereby providing needed goods and services to the public, including essential Government aids like the food programs, education, health care, and similar programs, we can take the edge off of inflation with beneficial rather than depressing results in the public sector.

The primary constitutional responsibility for initiating appropriations rests in the House, just as foreign policy rests with the President. The House last year funded the President's Vietnam policy, while reducing unnecessary defense spending.

There is overwhelming backing in the Congress and the country now for the President's Vietnam withdrawal policy and maintenance of that support depends, in my opinion, on a more rapid withdrawal—a more visible reduction in our participation in the unfortunate Asian conflict.

The urgency to end the conflict, to end the killing, is paramount. There is also the urgency of ending inflation. The immediate savings of billions is possible if the President speeds up the peace program, so that solution of our most pressing domestic programs is tied up with pursuing the speediest feasible timetables for getting out of Vietnam.

Reduction in the expenses of the war will permit devotion of more of our productive capacity to the unmet needs of peace and an end to the supposed necessity for slowing down the civilian economy with tight money and high-interest rates that are proving ruinous.

It will permit a truly balanced budget without denying essential public services.

POSTAL WORKERS STRIKE LOOMS ON THE NEW YORK HORIZON

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

Mr. BIAGGI. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress a most serious situation in New York City which, if not corrected, could set a disastrous pattern for the rest of the Nation.

Specifically, I am referring to disturbing reports in our national newspapers that frustrated postal employees in New York may strike if the Congress does not act on the postal pay legislation that has been languishing in the Congress after being passed by both the House and Senate last December.

Let me quote for you an article in the New York Daily News of February 14:

> Twenty thousand postal workers were surveyed here yesterday as to their feelings on a possible strike against the Government to protest moves that would deny promised pay raises.
>
> The surveys were ordered by officials of the AFL–CIO National Association of Letter Carriers following four meetings at which angry postmen approved resolutions that would "mandate" the union to call a national strike if the raises were deferred.
>
> Gustave J. Johnson, president of the Metropolitan Postal Council, said the survey was to determine whether this would be a "local strike or across the Nation or not at all."
>
> Stating that the men felt their "backs were against the wall" and that "their pay scales were far behind the private sectors," Johnson said the results of the Manhattan-Bronx-Brooklyn survey would be announced on March 12.

Mr. Speaker, Gustave J. Johnson, president of the Metropolitan Postal Council has personally assured me that he is doing all in his power to avert this threatened strike. However, he also told me that tempers are hot and the feeling that prevails is one of uncertainty and anxiety. He does not know if he will be able to hold the unions in check on the mere promise of congressional action.

The hopes and desire of 20,000 postal workers in New York City have been frustrated because the House and Senate conferees have failed to meet and work out a compromise on H.R. 1300, the postal pay raise bill.

In the interim the administration has suggested a new postal pay bill and tied it to the passage of a postal reform bill that was satisfactory to the President.

In his 1971 budget message, President Nixon proposes a 5.4-percent postal pay raise retroactive to January 1, 1970, contingent upon the passage of postal reform legislation. In this same message he also proposes postponing until January 1, 1971, the promised comparability Federal pay increase due July 1 to all Federal employees.

The unions in New York feel that these controversial issues, coupled with congressional foot shuffling, may result in no pay raise at all. Mr. Speaker, must this country be subjected to the same fate suffered in Rome, Italy, where the postal workers actually struck before well-deserved benefits were obtained? This may, indeed, be the case if the administration insists on tying bread and butter issues to unrelated organizational matters—food for the tables of our postal workers should not be a condition of administrative reform. In this period of violently spiralling costs, the postal workers of America must not be caught in a financial squeeze between congressional inaction, on the one hand, and inflation on the other.

I would hate to see the record show in future days, Mr. Speaker, that congressional inattention to this serious problem in New York City had resulted in a chain-reaction of strikes against the Federal Government by Federal employees. It would be a most dangerous precedent that must and can be averted.

On February 25 the President of the New York Metropolitan Postal Council will be here on Capitol Hill to plead his case before members of the New York City delegation and interested House Post Office and Civil Service Committee members. It is my hope that, at that time, Mr. Johnson will receive the type of response from Members of Congress that will give him the selling power he needs to go back to New York and convince the unions he represents to have confidence in the legislative process and that Congress thinks in terms of fairness and equality for the postal employees of our country.

THE UNITED STATES HAD ROLE IN MISSISSIPPI ARRESTS

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

Mr. BINGHAM. Mr. Speaker, I am deeply disturbed by the report in this morning's Washington Post that a group of almost 900 students were arrested 9 days ago and taken in buses to the State penitentiary at Parchman, Miss., and held there for 24 hours before being released on bond.

It is extraordinary, first of all, that such a mass arrest could have taken place without the news media reporting it for 9 days. I assume that if the media had been aware of what had happened, the report would have made national news.

Perhaps even more disturbing is the fact that the recently created Law Enforcement Assistance Administration of the Justice Department was actively involved.

According to the Washington Post, the students were arrested because of their participation in a student boycott at Mississippi Valley State College, and the move was at least temporarily successful in "breaking the back" of the boycott.

I hope that the distinguished chairman of the Judiciary Committee will promptly investigate this matter. It may be that the Congress, in creating the LEAA, as the agency to channel Federal assistance to States and localities for the purpose of improved crime control, has in fact created a kind of Federal police force that can be used for the most regressive and oppressive purposes.

In addition to urging Chairman CELLER to investigate this matter, I am also requesting a report from the Attorney General.

The article in question from today's Washington Post follows:

THE UNITED STATES HAD ROLE IN ARREST OF 894 MISSISSIPPI STUDENTS

(By Philip D. Carter)

Nine days ago near the Delta cotton town of Itta Bena, a tough, hand-picked posse of Mississippi lawmen arrested 894 black student demonstrators and herded them into buses bound for the state penitentiary at Parchman.

It was the largest mass arrest of college students in the nation's history.

It was the first ever planned with the advice and assistance of the U.S. Justice Department in Washington.

And all the arresting officers were black.

More than precedent was shattered. The mass arrest—coordinated by the state of Mississippi's federally funded Law Enforcement Assistance Division—at least temporarily broke the back of a successful student boycott at Mississippi Valley State College.

For the Justice Department's fledgling Law Enforcement Assistance Administration (LEAA), the arrests marked the quiet beginning of one of the Nixon administration's potentially most volatile policies—federal "technical assistance" in local suppression of "campus disorders."

"We're real proud of it, the way they (Mississippi police) handled it," declared George Murphy, director of LEAA's Atlanta regional office. "There wasn't any bloodshed."

For students, it was a different story.

Charged with blocking a public road on campus and disobeying police who ordered them to disperse, all 894 demonstrators—one-third of the student body of 2,500—were suspended from school.

After 24 hours imprisonment, they were released from Parchman on bond and permitted to return to their campus, collect their personal belongings and go home to ponder the future.

Valley State's beleaguered Negro president, J. H. White, whose policies were the target of the student boycott, has announced that the state-supported school will follow a policy of "selective admissions" when students begin to register today for the second term.

Students anticipate that none of the college's elected Student Government Association leaders, all of whom helped direct the boycott, will be readmitted. And White has summarily fired two faculty members who advised the demonstrators.

STRANGE ALLIANCE

For the time being at least, the events in Itta Bena stand as a victory for one of the strangest alliances ever assembled in the name of law and order: President White, Mississippi's segregationist Gov. John Bell Williams, his all-white State Highway Safety Patrol, 58 black policemen from various cities in the State and the Department of Justice.

Until now, the Justice Department's role has gone largely unnoticed.

Federal involvement in the campus arrests grew from the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA as a Justice Department agency for federal economic and technical assistance to local and state law enforcement agencies.

Under terms of the act, the State of Mississippi (like other States) created a State Commission on Law Enforcement Assistance and its operating agency, known as the Division of Law Enforecement Assistance.

Although Mississippi's population is at least 40 per cent black, the commission's members are all white, most of them high-ranking representatives of State and local law enforcement agencies.

RECEIVED FEDERAL GRANT

For fiscal year 1969, the Mississippi commission applied for and received a federal "action grant" of $288,405. The Justice Department did not challenge the racial composition of the Mississippi group.

The group's plans provided for "staff assistance" by the new State law enforcement assistance division to State and local police agencies in "developing plans and procedures for coping with civil disorders (riot control and natural disasters) and organized crime."

That program won federal approval. Thus when campus protest began to swell at Valley State College early this month, federally sponsored machinery had already been established for containing what the State's white political establishment perceived as a potential black insurrection.

But as campus revolts go, Valley State's was mild. At stake was a list of 30 demands sponsored and prepared by the college's Student Government Association and presented to president White.

The students demanded academic scholarships. President White agreed to immediate approval of ten. The only scholarships previously awarded were for athletes and members of Valley State's crack marching band.

BOYCOTT URGED

The students also demanded student government control of the college's student activity fund, a coin-operated laundry for students and clarification of "fictitious laboratory fees." White denied those demands, but approved such others as relaxation of the campus dress code. He also granted the students the right to name new college buildings.

The student government called for a student boycott. Within a few days, it was more than 95 per cent effective, with the backing of the state's all-white Board of Trustees of Institutions of Higher Learning—asked for outside police assistance.

Two of his black campus security officers, he said, had been injured by students, and students had been threatened by boycott leaders. He filed no formal charges, however.

In the state capital of Jackson, officers of White's all-white board met with the state commissioner of public safety and Kenneth Fairly, executive director of the state law enforcement assistance division.

Then Fairly called LEAA officials in Washington and Atlanta. Washington's Paul Estaver and Atlanta's George Murphy agreed that the best solution was to handle the Valley State protest with black policemen.

Fairly scoured the state and found 58. Ray Pope, a white former police chief from Waycross, Ga., who is now an LEAA regional official in Atlanta, flew to Mississippi to offer technical assistance. Satisfied that the operation was proceeding smoothly, he returned to Atlanta.

On Feb. 8, Lt. Willie Carson, a Negro from the Greenville, Miss., police department, led 57 other black policemen onto the campus. There, they joined black campus security officers and several specially deputized, gun-carrying janitors and cafeteria workers.

The arrests began the following day.

GOVERNOR PLEASED

While the arrests proceeded, white highway troopers and Leflore County sheriff's deputies blocked newsmen's entry to the campus. But on campus, all went smoothly.

As Fairly later reported, there was no violence and there were no injuries or pictures of "a white cop with his nightstick mashing the head of a black student." Gov. Williams, said Fairly, was pleased.

"What we liked was the evidence of black professionalism, black command leadership," Fairly said yesterday.

Justice Department cooperation was "excellent," he said. "We were in constant contact." Department officials have "looked at this situation and think it has some application for use elsewhere," he added.

"All of us in this business are looking for new ways to handle old problems."

LITHUANIAN INDEPENDENCE DAY—52 YEARS OF RESISTANCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, today we observe the 52d anniversary of the declaration of independence of the Lithuanian people. On November 15, 1917, the Soviet Government under Lenin declared that all the nations of Russia had the right of self-determination, including independence and the formation of sovereign governments. On February 16, 1918, the Lithuanian Council, speaking for all of the people of Lithuania, declared the nation an independent, democratically ordered state. But Lithuania is still not free.

The roots of the Lithuanian independent spirit reach deep into the history of this Baltic nation. During the second half of the 14th century, vast empires were being built by powerful lords who conquered great expanses of land and established dynasties. By the mid-15th century, the Lithuanian empire extended over 300,000 square miles, stretching south from the Baltic Sea to the Black Sea and east almost to Moscow, an area larger than any country in modern Europe. The ruling classes managed to control this vast territory because of their unquestionable political talent and their spirit of religious tolerance. Lithuania at that time was a proud and powerful multinational state, and the Baltic peoples who inhabited the land were intensely nationalistic, proud of their religion, language, and customs.

The struggle of these proud peoples to maintain their freedom began in the 16th century when the Russian rulers in Moscow proclaimed themselves czars of all the Russias and began to sweep across the surrounding nations. Russian invasions of Lithuania began in the 17th century and continued for over 100 years, culminating finally in the fall of Vilnius, the capital, during the second invasion in 1721. Her gallant citizens had fought vehemently, but finally, the Russian empire proved the stronger. Thus, the inherent right of mankind to liberty and with it man's sense of human dignity were shut in darkness. For the 120 years of the czarist occupation, endless attempts were made to break down the nationalistic spirit of the Lithuanian people in favor of a stronger feeling of oneness with the Russian empire. During these dark times, Lithuanian schools were closed; the land was seized and put in the hands of Russian landlords; Lithuanian language and literature were outlawed; the press became Russian dominated, its principal purpose to spread Russian nationalist propaganda throughout the land; the people's religion was persecuted, and even the name of this once proud state was abolished, the Russians referring to their newest colony as the "territory of the northwest."

In 1917, Woodrow Wilson's words expressing the right of all peoples to self-determination gave voice to the hopes of the Lithuanians, and the demand for independence, for liberty, flared anew. Throughout the horrors of the German occupation and World War I, Lithuanian statesmen strove for independence, leading delegation after delegation first to Berlin, later to Moscow demanding the right of self-government. On February 16, 1918, at Vilnius, the people of Lithuania declared themselves free.

It was necessary at once for the fledgling government to prove its mettle, for Bolshevik and German eyes were upon Lithuanian soil as fat enrichment of their empires. However, the people had savored the sweet joy of liberty and intended to make it last. In 1921, the country took a proud place as member of the League of Nations in status equal to every other European country, and by 1922, she had been recognized as a sovereign state by all of the major powers of the world. Lithuania was to enjoy 22 years of growth, prosperity, and freedom.

During this consummate period in Lithuanian history, the citizens proved what an energetic and dedicated people they are, for they put themselves to work building the government structure and attacking the problems which must be surmounted to make a sovereign state a great nation. Much had to be done to erase the Russian foundations set up during the 120 years' colonization. Lithuanian spirit ardently burst forth across the land, patriotically, eager to rebuild the Lithuanian homeland. Various social reforms were initiated, new elementary and secondary schools were established as well as vocational schools and many fine colleges. Existing networks of transportation were improved and new ones constructed, and attempts were made to augment industry. As a major step toward a flourishing economy, the people made the most of their greatest asset, the fertile soil, by inaugurating land reforms, establishing new farms, and teaching improved farming techniques. Agricultural exports increased rapidly and the Lithuanian economy began to boom.

Suddenly across the landscape of this rapidly growing and thriving country fell the shadow of the terrifying specter of imperialism. In 1939, the European nations began to comprehend that a massive militant German state, ready to march on sovereign nations, was threatening their liberty. At this time, the Soviet Union began embroiling the Lithuanian Government in complicated diplomatic maneuvers and mutual assistance pacts with hidden strings attached. Soviet armed forces were sent to occupy the country for the purpose of thwarting the Nazi invaders and "protecting" the naive Lithuanian nation. Germany attacked the Soviet Union in 1941 and hapless Lithuania fell to the Nazis.

Then followed the bloodiest period in Lithuanian history. Free men will never fully understand the torments which the terrified people endured during the Nazi invasion and the ensuing Soviet occupation. Under the Soviets, hundreds of thousands of people were rounded up and deported to Soviet camps in Siberia. Thousands more were murdered as political enemies. Hitler's policy of conquering and colonizing resulted in more mass executions and inconceivable abuses to the Lithuanian people. As the Nazi onslaught subsided and the German armies fell back, the Soviet Army moved in to occupy Lithuanian territory again, this time under the noble pretense of freeing the worker and the peasant. Soviet subversion begun in 1939 now showed its strength. The Lithuanian people, who had been terrorized by Nazi power and confused by Soviet pressures for union in complex assistance treaties, had been the victims of skilled subversive tactics. Under the guise of protecting the country against the Nazi invaders, the Soviets had managed to implant Communist rule in every corner of Lithuania, and their lethal subterfuge had undermined the structure of the Lithuanian state. Expulsion of the Soviets after World War II was hopeless. Thus, the gallant citizens once more fell under the yoke of oppression.

The story does not end here; indeed, the courageous resistance of the Lithuanians to Sovietization goes on today in the same way it did during the first Russian occupation under the czars. The people of Lithuania living today have known freedom; although they have suffered the bitterness of Russian tyranny, they have also tasted the sweet fruits of liberty. Remembrance of their great history and their once proud moment of independence has kept alive their hope of self-determination. Every effort is made to instill in the youth this same feeling of pride in the past and determination to achieve liberty in the future. Freedom's spirit endures.

On this 52d anniversary of the declaration of Lithuanian independence, as we pause to honor the brave Lithuanians, let us consider the words of Nadas Rastenis, Lithuanian-born poet and now U.S. citizen:

For brutal brawls and wicked wars,
All men are blamable, of course.
No king, no ruler, ever could
Disrupt the tranquil brotherhood
Of men and nations on this Sphere,
If mortals, honest and sincere—
The men who think, the men who slave,
Would rise united, peaceful, brave.

Mr. Speaker, the people of Lithuania will again be free.

As a part of my remarks today, Mr. Speaker, I would like to include a copy of the declaration prepared by a number of priests of the Catholic Church in Lithuania, dated August 1969 and sent

to the Chairman of the U.S.S.R. Council of Ministers.

The declaration follows:

DECLARATION BY THE PRIESTS OF THE CATHOLIC CHURCH IN LITHUANIA

To: The Chairman of the U.S.S.R. Council of Ministers.

Copies to: The Chairman of the Lithuanian SSR Council of Ministers; Catholic Church Leaders in Lithuania.

(This translation was made from the authentic text which reached the U.S.A. from the USSR toward the end of December 1969.)

In his article "To the Country Poor," Lenin, generalizing the tasks of the social democratic party, wrote: "Social democrats demand that every person must have full liberty to freely profess any religion" (*Writings*, vol. 6, Vilnius, 1961, p. 364).

By criticizing the government of the czar and the means it used against those who had different beliefs, Lenin wrote: "Every person must have full freedom not only to profess any religion he wants, but also to publicize and change his faith . . . this is a matter of conscience and let no one dare to interfere in these matters" (*Writings of Lenin*, vol. 6, Moscow, 1946).

The USSR Constitution guarantees to its citizens freedom to practice any religion. The laws of the Soviet Union will defend the rights of the faithful to practice their religious rites. Article 143 of the Penal Law speaks about the penalties, if anyone interferes in the exercise of these rights. But in reality it is not so. The laws which protect the rights of the faithful are broken without any consideration. The Catholic Church in Lithuania is condemned to die. The fact speaks about this. If in 1940 there were four seminaries for priests in Lithuania and about 1,500 priests, then after 1944 there was only one seminary left in Kaunas. About 400 seminarians used to flock to it from all the dioceses. In 1946, in the very midst of the school year, only 150 seminarians were permitted to stay. During the last few years, in all the five courses in the seminary, the limit is 30 seminarians. If a seminarian leaves or gets sick, no one is allowed to take his place. About 30 priests die in Lithuania every year, but only 5–6 are ordained. This year (1969) only three new priests were ordained. Already, at this time, many priests have to serve in two parishes. There is a good number of parishes where the pastor is 70 years old. Even invalids have to serve as pastors, for instance, in Turmantai.

Young people who want to enter the seminary meet many more difficulties than those who intend to go to other schools of higher education. The candidates are not chosen by the representatives of the Church, but by the officials of the government. This is not normal. What would we say if candidates for music would be selected by veterinarians or other specialists?

In January of 1969 the priests of the diocese of Vilkaviskis addressed themselves to the Chairman of the USSR Council of Ministers concerning this abnormal situation in the interdiocesan seminary in Kaunas. During the month of February of the same year they contacted the still active bishops and administrators of the dioceses about the same matter. Because of these moves, two priests, Rev. S. Tamkevicius and Rev. J. Sdepskis, lost their work certificates. They had to seek other work, they cannot perform their priestly duties.

In 1940 there were 12 bishops in Lithuania, today there are only two left: bishop Matulaitis-Labukas, born in 1894, and bishop J. Pletkus, born in 1895. Two still effective and able bishops: J. Steponavicius (for 9 years) and V. Sladkevicius (more than 10 years) have been deported to far away parishes (house arrest, tr.). Although according to Articles 62–69 of the Penal Code deportation is foreseen only for five years and that for grave offenses but what have our shepherds done, without any court action or proven guilt, to be punished for an indeterminate time?

From time immemorial Vilnius is the center of religious life, but today this city is not allowed to have its bishop, even though other smaller religious communities, for instance, the Orthodox, have their bishop, and others some equivalent religious leader.

According to the Church Canon Law, the capitular vicars are only temporary administrators who are chosen when a bishop dies or leaves the office. The archdiocese of Vilnius and the diocese of Panevezys now have been administered by capitular vicars for 9 years, and that the Kaisiadoriai for 23 years.

It is not always, even for those who have official authorization, that the bishops and administrators are permitted to visit the parishes and confer the Sacrament of Confirmation according to the cannons of the Church. In the dioceses of Panevezys this sacrament has been conferred only once since 1961. In other dioceses it is permitted to be conferred only in the centers, for instance, in Vilnius, Kaunas, but very rarely in the regional cities. Those who want to receive the Sacrament of Confirmation have to travel from distant places, endure all the hardships with their small children. Thus great pressures and difficulties are created.

The pastoral work of the priests is being hindered in a number of ways; one is not allowed to help the neighboring parishes in religious services nor to invite the necessary number of priests on special occasions of devotion. The faithful who want to confess have to wait for a long time, suffer inconvenience and lose much of their precious time. On special days of devotion in some churches about 1000 people come for confession. If only three minutes would be given to each penitent, one priest would have to hear confessions for 50 hours, and this is impossible.

Specialists in all fields come together for conferences to perfect themselves and learn from the experiences of others. The Church Canon Law also requires that the priests should make a three day retreat at least every three years. Such retreats at this time are forbidden not only at the diocesan centers, but also in the deaneries: even priests of one deanery are not permitted to get together.

Official representatives of the government (delegate of the government for religious affairs, leaders of the regions and districts) give various directives to the priests only by word of mouth. It happens that these orders contradict one another. For instance, a representative of the executive committee's chairman of the Varena region forbade the pastor of Valkininkai to accompany the burial procession to the cemetery, while an agent for religious affairs instructed that the priest can go to the cemetery, but he cannot do the same from the home to the church. On April 15, 1969 an agent for religious affairs in Svencioneliai, in the presence of government officials and the members of the church committee, told the pastor that when there is a priest in the procession of the deceased no hymns are allowed, but this can be done without the priests. If a person is buried with religious rites, an orchestra is not permitted; collective farms and organizations cannot help materially.

Catholics in Lithuania cannot avail themselves of the freedom of the press for their religious needs. They cannot make use of the radio and television, of movie theaters, schools, lectures. We do not possess even the most elementary religious textbook, prayerbook or other religious writings. During the Russian occupation not even one catechism was printed. Only in 1955 and 1958 a Catholic prayerbook was printed and in 1968 a liturgical prayerbook. But both of the editions had a very limited number of copies so that only a few families could acquire them. Besides, the liturgical prayerbook was supposed to include a short explanation of the truths of the faith, but the delegate for religious affairs would not allow this to be printed. The priests and the churches received only one copy of the Roman Catholic Ritual and documents of Vatican II were available only for the priests, one copy each. The faithful did not even have a chance to see these books.

Although the USSR Constitution guarantees freedom of conscience, and parents do want and request that their children would be educated in a religious spirit, the priests and the catechists, however, are forbidden to prepare children for their First Communion. The delegate for religious affairs allows the children to be examined only singly. Those who do not follow this unwritten law are severely punished. For instance, the government officials have fined Rev. J. Fabijanskas for catechization; Rev. M. Gylys and Rev. J. Sdepskis were sent to a forced labor camp. In Anyksciai Miss O. Paskeviciute prepared children for their first confession. For this she was deported to a forced labor camp, where there followed her overexhaustion, sickness and death. Parents themselves have the right to prepare their children, but they have no means; they are not prepared for this job, have no time or religious books. In like manner, during the czar's reign, workers and serfs could not make use of the right: to give their children higher education.

Children who frequent the church experience much abuse. They are made fun of, wall bulletins write about them. In schools, children are constantly being taught that religious parents are backward, have no knowledge and can give them no directives. Thus the authority of the parents is destroyed. When children cease to respect their parents, it is difficult to control them both in the school and outside its walls. Besides, religiously minded children are not allowed to take active part in the liturgy, sing in the choir, participate in processions, serve Mass. Thus the rights of the faithful children and parents are severely violated. They are harshly discriminated, coerced and forced to compromise others. For instance, on the 26th of December, 1967, the secondary school Director Baranauskas and other teachers in Svencioneliai kept the II–VI class students for two hours and a half until they forced them to write letters against the local pastor Rev. Laurinavicius. For one of those youngsters, J. Gaila, an ambulance had to be called because of the threats. Second class student K. Jermalis was sick for a couple of months because of fear. The pastor, who allowed the children to serve Mass and participate in a procession, was removed from Svencioneliai. The offended parents of those children turned to Moscow. How much time was lost, expenses incurred, health impaired? Just recently Rev. A. Deltuva was fined 50 rubles because he allowed the children to serve Mass.

According to the law, the convictions of one who believes and one who does not should equally be respected, but the practice goes its own way. In many hospitals, for instance, in Vilnius, Utena, Pasvalys, Anyksciai, even when sick people ask to receive the sacraments, their request is refused. In 1965 a driver, K. Semenas, and Miss B. Sudeikyte married in the Church. By this act they lost their previous grant of a piece of land where they were going to build a house. Notwithstanding the fact that all the material was bought for the construction, they were told: "Let the priest give you land."

In Pasvalys, Anyksciai and other places, even taxicabs, cannot bring the witnesses of the marrying couple to the church. There is much suffering for the intellectuals who secretly baptize their children, marry or attend Mass in the church. These facts are brought up at their work, often they are

reprimanded or even lose their jobs. For instance, in 1965 Miss P. Cicénaité, a school teacher in Daugeliskis, was released from her work by the school director because she would not forsake the church. When the school officials told her to leave, she, wishing to have her book "clean", wrote a request to be released from work. Often the faithful are released from work or are punished because of their convictions, covering this fact with some other motives.

In 1956 the Pension Act bypassed the servants of the church. Organists and sacristans can only dream about pensions. For instance, Mr. P. Pagalskas joined a collective farm when the soviets came to Lithuania. As all other citizens, he delivered his horse and farming tools to the authorities. He was working in the office of a collective farm as an accountant, on Sundays he used to play the organ in the church. When he had the misfortune to get sick and became an invalid and could not work in the office, he nightwatched the animals on a collective farm. When he reached old age (b. in 1889), he applied to the Social Welfare Office of the Ignalina Region. An answer came back from this office that organists do not receive any pension.

Many of the churches are not allowed to ring bells, use loudspeakers or any other technical means. Materials are not allotted for the upkeep of the churches. The cities are growing, but since 1945 only two churches have been built in Lithuania (one of which, in Klaipéda, has been turned into a music hall), many older churches are serving as storage places, museums and so forth.

These and many other painful facts which we have mentioned here show that the priests and the faithful are discriminated against and they cannot fully use those rights which the USSR Constitution guarantees them.

Consequently, we have dared to address ourselves to you, Mr. Chairman of the USSR Ministers, hoping that you will correct this unnatural situation of the Catholic Church in the Lithuanian SSR and see to it that we, the Lithuanian priests and faithful, as all other citizens do, will be able to exercise the rights as they are foreseen in the Constitution.

Signed by the Priests from the archdiocese of Vilnius:

(40 signatures).

AUGUST 1969.

Mr. McCORMACK. Mr. Speaker, Lithuania, whose independence day is being celebrated now, was one of the countries that attained its independence in the First World War.

The Lithuanian people are justly proud of their long and glorious history. For centuries the Lithuanian kingdom was a powerful force in Eastern Europe. The Lithuanians not only succeeded in repelling at least some of the incursions of barbarian invaders coming from the East into northeastern Europe, but they also were the champions and the advance guard of Christianity in that part of Europe. Late in the 16th century the Lithuanians united with the Poles, and formed a dual monarchy. The union lasted for about 200 years. However, in the late 18th century when Poland was partitioned, a large part of Poland, and with it all of Lithuania was incorporated into the Russian Empire.

The loss of national independence by Lithuania did not mean the loss of the Lithuanian spirit of independence. Throughout their trying years under czarist domination the Lithuanians learned that individual or group well-being could not be fully achieved without national political independence. They learned that in order to enjoy the benefits of their labor, they should have complete freedom in their homeland. Consequently, for more than 100 years, until the day whose 52d anniversary we are now observing, they worked ceaselessly for the realization of their most cherished ideal, for the independence of Lithuania. None of the repressive measures of the Russian regime, none of its harshness, nor its proscription of the Lithuanians language and culture, none of these could dissuade the patriotic and freedom-loving Lithuanians from their firm conviction that no amount of material and even human sacrifice was too much for the realization of their national goal. They fought for it openly as well as secretly. They staged open rebellions against their oppressors more than once, but they had to wait until World War I for the actual achievement of their national independence.

When Lithuania proclaimed its independence, the war was still raging, and most of the country was still under enemy occupation. Soon, however, the war ended and all Lithuanians joined hands, not only in the fullness of joy to celebrate their victory, but also for the rebuilding of their now liberated country. In this difficult task they were remarkably successful. In a few years normalcy was restored, and Lithuania was blessed with prosperity and progress. For more than two decades the Lithuanians lived in the happiness of freedom. Then came the rude shock from the sudden unleashing of evil international forces. Hemmed in between the vast military machines of Nazi Germany and Communist Russia, little Lithuania could not hope to cope with either. In mid-1940 Lithuania was invaded and occupied by the Red Army, and then the country was, against the will of the people, forcibly incorporated into the Soviet Union.

Since then Lithuanians have not known freedom in their homeland, and today they still suffer under Communist totalitarian tyranny. Of course in Lithuania they are not free to observe their Independence Day, their national holiday. But we in the free world observe the anniversary of that memorable event and hope that these stouthearted people will again quickly regain their freedom and live in peace in their homeland.

Mr. GERALD R. FORD. Mr. Speaker, this week marks the 719th anniversary of the formation of the Lithuanian state and the 52d anniversary of the Declaration of Independence of the Lithuanian Republic.

Instead of a happy event and a time for celebration as it should be, it is unfortunaely a sad reminder that this is the 30th year of the Soviet occupation and domination of Lithuania.

It is ironic that the Soviet Lithuanian Peace Treaty of July 12, 1920, contained the following paragraph:

In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination, including the right of full secession from the State of which they were a part, Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridical consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and territory. The fact that Lithuania was ever under Russian sovereignty does not place the Lithuanian people and their territory under any obligation to Russia.

While the Soviet Union often speaks these days of the right of self-determination, they react quite violently when a satellite nation or its people attempt to exercise it.

The brutal suppression of Hungary and Czechoslovakia by Soviet troops should convince us all that Soviet interests take precedence over the right of non-Russian peoples to their own freedom.

It has become fashionable in this country in recent months for many people to call for drastic cuts in our defense expenditures beyond what President Nixon has already requested. I wish as much as any man that conditions existed in the world which would make this possible. However, I am not as yet prepared to rely on the rhetoric of defense critics as the shield for the security of this Nation.

One only need travel through Eastern Europe to learn firsthand of the lack of individual freedom accorded their citizens. The existence of these conditions in the United States would immediately bring massive demonstrations to our streets. Yet such action would not be tolerated anywhere in the Soviet bloc.

During the Soviet invasion of Czechoslovakia, restrictions were even imposed on other nearby Communist countries. East Germans, for example, were not permitted to travel freely within their own borders.

To my mind the Berlin Wall presents the most vivid contrast between our system of government and that of the Communists. To observe those two drab grey walls with their strands of barbed wire, the large open area between the walls—a no man's land, the concrete control towers, and the East German Border guards with their Soviet-made machine guns—tells more about the totalitarian nature of the Communist system than anything they can say to the contrary.

I am sure many will recall the photographs taken several years ago of a young German border guard leaping to safety over the wall and into the West. Since then the East Germans have, for obvious reasons, assigned only married personnel to border duty.

Today, the Berlin Wall stands as an indictment of the Communist system and an admission of failure on the part of that system to capture the hearts and minds of its own people.

Soviet tyranny whether in Lithuania, Latvia, Estonia, Hungary, Czechoslovakia, East Germany, or elsewhere should be a warning to us. As John Philip Curran said in 1790:

The condition upon which God hath given liberty to man is eternal vigilance.

This should be a reminder to us that freedom is not free and that we must be willing to guard and defend it.

Hopefully, we are now entering a period of negotiation with the Soviet Union.

I call upon them to relax their control over Lithuania and the other captive nations, to tear down the walls that separate brother from brother, and to open their borders to free passage and the free exchange of ideas. Only then can we be assured of more than an uneasy peace.

Mr. FALLON. Mr. Speaker, the Lithuanian Republic came into being in 1918. Some 3 million Lithuanians proclaimed their national independence in their homeland soon after the overthrow of Russia's autocracy, established their own democratic form of government, and almost forgetting their past sufferings, set about rebuilding their war-ravaged country. Left to themselves but with financial aid from friends abroad, they performed the arduous task with distinction and honor. In the course of two decades they succeeded in making Lithuania a prosperous and progressive country. Their government was duly recognized by other sovereign states and was admitted to the League of Nations. At home they created a model democracy, and they did not shrink to assume their modest share of responsibility in world affairs.

These people were quite content with their lot and hoped that they would be allowed to live in peace and happiness. But fate was not kind to them, for the turn of international events played a mean trick upon them, robbing them of their freedom and independence.

Soon after the outbreak of the last war Lithuania's independence was threatened and its existence as a free nation was in serious danger. In July 1940, while Lithuania's friends in the West were involved in the war, Lithuania was attacked by the Red Army, occupied, and then made part of the Soviet Union. Since those days Lithuanians have been suffering under totalitarian dictatorship in their homeland. During the war they had hoped that when it was over they would have their freedom. But they were grievously saddened when saddled with a Communist tyrannical regime, which has turned out to be even more oppressive than the czarist despotism. Today they still suffer under Communist totalitarianism. But they have not given up their hopes for freedom, and still look forward to the day when they will be set free from Communist tyranny. On this anniversary we all pray that they attain their national goal.

Mr. O'NEILL of Massachusetts. Mr. Speaker, on February 16, 1918, the Lithuanian council speaking for all the people of Lithuania, declared the nation an independent, democratic state. But now, 52 years later, freedom has still eluded the over 3 million captive citizens of Lithuania.

The struggle of these proud people to maintain their independence began in the 17th century with the Russian czars invading Lithuania and it was not until February 16, 1918, at Vilnius that the people of Lithuania were able to declare themselves free. And it was not until 1922 that she had been recognized as a sovereign state by all the major powers of the world. However, the freedom that these stouthearted people relished was to be short lived.

By 1939 the dark clouds of German militancy were spreading throughout Europe. At this time, under the guise of mutual assistance pacts, Soviet troops were sent to occupy the country for the alleged purpose of protecting the Lithuanians from Nazi invaders. The invasion came in 1941 and Lithuania fell to the overwhelming German military might.

In 1944, as the German armies fell back, the Soviet army once again occupied Lithuanian soil, this time under the pretense of freeing the worker and the peasant. But, as we all sadly recount, what followed was not freedom but oppression and terrorism. From that fateful day in 1944 to the present, Lithuania is incorporated against the will of its proud people as part of the Soviet Union.

Nevertheless, the spirit of freedom which existed during the Russian occupation under the czars in the 17th century survives today. Although they have suffered the bitterness of Russian tyranny, the citizens of Lithuania remember their proud history; they remember the sweet taste of freedom; and they are firm in their resolve to restore Lithuania to the free, peace-loving nation that it once was.

Mr. Speaker, I take this occasion to congratulate our Lithuanian friends for their undying courage and their unfailing determination to regain freedom and self-determination for their homeland. I hope that we soon celebrate Lithuanian Independence Day with the knowledge that freedom has been returned to this proud country.

Mr. BYRNE of Pennsylvania. Mr. Speaker, this month Americans of Lithuanian origin or descent, friends of a free Lithuania and believers in freedom and self-determination will be marking two very important dates in Lithuanian history.

February 14 commemorates the 719th anniversary of the unification of all Lithuanian principalities into a single kingdom by Mindaugas the Great. February 16 marks the 52d anniversary of the restoration of Lithuanian Republic.

We all know the sad history of Lithuania and her sister republics of Latvia and Estonia during and subsequent to World War II. First they were overrun by the Nazi juggernaut and then by the revengeful Soviets—the victims of both totalitarian regimes.

We know of the hundreds of thousands whose lives were sacrificed and the millions more who lost their freedom and right of self-determination as the giant Soviet Union swallowed these tiny states.

This struggle for integrity and freedom is a fight in which all liberty-loving people must participate. The Congress took note of this fact recently when it passed House Concurrent Resolution 416, calling for freedom for the Baltic States. I hope the Executive takes prompt and decisive measures to implement this expression by the Congress.

Mr. BURKE of Massachusetts. Mr. Speaker, independence, a word many of us take for granted, is a firm belief in the hearts and souls of the oppressed and exploited people of the Baltic States. The history of these Lithuanians, Estonians, and Latvians has been continuously marred through seven centuries of war. Each time the people rose to secure their independence and cling to their national identities, their results were futile as they suffered the extreme consequences of being subdued and further exploited by the great Russian bear.

In 1918, the Lithuanians again secured their sovereignty and through the people's determination and thriftiness, their commerce, trade, arts and sciences, and population flourished. This wonderful revival of the Lithuanian culture was only to be shattered a mere 20 years later by the Soviet war machine.

According to Communist standards, 1939 brought about the reestablishment of the Lithuanian language, culture, and history. Russian was introduced and used as the major language in the schools and businesses; Lithuanian history was rewritten according to Communist history in order that their events would coincide; Lithuanian art, which expressed the wonderful feelings and talents of the people was no longer permitted to be produced; and the final blow was the massive deportation of Lithuanians to Siberia.

In spite of the powerful Communist influence and exploitation, the people of Lithuania refuse to relent and be dominated to the Russian ways of life as they continue to fight to regain the just freedom they enjoyed for just two short decades.

So, today, February 16, 1970, which marks the 52d anniversary of Lithuanian independence, I pledge my support to the pursuit of freedom, and that some day soon the people of the Baltic States will be able to grasp and retain the real meaning of independence in peace.

Mr. Speaker, I now submit for the RECORD the following press release and proclamations of Massachusetts Gov. Francis W. Sargent and Boston Mayor Kevin H. White announcing January 22, 1970, as Ukranian Independence Day.

A PROCLAMATION, 1970

(By Gov. Francis W. Sargent)

Whereas, On January 22, 1970, Americans of Ukrainian descent in Massachusetts and throughout this nation will honor the 52nd anniversary of the proclamation of free Ukrainian National Republic; and

Whereas, The Ukrainian people continue, with fierce determination and great human losses, to struggle for free and independent Ukrainian State, where they would be their own masters, and not Russians; and

Whereas, the 52nd Anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of the Ukrainian people for freedom and independence; and

Whereas, The 52nd Anniversary of Ukraine's independence serves to dramatize the need for concern of the American people for freedom of Ukraine and all captive nations under Russian Communist domination;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts do hereby proclaim January 22, 1970 as Ukrainian Independence Day and urge all citizens of the Commonwealth to take appropriate recognition of this observance.

Given at the Executive Chamber in Boston, this twelfth day of January, in the year

of our Lord, one thousand nine hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-fourth.

FRANCIS W. SARGENT,
By His Excellency the Governor,
JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

DECLARATION

Boston, Mass.

Whereas, the 52nd anniversary of the declaration of the Independence of Ukraine will be observed on January 22, 1970; and

Whereas, for 52 years, the Ukrainian people have resisted Russian Communist oppression and have amply demonstrated their desire for freedom and national independence; and

Whereas, Americans of Ukrainian descent desire to direct the attention of the American people to Ukraine's struggle for freedom and independence; and

Whereas, Americans of Ukrainian descent in Boston, under the auspices of the Ukrainian Congress Committee of America, desire to protest the latest wave of Communist terror and genocide against Ukrainian national and cultural and religious heritage; and

Whereas, the 52nd anniversary of Ukraine's independence serves to dramatize the legitimate right and aspiration of the Ukrainian people and all captive nations under Russian Communist domination for freedom and independence;

Now, therefore, I, Kevin H. White, Mayor of the City of Boston, desiring to provide the opportunity for Americans of Ukrainian descent to adequately commemorate the significance of the memorable day, do hereby declare Thursday, January 22, 1970, as Ukrainian Independence Day in the City of Boston, and urge that all citizens pay special attention to this occasion.

KEVIN H. WHITE,
Mayor.

PRESS RELEASE

Jamaica Plain, Mass.

BOSTON, MASS.—On January 25, 1970, Ukrainian Americans in Greater Boston honored the 52nd anniversary of Ukraine's independence in the auditorium of St. Andrew Ukrainian Orthodox Church, Jamaica Plain, Mass. The observance was sponsored by the Ukrainian Congress Committee of America and all Ukrainian American organizations in Greater Boston.

Governor Francis W. Sargent and Mayor Kevin H. White proclaimed "Ukrainian Independence Day" in Massachusetts and Boston respectively.

The purpose of the observance was to dramatize the legitimate right and aspiration of the Ukrainian people and all captive nations for freedom and independence. It was also to protest the latest wave of Russian Communist terror against Ukrainian political, national, religious and cultural heritage.

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC.
BOSTON, MASS., *January 25, 1970.*

Mr. PATTEN. Mr. Speaker, we are here today to commemorate a time which should be one of joy in the history of any nation—an anniversary of independence. Yet it is without joy that we mark the 52d anniversary of Lithuanian independence, because for the last 29 years Lithuania has been forcibly occupied by the Soviet Union.

This tiny nation on the Baltic Sea has had a long and illustrious history which dates back over 700 years to 1251 when all the Lithuanian principalities were united into one kingdom under Mindaugas the Great. At one time the boundaries of this country stretched all the way to the Black Sea. Its location and its cultural and energetic growth, however, have made Lithuania a constant target for annexation by larger and more powerful neighbors. Time and time again the Lithuanians have experienced waves of enemy troops pouring over their borders. Thus, the current occupation by the Soviet Union is not a new thing to the Lithuanians. In fact, Russia has occupied this tiny nation before—once as long as 120 years.

Neither is the stoutheartedness of these people a new thing. Through all the years of occupation the Lithuanians have kept alive their desire to be free. This driving will is reflected in their every action. I have many Americans of Lithuanian descent living in my district. You will not find a more hard working and industrious group of people anywhere. Recent actions by several priests in Lithuania certainly show that these people have not lost their determination. In protesting to Premier Kosygin against the deliberate persecution and destruction of the Catholic Church in Lithuania, they are keeping alive the hope that one day they will be free again.

The Lithuanian Council of New Jersey has just forwarded to me a resolution which it passed on February 15. The resolution is as follows:

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearney, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey,

Do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

Lithuanian Council of New Jersey:
VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

This resolution states many of the hardships which Lithuanians have endured in their struggle to be free. I want the New Jersey Council, and Lithuanians everywhere, to know that I support this resolution and the Lithuanian quest for independence. I will now redouble my own efforts, so that these brave people may once again enjoy the independence we so often take for granted.

Mr. SMITH of California. Mr. Speaker, the history of Lithuania has been one of struggle over the centuries against the forces of aggression. After 120 years of domination by the Russians, these brave people on February 16, 1918, proclaimed themselves a free republic.

The period of freedom was short—but during that brief span of 20 years—these freedom-loving people achieved remarkable progress on social reform, with dramatic domestic advancement, improved agricultural techniques, and outstanding educational advances.

This month marks the 52d anniversary of Lithuanian Declaration of Independence. Since 1940 that nation has again been under Russian domination, together with the other two Baltic States of Latvia and Estonia.

I join with Americans everywhere in praising the Lithuanian people for their valiant and courageous stand against overwhelming Soviet power. May the Congress of the United States, on this the anniversary of their independence, assure the Lithuanian people throughout the world that we will continue every effort toward the return of their self-determination and their rights. May their great courage, and their spirit of resistance, hold steadfast until once again freedom will become a reality. Let us all work, and hope, and pray for their rightful return to nationhood.

Mrs. REID of Illinois. Mr. Speaker, on this 52d anniversary of the establishment of Lithuania as a democratic and sovereign state, we pay honor and tribute to a gallant people who have won wide respect and admiration. It was 52 years ago—on February 16, 1918—when the people of Lithuania proclaimed the restoration of their independence after centuries of Russian rule.

For 22 years they enjoyed a happy, free, and democratic way of life. Then on June 15, 1940, Lithuania was again invaded by Russia—a ruthless, Communist Russia—which used strong-arm methods to take over this and other small Eastern European nations and incorporate them as provinces.

Our observance of the anniversary of Lithuania's independence is much more than the marking of a historic event in

the history of nations, it is a recognition of the courageous resolve with which the people of that great Republic have steadfastly maintained their love of freedom in spite of the attempts of their Communist rulers to beat them down by destroying their national culture, language, and even the populations through mass deportations and colonization of their lands.

I am confident that one day the people of Lithuania will regain their freedom, for the passing years have not weakened their desire for liberty and self-determination. However, we in the free world must give them the encouragement to continue that fight. We must let them know that America still stands devoted, as they do, to the principles of justice and the right of self-determination. We must not forget for a minute the fate of this and other nations who have contributed so much to civilization and whose right to self-determination has so brutally been taken from them. In the 89th Congress, I gave my support to House Concurrent Resolution 416 which urged the President of the United States to direct the attention of world opinion at the United Nations and other appropriate international forums, by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples. This should continue to be our policy.

All who cherish freedom in the world have a common interest, and likewise we share a common threat. Lithuanian Independence Day, therefore, should be for Americans, a day of prayerful reflection and renewed dedication.

I know the people of my district join me in saluting the brave people of Lithuania and in expressing the hope that one day February 16 will again be truly a day of rejoicing for this valiant nation. As long as we in the free world continue to give them encouragement, I know that the people of Lithuania will not abandon their dream and hopes of liberation.

Mr. MADDEN. Mr. Speaker, Lithuanians, both in their homeland and in America, are celebrating this week the 719th anniversary which brought together all Lithuanian principalities into one united, independent, and free nation. This week also serves as the 52d anniversary of the restoration of the former Republic of Lithuania during the World War I period.

Back in the 83d Congress I was a member of the congressional committee which held hearings in this country and Europe, revealing the true facts and circumstances surrounding the Communist enslavement of Lithuania, Latvia, Estonia, and other nations in the Balkan area. The report of this special committee revealed the startling methods of the Gestapo tactics and murderous onslaughts made by the Communist forces on innocent and free people without regard for the rights and protection of families for their homes, churches, schools, and inherent liberties.

From recent developments between the two Communist giants—the Soviet Union and China—we find that a dispute and a division of major proportions has already occurred so that there is a strong possibility of a major war between these two gigantic Communist tyrants.

This fact, along with the failure of the Communist economy to provide proper schooling, education, food supplies, merchandising, and so forth, is bringing on a revolution within the borders of each of these despotic giants.

These facts that are now developing may well mean that the time is not far distant when the opportunity will have arrived for enslaved smaller nations to successfully rebel and regain their former freedoms from a despotic tyrant.

Free religion, schools, and economic enterprise do not exist in Lithuania and other captive nations today. The people cannot take advantage of radio, television, movie theaters, schools, lectures, and private gatherings for their mental and intellectual advancement. They are even denied the necessary books and supplies and school buildings to provide for the proper education of their children.

The Soviet Communist occupation has made every effort to stamp out all religious denominations—Catholic, Protestant, Jewish, and so forth—from their captive subjects. The Communist hierarchy restricts young folks from entering religious schools to prepare for a future life in churchwork. The government restricts, or chooses, any young person who desires to enter the field of religion, instead of allowing leaders of their chosen religion to supervise their education.

The Lithuanian people have never, during their centuries of enslavement, given up their intensive fight for freedom, in spite of the fact that thousands of Lithuanians have been taken prisoner and transported to Siberia to slave labor camps.

As a Representative in the Congress of the United States, I have cooperated in every way to be helpful, from the standpoint of our Government, to the Lithuanians and the people of other captive nations to regain self-government. The U.S. Government has never, at any time, officially recognized the enslavement of the Lithuanians but has openly denounced the Soviet aggressors of these religious and patriotic people since their Communist enslavement in 1940.

I, as a Congressman, have supported and sponsored resolutions which call for the freedom and self-government of the Baltic States.

During the short period after Lithuania secured her independence 50 years ago, they demonstrated their great ability to organize their economy and were well on their way toward economic advancement, both domestically and internationally, when the Communist tyrants struck this free nation. The outstanding ability of the Lithuanian people to govern was demonstrated back 700 years ago when the original Lithuanian state was organized by unifying all Lithuanian principalities and were then well on their way to being one of the leading nations of the world when they were attacked and enslaved by powerful neighbor aggressors.

There is no doubt in my mind, with the changes taking place that I have already mentioned, in the two disorganized and embittered Communist tyrants—Russia and China—that the time is not too far distant when Lithuania and other Communist-captive nations can regain their independence and freedom.

Mr. ST GERMAIN. Mr. Speaker, the Lithuanian people, saddled with Russian domination for 120 years and then with German occupation during World War I, declared their independence on February 16, 1918. Today I am pleased to join my friends of Lithuanian descent in celebration of the 52d anniversary of Lithuanian Independence Day with the earnest hope that Lithuania will once again regain its rightful independent status.

Lithuanian-Americans have contributed much to our country. Drawing on the long and proud history of their people, men and women of Lithuanian stock have enriched our culture and strengthened the spirit of freedom which lives among us.

Lithuania has been known to history for almost a thousand years. During the middle ages the Lithuanians helped preserve western civilization by protecting Europe from the Mongols and Tartars. The Lithuanians were in the forefront in developing a society in which human freedoms were enjoyed and encouraged. They frequently suffered, however, from the oppression of less enlightened but powerful aggressor nations.

When Russian domination came in 1795, despite continued harassment and opposing pressures, the Lithuanian people were successful in retaining their own language, religion, and traditions. Today the Lithuanian people are again going through an even more dangerous struggle to maintain their own identity. Under that earlier oppression the Lithuanians made numerous attempts to throw off the yoke of their captors, but it was not until World War I, with the invasion of the German armies, that the Russians were driven out. In 1917 the German Government was prevailed upon to authorize a Congress of Lithuanian delegates. This led to the proclamation on February 16, 1918, of an independent Lithuanian state based on democratic principles.

During the 1920's and 1930's, as an independent nation, Lithuania showed extraordinary capability in developing a vital and prosperous modern society. The new nation's great promise was interrupted when Soviet troops occupied the country in 1940 and the Supreme Soviet declared the incorporation of Lithuania into the Communist empire. When war broke out between Germany and the Soviet Union, Nazi occupation troops replaced Russian soldiers in 1941 until the Soviet army regained control in July of 1944. Since that time the Lithuanian people have not experienced a day of freedom.

In 1922 the United States recognized the independent Lithuanian Government. Never has the United States recognized the forced absorption of Lithuania into the Soviet Union. Americans must continue to insist on the inalienable rights of the Lithuanian people to national independence and individual freedom. Free men everywhere must speak

out until Lithuanian national self-determination becomes a living reality and not just the hope and dream of a still captive people.

Mr. YATRON. Mr. Speaker, this week Americans of Lithuanian origin and descent and free men everywhere celebrate the 52d anniversary of Lithuanian independence.

Although the Republic of Lithuania has been the victim of Soviet imperialism and Stalinist persecution, the Lithuanian dream of self-determination has survived and flourished.

I am proud to be able to join my colleagues in paying tribute to the thousands of brave men who fought and died with the Lithuanian resistance movement, as well as to those families who were cruelly uprooted and abused by their Communist oppressors.

Our Nation, which also had to fight for its freedom, has been sensitive to the aspirations and hopes of the Lithuanian people. I sincerely hope that, with our help, the Lithuanian dream of independence and self-rule will ultimately be forged into reality.

Mr. SMITH of New York. Mr. Speaker, this week marks the 52d anniversary of the establishment of the modern Republic of Lithuania.

On February 16, 1918, after an intensive and determined struggle for independence, Lithuania proclaimed herself free from Russian domination. By 1922 the independent state of Lithuania was received as a member of the League of Nations, with full diplomatic recognition by the United States and by other world powers. But Lithuania lost her independence during World War II and once again, fell prey to Soviet imperialism.

As citizens of the United States, we enjoy the basic freedoms and liberties that are inherent in a democracy. I ask you to remember our own struggle for freedom and then to remain sensitive to the aspirations of other people for self-determination. What will it be? A free society, able to develop to the fullest each and every individual's ability, or will we look idly on and let the Russians continue to suffocate the aspirations of the Lithuanian people toward national independence?

As a nation which fought and bled to win her own independence, let us pool our minds and resources, let us sacrifice time and labor, let every man, woman, and child become a crusader for freedom for nations and men.

I pray that the long-suffering people of Lithuania may once again take their place among the ranks of independent nations.

Mrs. DWYER. Mr. Speaker, throughout the United States, Americans of Lithuanian descent this week are observing the 52d anniversary of the independence of their homeland.

It is right and good that they should do this, and it is equally appropriate that Members of the House of Representatives should join in this commemoration.

To all who cherish the hope that Lithuania will again be free and independent, this anniversary is of deep significance, For it serves to remind us that freedom can never be taken for granted, that freedom requires the continuing commitment of all who understand its meaning and cherish its worth.

This anniversary further serves as a reminder that even where freedom has been lost, it still possesses the power to inspire people to hope for and work toward its eventual restoration. In the case of that small but courageous Baltic State of Lithuania, this truth is clearly established.

Though their freedom was destroyed and their independence denied them when Soviet forces invaded and occupied their country in June 1940, Lithuanians at home and abroad, supported by freedom-loving friends throughout the world, have never surrendered their love of and desire for freedom.

As evidence of this deep spirit, Mr. Speaker, I am privileged to include as a part of my remarks today the texts of resolutions recently adopted by the Linden, N.J., branch of the Lithuanian American Council and by Council 29 of Newark, N.J., of the Knights of Lithuania.

It is this spirit and this determination which has helped to keep America free and which shines so brightly as a symbol of hope to nations like Lithuania which still suffer oppression.

The resolutions follow:

RESOLUTIONS UNANIMOUSLY ADOPTED ON FEBRUARY 8, 1970, BY THE LITHUANIAN AMERICANS OF LINDEN, N.J., GATHERED UNDER THE AUSPICES OF LITHUANIAN AMERICAN COUNCIL, LINDEN BRANCH, FOR COMMEMORATION OF THE 52D ANNIVERARY OF THE DECLARATION OF LITHUANIA'S INDEPENDENCE

Whereas, this year marks the 52nd anniversary of the establishment of the Republic of Lithuania on February 16, 1918, commemorated by Americans of Lithuanian descent and their friends in all parts of our great nation; and

Whereas, the country of our ancestors, recognized and respected once by the world's major powers as an independent and flourishing republic, was occupied by the Soviet Union in 1940 and to this day its people are enslaved and subjugated; and

Whereas, freedom loving people everywhere are placing their hopes, their destinies and future in the steadfast adherence by the free democracies in the principles and justice of humanity; and

Whereas, the Government of the United States has consistently refused to recognize the seizure of Lithuania, Latvia and Estonia and their forced incorporation into the Soviet Union; Now, therefore, be it

Resolved that we, Americans of Lithuanian descent shall continue to support the efforts of the Lithuanian people to regain their liberation; and

Resolved that the Government of the United States be requested to take appropriate steps through the United Nations and other channels to reverse the policy of colonialism by Soviet Russia in the Baltic States and bring about re-examination of the Baltic situation with view of re-establishing freedom and independence to these three nations; and

Resolved that copies of these resolutions be forwarded to the President of the United States, His Excellency Richard M. Nixon; to the Secretary of State, the Honorable William F. Rogers; to the United States Ambassador to the United Nations, the Honorable Charles W. Yost; to the United States Senators of New Jersey, the Honorable Clifford P. Case and the Honorable Harrison A. Williams; to the Representatives of the Twelfth and Thirteenth Congressional Districts of New Jersey, the Honorable Florence P. Dwyer and the Honorable Cornelius E. Gallagher; and to the Governor of New Jersey, the Honorable William T. Cahill.

VLADAS TURSA,
President.
MARGARITA SAMATAS,
Chairman of Resolutions Committee.

RESOLUTION

The following Resolution was unanimously adopted by the Knights of Lithuania, Council 29, at a meeting which was held on January 20th, 1970 at St. Georges Hall, 180 New York Avenue, Newark, New Jersey.

As this February 16th, 1970 marks the 52nd Anniversary of Lithuania Independence, all Lithuanians through-out the free world will commemorate this anniversary.

Whereas, Lithuanian Freedom was taken away from her forcibly without consent of her people and was not given the choice of having their own Government. In doing this, the Soviets violated every principle of justice, and

Whereas, The Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15th, 1940, and

Whereas, The Government of the United States maintains diplomatic relations with the Government of free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of the freedom loving country into the Soviet Union; and

Whereas, Lithuania wants to continue her desire to have and enjoy freedom and constantly reminds the free world "There is no peace without freedom and there is no security without self-determination",

Therefore, be it resolved, That the Government of the United States continue to remind the free world of the injustice committed upon Lithuania by the Soviet Russia by continuing its policy of not recognizing the ruthless seizure of Lithuania by the Soviet Russia;

Therefore, We respectfully urge the President of the United States to bring the question of liberation of all the Baltic States before the United Nations and ask the Soviet Union to release its control of Lithuania, Latvia and Estonia, and return to their homes all Baltic Exiles and Deportees from prison camps in the Soviet Union.

Be it further resolved, That the copies of this Resolution be forwarded to the President of the United States, Secretary of State, United States Ambassador to the United Nations, to our Senators and Congressmen.

KAZYS SIPALIA,
President.
HELEN E. RADICSH,
Secretary.

Mr. WHALEN. Mr. Speaker, we commemorate this week the action taken on February 16, 1918, by the National Council of the Lithuanian Nation in declaring its independence, "separating that state from any state ties that have existed with other nations."

That step was merely a reaffirmation of a historical fact with which few of us are acquainted; namely, that Lithuania was not born in the 20th century but hundreds of years earlier.

Lithuania became a unified kingdom in the 13th century in response to the attacks of the Teutonic Knights, the first in a stream of imperial ventures along the Baltic coast. Lithuania remained a free and independent state until 1795, despite incursions both cultural and political. Coming under the subjugation of czarist Russia, the small country was the victim of a series of despotic acts which culminated in the infamous policy of the 1860's forbidding the use of the Latin alphabet for any Lithuanian publications. This ban re-

mained in effect until 1905. Yet Lithuania came out of this persecution more, rather than less, aware of her former liberties and unique cultural heritage.

On days of national commemoration, speakers praise a particular people's devotion to liberty. Yet, more often than not, this liberty fits the rhetoric of the occasion rather than the substantial fact of history. What claim can Lithuania, little heard of and even less spoken about, make in reference to that which the West has cherished?

In the West, the twins of arbitrary will and mob action have exercised political power as much as the rule of law. In evaluating a nation's past, its adherence to this rule of law decides whether its pretensions have any basis in reality.

In 1529, Lithuania, under its Chancellor Albert Gostautas, established the first thoroughgoing codification of law in Europe since the time of Justinian. Besides the accumulation of Roman and Canon law used since the advent of Christianity in Lithuania, it contained about 200 distinct legal terms, transmitted orally up to the time of promulgation. Any ruler, hoping to be elected in Lithuania, would have to pledge to uphold the statute governing ruler and subject. But under czarist occupation, the entire body of law as developed up to 1795, was abrogated as unconducive to stable rule—in other words, to despotism.

In 1528, Lithuania conducted Europe's first comprehensive modern census. This census showed a very high degree of political freedom down to the county level—this in Western Europe's age of absolute kingship. While particular liberties—so much a part of Medieval times—were being trampled upon in better known states, parts of Eastern Europe preserved as fact, what was only memory in France or British-dominated Ireland, not to speak of Muscovite Russia.

Since Lithuania did not become a unified state until the high Middle Ages, it was spared the worst rigors of European feudalism. Up until the 14th century, no legal distinction existed between noble and commoner, and even in the ensuing semifeudal epoch, no estate could bind a peasant for life, no lord could own a serf as was the case in Russia, and no noble personage could demand forced labor. Relations between noble and commoner always remained under statute and never on personal whim. Lithuania's inhabitants were accustomed for centuries to taking part in the election of rulers and municipal officials, and in the discussion of public affairs.

Personal liberty follows private property. The right of private ownership extends far back into ancient times on the Baltic as a prerequisite for human dignity. In contrast to much of Europe in pre-Christian times, the Balts were people of the private homestead. Development of a man's freehold, regardless of size, was the measure of personal worth. This concept goes back at least 3,000 years and was weakened only after 1600. Lithuanians almost always shunned cities and towns as inimics to the life of a free man.

Since a numerous class of small gentry was established in the 14th century, the concept of liberty grounded in property survived right up to the refounding of the Lithuanian State in 1918. A thorough agrarian reform after World War I completely restored the independent holding, which lived through a precarious three centuries.

Thus, Mr. Speaker, deeds of liberty speak from the graves of an ancient land. From 1940 to the present, approximately one out of every eight Lithuanians—a people numbering a little over 3 million—has disappeared from the face of the earth without a trace; no names, no prison camp number, no known final resting place.

Can a people neither Teuton nor Slav, small in number but most ancient in custom and speech, survive human depravity? They have lived through Teutonic atrocities both imperial and Nazi, Pan-Slavism, and czarist imperialism. They now experience the worst times—Kremlin tyranny without the restraint of religion. They need more than a remembrance, but at least let us give them that.

Mr. McCLORY. Mr. Speaker, Americans often take for granted our birthright of freedom. Elsewhere in the world, however, millions of people are denied this fundamental human right. During the month of February, Lithuanians throughout the world, including many Americans of Lithuanian descent in my 12th District of Illinois and elsewhere, will be commemorating the 719th anniversary of the formation of the Lithuanian state and the 52d anniversary of the establishment of the Republic of Lithuania.

Unfortunately, Lithuania is presently a captive nation. Therefore, while Americans of Lithuanian origin and their friends will commemorate these important anniversaries, they will not celebrate them.

Lithuanians are brave, freedom-loving people and those of us in America who enjoy the rights of democracy, owe a special obligation to the subjugated people of Lithuania as well as those in captive nations throughout the world.

Mr. Speaker, it is relevant at this time for the Members of the Congress and the people of the United States to be made aware of House Concurrent Resolution 416 passed by the House of Representatives on June 21, 1965. In this resolution the House of Representatives urged the President of the United States to bring the force of world opinion to bear on behalf of the restoration of rights to the people of Estonia, Latvia, and Lithuania.

By joining my colleagues in this body in bringing attention to the plight of the captive people of Lithuania, it is my hope that we can begin to focus world attention on a problem that has been ignored for many years.

I congratulate Americans of Lithuanian descent throughout the Nation on these two important anniversaries, and I am proud to pay tribute today to the brave and undaunted people of Lithuania.

Mr. CONABLE. Mr. Speaker, the month of February is an important one for Lithuanian Americans, for it marks both the 52d anniversary of the founding of the modern Republic of Lithuania and the 719th anniversary of the union of principalities which made up the Lithuanian kingdom. The nation has a long history of independence and desire to preserve rights of self-determination which, during periods of foreign rule, have enabled its people to withstand domination and retain the hope that liberties would be regained.

In modern times Lithuania has twice been occupied by foreign powers and during those occupations the people have never given up working toward the time that they would again be free to govern themselves. Following World War I this spirit allowed the Lithuanians to build a republic which made great gains for its people. The Republic was overwhelmed in World War II, but Lithuanians seek to regain the independence they have lost in order to continue the work they began under the Republic and they ask our support for their efforts. Our yearly commemoration of Lithuanian independence day on February 16 stands as evidence of our commitment to support efforts aimed at regaining the right of self-determination. As individuals we demonstrate our support through these commemorations and as a legislative body we have given even stronger support through the adoption of the resolution calling for freedom for the Baltic States.

America has a tradition of support for peoples under oppressive rule who are straining to be free, and we deplore actions of governments which deny another people their fundamental right to determine their own form of government and deny them their fundamental individual liberties. Lithuania is now a victim of such an oppressive foreign regime but we share the people's hope for a return of freedom once again.

Mr. HICKS. Mr. Speaker, February 16, 1970, marked the 52d anniversary of Lithuania's Declaration of Independence. I ask that my colleagues in the House pause with me in paying tribute to a nation whose courage in the face of great adversity continues to be an inspiration to freedom-loving people throughout the world. It is important to reflect not only upon the cruel yoke of oppression worn by captive people everywhere, but also upon the priceless liberties enjoyed here in the United States.

From its founding in the 12th century, Lithuania has struggled for the basic freedoms that we Americans all too frequently take for granted. For over 600 years her people repeatedly were compelled to fight in defense of their national sovereignty. Finally, in 1795, Lithuania fell captive to invading armies from czarist Russia.

During the 123 years of Russian domination, the Lithuanian people revolted against their oppressors on five separate occasions. Although each unsuccessful attempt brought in return only brutal reprisals, the Lithuanian people pursued with increased determination their drive toward freedom and national independence.

With the outbreak of World War I, the mighty German armies lost little time in

overrunning Lithuania. The Germans occupied Lithuania until the war came to its end in 1918. Lithuania's official proclamation of independence was issued on February 16, 1918, and unanimously adopted by the Lithuanian Council. However, soon after the German troops were evacuated from Lithuanian soil, Russian troops once again threatened menacingly at her borders. With lightning-like precision, the Red armies subdued Vilna, the capital city of Lithuania. As in the past, Lithuanian patriots organized to expel the invaders, and after a series of impressive military victories, freedom was regained. By a peace treaty in 1919, the Soviet Government recognized the sovereign rights of Lithuania over its territory and people.

Lithuania was admitted to the League of Nations on September 22, 1921, thus being formally recognized as a nation with international status. Few countries made greater progress as a free and independent nation in so short a time as did Lithuania during the years separating World War I and World War II. The Lithuanian Government instituted land reforms, reestablished vital industries, organized transportation facilities, enacted social legislation, and greatly expanded its educational institutions.

On August 3, 1940, a "day of infamy" for the Lithuanian people, Lithuania was declared under Russian coercion to be a constitutent Communist Republic of the Union of Soviet Socialist Republics. Lithuania gallantly resisted the overwhelming hordes of Russian and Nazi invaders. During the first Soviet occupation, Lithuania suffered the loss of about 45,000 of its people in fierce resistance to its Soviet captors. Some 30,000 Lithuanians were deported to Siberia on the night of June 14, 1941, and 5,000 Lithuanian political prisoners were executed when the Soviet forces hastily retreated under Nazi attack. Repeating the history of the First World War, German occupation again replaced Russian occupation.

During the tyranny of the Nazi occupation, thousands of loyal Lithuanians were executed, including virtually all Lithuania's Jewish population. When the tide of war turned against Adolf Hitler, the beleaguered Lithuanian people returned not to their former independence but once again tragically to Soviet tyranny and domination. It is a tribute to their courage and indomitable spirit that Communist victory in Lithuania came neither easily or readily.

In the year 1970, at a time when Communist oppression still hangs over a proud nation, it is fitting that all Americans join the many Americans of Lithuanian extraction in commemorating the anniversary of a nation and a people who in the agony of oppression truly know the value and meaning of the world "freedom." Let us join with free people around the world in the hope that Lithuania soon will be truly free.

Mr. ADDABBO. Mr. Speaker, this week we in the Congress have marked the observance of the 52d anniversary of the restoration of the Republic of Lithuania on February 16, 1918. Each year the Congress honors our friends of Lithuanian descent in the knowledge that the occasion cannot be a true celebration because of the reign of Communist oppression.

Hundreds of thousands of Lithuanians have been killed or deported from their homeland since June 1940 when the Soviet Union seized power. The illegal seizure of power by force of arms against Lithuania, Latvia, and Estonia will one day be repaid by the hunger for freedom which exists behind the Iron Curtain.

House Concurrent Resolution 416 recently adopted by the Congress recognizes the existence of that hunger for freedom and the moral right which the people of these nations have to be free once again. Until that day arrives, we in the Congress pay honor to our friends of Lithuanian descent and we honor the Lithuanian National Council which in 1918 proclaimed independence after 123 years of Russian subjugation.

The great courage of Lithuania has not been suppressed and the cycle of history will remain a warning to the Soviet Union that this immoral act of international aggression cannot remain unpunished forever. I am proud to join with my colleagues in the House of Representatives during these ceremonies commemorating Lithuanian Independence Day.

Mr. HELSTOSKI. Mr. Speaker, the month of February of this year marks the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52d anniversary of the establishment of the modern Republic of Lithuania, which took place February 16, 1918.

Under ordinary circumstances this anniversary of such an event would be an occasion of rejoicing and celebration. However, this is not the case today, for the harsh grim reality is that Lithuania is not independent and her people no longer free. Lithuania has been under the stern yoke of Soviet imperialism since August 3, 1940, when Lithuania was declared a constituent republic of the Union of Soviet Socialist Republics by the Supreme Soviet in Moscow.

Whatever the situation, it is completely proper and appropriate to pay tribute to Lithuania and the brave spirit of her people on this day. Here is a country which, for many years, was under the domination of larger and oppressive neighbors, but whose people on February 16, 1918, declared that Lithuania was an independent nation. Thus it appeared that the hopes of the Lithuanian people, who had remained steadfast to their principles, traditions, language, and religion through many years of adversity, were going to be realized—that of the right to live in an independent state based on democratic principles where liberty and individual human dignity would prevail.

When Lithuania achieved her independence there were many indications that it would have a long life. The nation adopted a constitution which accorded the people freedom of speech, freedom of assembly, freedom of religion, and a respected place among the community of nations. By 1922, all of the major powers of the world had recognized Lithuania as a sovereign state.

During the period of Lithuania's independence it made progress in many areas, such as agriculture, industry, education, and social reforms. Lithuania had established a firm basis for a free, independent, and self-sufficient nation, but at the end of the second decade of her independence, dark and ominous clouds hovered all over Eastern Europe. Then misfortune struck Lithuania in 1939 and 1940 when this brave nation with her courageous people was gradually engulfed by the aggression of the Communist Soviet Union.

Lithuania was swallowed up in the grasping clutches of the Soviet Union along with her stout-hearted Baltic neighbors of Latvia and Estonia. The fires of freedom, which once burned so brightly, were extinguished.

So today the story of Lithuania is not a happy one; and though there is oppression, there is also hope. The torch of freedom may no longer burn bright, but we know that there still is the spark which could again ignite it in the hearts of the people.

Lithuanians and Americans alike look forward to the day when these people will again experience individual liberty and Lithuania will once again take her rightful place in the community of nations as a free and independent state.

Mr. Speaker, the 89th Congress approved a resolution, House Concurrent Resolution 416, urging the President of the United States to bring up the Baltic question in the United Nations and to urge the Soviet Union to withdraw from these states. Certainly it would serve the cause of freedom if everything reasonably possible were done to carry out the expression of Congress as contained in the resolution.

I submit the resolution for the RECORD and again call upon the President to use his high office to carry out this congressional mandate.

The resolution follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of people, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such

means as he deems appropriate, to the denial of the rights of self-determintaion for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

I also submit for inclusion as part of my remarks at this time a statement from the Lithuanian-American Community of the United States of America, Inc., touching upon Lithuania's quest for freedom.

I further submit a resolution of the Lithuanian Council of New Jersey which was adopted at a mass meeting held on February 15, 1970, at the Lithuanian Catholic Community Center, in Kearny, N.J.

The material follows:

A SEVEN-CENTURY QUEST FOR FREEDOM: BRAVE LITHUANIA

During the month of February, Lithuanian-Americans will be commemorating the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 52nd anniversary of the establishment of the Republic of Lithuania which took place on February 16, 1918. But this celebration of Lithuania's Independence Day will not be similar to American celebration of the Fourth of July. It will contain no note of joy, no jubilant tone of achievement and victory. On the contrary, the observance will be somber, sorrowful, underlined with the grim accent of defeat and tragedy. For Lithuania has lost its independence, and today survives only as a captive nation behind the Iron Curtain.

The Communist regime did not come to power in Lithuania and other Baltic States by legal or democratic processes. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms in June of 1940. The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction.

The Lithuanians are a proud people who have lived peacefully on the shores of the Baltic from time immemorial. Their language is the oldest in Europe today. They were united into a State more than 700 years ago, and by the 15th century their nation extended from the Baltic to the Black Sea and almost to the gates of Moscow. Their fortunes gradually declined and the nation was completely taken over by Russia in 1795.

The intensive and determined struggle for freedom and independence from Czaristic Russia was climaxed on February 16, 1918, by the Declaration of the Lithuanian National Council, proclaiming the restoration of the Independence to Lithuania.

The February Sixteenth Declaration was unanimously approved by the freely elected Constituent Assembly in 1920. Thus, following the will of the Lithuanian people, the re-establishment of an Independent State of Lithuania, with its capital in the city of Vilnius was accomplished. A diplomatic recognition by many free countries followed. On September 22, 1921, Lithuania was received as a *bona fide* member of the League of Nations, thereby Lithuania became a member of the international community of sovereign nations. A full diplomatic recognition by the United States of America on July 28, 1922, was followed soon, also with *de jure* recognition, by other world powers—Great Britain, France, Italy and Japan.

Soviet Russia recognized *de jure* the Independence of Lithuania in 1920, and on July 12th of the same year signed a peace treaty with Lithuania which stated that: "The Soviet union recognizes the sovereignty and independence of the Lithuanian State with all the juridicial rights associated with such a declaration, and forever renounces, in good faith, all Russian sovereign rights, which it previously had in regards to Lithuanian Nation and its territory."

The re-establishment of an Independent State of Lithuania and her return to the self-governing community of nations is the most significant historical event of the Twentieth Century for the Lithuanian Nation, whose political maturity, economic achievements and cultural creativity were manifested during the period of restored Independence (1918–1940).

During the Second World War, the Republic of Lithuania became a victim of Soviet Russia's and Nazi Germany's conspiracy and aggression, and as a result of secret agreements between those two powers of August 23rd and September 28th, 1939, became invaded and occupied by Soviet Russian armed forces on June 15, 1940.

Since the days of Soviet Russian occupation, however, the Lithuanian people have waged an intensive fight for freedom. During the period between 1944 and 1952 alone, some 30,000 freedom fighters lost their lives in an organized resistance movement against the invaders. Hundreds of thousands of others were imprisoned or driven to Siberia. Though that resistance movement was weakened and finally subdued due to a failure to get any material aid from the West, nevertheless, the Lithuanian people are continuing their passive resistance against Soviet Russian genocidal aggression to this very day.

The United States of America, mindful of its own struggle for freedom and independence, has remained sensitive to the aspirations of other people for self-determination. For this reason, Americans of Lithuanian descent are grateful to the Government of the United States for denouncing the Soviet Russian aggression in Lithuania and for refusal to recognize the alien subjugation of Lithuanian since 1940. The United States continues recognizing the sovereignty of Lithuania. The Lithuanian Legation at Washington, D.C., Consulate General in New York, Los Angeles, Chicago and a Consulate in Boston are recognized and are functioning.

Recently the United States Congress passed *H. Con. Res. 416* that calls for freedom for the Baltic States. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing up the question of the liberation of the Baltic States in the United Nations and urging the Soviets to withdraw from Lithuania, Latvia and Estonia.

Thus, on the occasion of the 719th anniversary of the formation of the Lithuanian state, and the 52nd anniversary of the establishment of the Republic of Lithuania, the Lithuanian-American Community of the USA, Inc., representing all Lithuanian-Americans throughout the nation, most fervently appeals to the representatives of the Federal, State and local governments, religious leaders, labor unions, civil, political and professional organizations, academic and cultural institutions, news media and to the people of good will, to support the aspirations of the Lithuanian people for self-determination and to national independence in their own country.

The free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide and Russification are common place, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

Adopted February 1970, Chicago, Illinois, by the Luthuanian-American Community of the United States of America, Inc.

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their soverign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

ALBIN S. TRECIOKAS,
Secretary.
VALENTINAS MELINIS,
President.

Mr. FEIGHAN. Mr. Speaker, February 16 marked the 52d anniversary of the Declaration of Independence of Lithuania, proclaimed in the capital city of Vilnius in 1918. This day is particularly meaningful to more than 1 million American-Lithuanians as well as their 3 million countrymen still residing in Communist-dominated Lithuania. Indeed, February 16 should serve as a reminder to all of us that our system of government is not universally enjoyed.

The independence won by Lithuania 52 years ago lasted little more than 2 decades. Nevertheless, Lithuania made remarkable progress in agriculture, industrialization and education during that brief period. After 22 years, however, Lithuanian freedom was suddenly and ruthlessly taken away.

World War II commenced and Lithuania was caught again between the opposing forces of Russia and Germany.

Though the Nazis were defeated, the Red army made Lithuania a hostage. The Soviet Union declared Lithuania to be a constituent republic and incorporated her along with Estonia and Latvia into the Soviet sphere.

Mr. Speaker, the United States has never recognized that incorporation and we in the Congress have consistently opposed it. With the adoption of House Concurrent Resolution 416, we urged the President to direct the United Nations and other forums of world opinion to pressure the Soviet Union to restore independence to the three Baltic States.

Under leave granted, I insert this resolution in the CONGRESSIONAL RECORD as a reminder to all of us that we must rededicate ourselves to the use of every legitimate means to bring pressure upon the Soviet Union to return to Lithuania, Latvia, and Estonia their rightful place among the nations of the world:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. WIDNALL. Mr. Speaker, last Saturday and Monday, Americans of Lithuanian origin or descent united with their brothers throughout the world to mark two anniversaries. The first, February 14, 1251, is the formation of the Lithuanian State when all principalities were unified by Mindaugas the Great, and the second, February 16, 1918, is the date on which the Lithuanian Declaration of Independence was signed in Vilnius.

This observance calls the world's attention to the Baltic States, Estonia and Latvia along with Lithuania, which have been occupied, oppressed and exploited since 1940 by a foreign power.

Confiscation of home and land, suppression of speech and press, bans against assembly and demonstration, and deportation or murder of families, have characterized the last 30 years of living in Lithuania.

It is at these times that the groups who roam America with an avowal to destroy our system serve one useful purpose. They call attention to the freedoms of America that permit their behavior. They unintentionally contrast our system to that presently in Lithuania, which would greet their behavior with summary elimination of leadership and followers.

We hope that in the future we will see the renewal of freedom in Lithuania and that our fellow Americans of Lithuanian descent will continue their great contribution toward the maintenance of our own freedoms and the continuance of the healthy growth of the United States.

Mr. Speaker, I offer for the record a resolution proposed by the Lithuanian Council of New Jersey. This statement outlines the cruel acts committed against the Lithuanian people and states the resolve of Lithuanians in America:

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

Mrs. GRIFFITHS. Mr. Speaker, February 16 marked the 52d anniversary of the Declaration of Independence of Lithuania. Today, I am pleased to join my colleagues in the House of Representatives in celebrating the hard-won independence that came to the small, brave nation of Lithuania 52 years ago but which was so short lived.

After more than a century of czarist Russian occupation, the people of Lithuania declared their independence on February 16, 1918, and instituted a democratic republic. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red army in the Second World War. Lithuania was declared a constituent republic of the Soviet Union on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. Since then it has been considered by the Soviet Union as a component republic. The United States recognized the independent Lithuanian Government on July 27, 1922, and it has never recognized that nation's incorporation into the Soviet Union. Certainly, we must all take pride in the fact that the United States still recognizes the independent Lithuanian government and has never recognized Russia's annexation of that country.

On this the 52d anniversary of Lithuanian independence may we reassure our Lithuanian friends and all freedom-loving people in the world that the restoration of sovereignty and the return of the independence which we commemorate this day are goals synonymous with the principles of political freedom which we, in the United States, enjoy and to which, we trust, all men aspire. I sympathize deeply with the Lithuanians in their struggle for freedom and I am proud that our Government has continued to adhere to its policy of nonrecognition of the Soviet Union's forcible incorporation of Lithuania. I salute the people of Lithuania and the more than 1 million Americans of Lithuanian descent and recommit myslf to supporting their just aspirations for recovery of their liberty, independence, and self-determination.

Mr. GAYDOS. Mr. Speaker, the nation of Lithuania this month marks its 719th anniversary as a state and its 52d anniversary as a Republic. But there will be no celebration, no bell-ringing, no jubilation.

Lithuania exists today only as a satellite nation of the Soviet Union, shielded from the free world by the Iron Curtain. Like other Soviet satellites, it has been stripped of individual and governmental freedom.

But this small Baltic State has not bowed despite nearly 30 years of oppressive totalitarian rule. It has not ceased

in its struggle to regain its identity as an independent nation and a free people. During the period from 1944–52, 30,000 fighters lost their lives in resisting the invaders. Hundreds, perhaps thousands, were shipped to labor camps or imprisoned. Today, shut off from material aid from the West, the Lithuanian people continue a passive resistance against their unwanted rulers.

Americans of Lithuanian descent and the free world are proud of the long, courageous fight waged by this nation. I am proud to join them in saluting these brave people on a subdued but, nonetheless, momentous anniversary in this history.

Mr. MONAGAN. Mr. Speaker, I am proud to take the floor today to participate in the congressional observance of the 52d anniversary of the Declaration of Independence of the Republic of Lithuania.

On February 16, 1918, after countless years of struggle, Lithuania asserted its autonomy, and on September 22, 1921, Lithuania took its place as a member of the League of Nations. Within a year after becoming a member of the League of Nations, Lithuanian sovereignty was recognized by all the major world powers.

Upon declaring its sovereignty, Lithuania vigorously set forth to forge a nation befitting its distinctive and admirable national character. Programs in land reform, education, public works, and industrial development were initiated, and in the next 22 years, substantial progress was made toward creating a modern and progressive state

Unfortunately, Lithuania's freedom was short lived. Caught between Nazi Germany and Communist Russia during the Second World War, Lithuania was brutally victimized. Its population dissipated, and stripped of its natural resources, Lithuania was forcibly incorporated into the Soviet Union. The United States has never recognized the Soviet incorporation of Lithuania, and we set aside this time today to reaffirm our stand in support of the eventual freedom of this country.

Peace-loving people everywhere join us today in paying tribute to the undying democratic spirit of Lithuania, now caught in the grip of Soviet domination, and we all look to the day when the Lithuanian Declaration of Independence can be celebrated in a free, democratic, Republic of Lithuania.

Mr. DONOHUE. Mr. Speaker, on this occasion of this 52d celebration of the anniversary of Lithuanian independence, I am very glad, indeed, to join with my colleagues in paying tribute to the gallant people of Lithuania and our own Lithuanian Americans who are perseveringly dedicated to the restoration of the liberty of their native land.

Today we extend a further message of hope that the valiant people of Lithuania will soon be freed again from the cruel persecution they are now enduring under Communist subjugation.

But we, who are free, have the obligation to do more than that. It is our duty to repeatedly publicize to the world the tragic truth of Lithuanian oppression under Russian tyranny.

It is not sufficient to just offer hope to the Lithuanian people. We must show them that we are as resolute as they are in our common fight against the Communist enemy.

The subjugated people of Lithuania can take heart in observances such as these and in our national policy of refusing to recognize the Soviet Union's annexation of Lithuania.

As long as we keep alive the terrible truth about Communist treatment of Lithuania we keep alive hopes of the Lithuanian people for eventual freedom and independence.

Let us remember that a tyrannical regime, founded on falsehoods and terror, cannot last because it sows the seeds of its own destruction.

In the same sense, let us remember that a nation of Christian traditions, such as Lithuania, has inherent in it the qualities to guarantee its perseverance and preservation.

There can be no question in our minds or in our hearts that the brave Lithuanian people will one day be free and independent again. May divine providence speed that happy day for Lithuania and the restoration of world peace and good will for all of us.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Lithuanian Independence Day and to include therein extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE PROPOSED FARM BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. CONTE) is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, 2 weeks ago, after months of deliberation and patient consultation with the House Agriculture Committee, the Secretary of Agriculture finally produced a farm bill. While the result is a proposal that, I believe, in general deserves our support, I am seriously disturbed about two major aspects of this recent administration action.

First, as the author of a farm payments ceiling which has twice passed this body, I am frankly astounded at the ridiculously high level of payments this new legislation would permit. The administration proposes a scaled "limitation" that would allow payments up to $110,000 to a single producer for each crop, or as much as $330,000 for all three programs. In contrast, Mr. Speaker, as you know, my amendment would have limited payments to $20,000 per farm operation.

I am convinced, Mr. Speaker, that my colleagues will not countenance such a transparently feeble attempt to give the appearance of reform without the substance. And I want to assure all my colleagues that unless a much more realistic proposal to limit payments is reported out, I fully intend to offer my own amendment when the bill reaches the floor.

My second objection to this recent administration action is to the manner in which this bill has been presented. I am referring, Mr. Speaker, to the fact that this new bill is not labeled an administration bill, but merely one it considers "sound, workable and acceptable." It was not made the subject of a Presidential message. In contrast to the forthright leadership this administration has displayed in presenting other legislative initiatives, this so-called consensus farm bill has, in effect, been dropped furtively at the Agriculture Committee's door in the dead of the night.

I am frankly concerned about what this curious procedure foretells not only about the future of sound farm legislation, but also about the far more urgent need to act promptly and decisively to put an end to hunger and malnutrition in this country.

We cannot ignore antihunger legislation, Mr. Speaker, because it is well known that certain members of the House Agriculture Committee are determined to withhold the food stamp bill until a final farm bill is ready to be reported. And this is not expected for several months. The apparent theory behind this tactic is that it is considered necessary to assure urban support for the farm bill. While I am convinced that this approach is incorrect—indeed there is a danger it might backfire, and further alienate some of our urban colleagues—I have a more fundamental objection. There is simply no moral justification for delay, even, for a single day, when the health, and, in some cases, the very lives of hungry Americans hang in the balance.

There can be doubt, of course, that Secretary Hardin does favor the prompt reporting of a food stamp bill to be considered separately from new farm legislation.

As long ago as July 15, 1969, the Secretary told the Agriculture Committee that he considered it "essential," even "crucial," to report out a bill immediately. Yet here we are, nearly 7 months later, and that vital legislation is still bottled up in committee.

Mr. Speaker, because I am deeply concerned about the need for this body to move promptly and decisively to enact a sound food stamp bill, I have taken this occasion to stress the point here. However, its relation to the main concern of my remarks today—new farm legislation—is only to illustrate what seems to me to be a lack of commitment on the part of the Secretary of Agriculture.

For I find myself in complete agreement with the Secretary not only on the need for prompt antihunger legislation, but also on the two principal features of his new farm bill.

First. I agree that there should indeed be a sharp change of focus in our farm program from its present income-supporting and production-control basis to a freer, more market-oriented approach.

Second. I am pleased that the Secretary has now recognized that there simply must be some form of payment limitation.

But if the Secretary is indeed serious about these proposals, he must be prepared to exercise greater leadership and support for them than he has so far displayed. I have made these views known to Secretary Hardin in a letter I sent to him on February 9, 1970. I include a copy of that letter at the close of these remarks.

It simply will not do for this administration to propose new farm legislation, then label it a "consensus" bill and leave it an orphan. If, in general, this is a good bill—as I believe it is with the major reservation I have noted—the Secretary should frankly identify it as an administration bill and support it strongly.

Mr. Speaker, I now wish to comment on two of the major improvements this bill will make, following which I will briefly explain my objection to its present payments limitation, and propose an alternative.

One of the most frequently criticized aspects of the current farm program is its unique backdoor financing feature. Because of this, the program escapes the usual annual appropriations process. The Agriculture Department's Commodity Credit Corporation uses its capital and borrows funds from the Treasury, and its losses are reimbursed through obligatory appropriations in a later year.

Under the new bill Congress must appropriate price-support money in advance for each of the commodity programs. Many of us who have been concerned about this runaway program can only applaud this return to tighter budgetary controls.

It is well known, Mr. Speaker, that the most troublesome aspect of our farm policy is the cotton program. The new bill, which authorizes farm program payments to producers who set aside a part of their cropland, represents a giant step forward in dealing with the cotton problem.

There can be no doubt that cotton producers are in serious economic trouble. In 1969 cotton exports fell to the lowest level in 15 years. Domestic mill use of cotton also fell to a new low. And Government payments to cotton producers exceeded $800 million, over 60 percent of the market value of the crop produced.

The cotton industry is being ruined by the current program at the same time that it is taking nearly a billion dollars a year out of the U.S. Treasury. Major surgery is in order and the administration's proposed bill provides what is needed.

Cotton producers now have mandatory marketing quotas which provide heavy penalties for overplanting allotments. These allotments, however, are archaic. They were established on the basis of historical production records in the early postwar years.

Producers in the Mississippi Delta and in the irrigated areas of the Southwest who would like to grow more cotton at world price levels are effectively prevented from doing so by the penalties for overplanting their allotments.

In the older sections of the Cotton Belt, however, many producers are planting cotton just to qualify for the large Government payments. Except for the payments, it would be more profitable for them to grow soybeans, forestry products, and forage crops for beef cattle.

Secretary Hardin found it desirable to increase the national cotton allotment for 1970 over 1969 by 1 million acres to assure the production of sufficient cotton to maintain exports at even the recent low levels. This increase of 6 percent in the national cotton allotment under existing legislation required an increase in Government payments to cotton producers by a similar percentage.

I called this to the Secretary's attention in a letter dated October 21, 1969.

This increase in the national allotment, the only feasible way to encourage more cotton being grown under existing mandatory cotton marketing quotas, will increase Government payments to cotton producers by $50 million in 1970.

In that letter to the Secretary, I pointed out that about a thousand of the largest cotton producers received over $50,000 each in payments in 1968. In 1970 their allotments are increased 6 percent, and their payments are increased $5,000 or more. I called this outrageous. Approximately 450,000 cotton producers are expected to receive payments totaling $900 million in 1970. But two-thirds of these payments, about $600 million, will go to only 10 percent of that group. These are the largest producers, who will receive payments of anywhere from $5,000 to $3 and $4 million. The other 90 percent, or 405,000 producers, will receive about $300 million in payments—less than $750 each.

The administration's proposed Agricultural Act of 1970 will move us in a different direction. It eliminates both the marketing quotas for cotton and penalties for overplanting allotments, and will permit cotton producers to plant as much as they wish after setting aside a specified acreage of their cropland. The end result will be to enable the farmer to do the kind of farming he is best equipped to do, free of the archaic, artificial influences that the present farm program has created. This move toward greater reliance on the market place will bring increased self-respect to the farmer, and go a long way toward making our agricultural policy acceptable to an increasingly urbanized Congress.

I can enthusiastically support such a program if the payments for setting aside a part of the cropland are limited to some realistically moderate level.

The Secretary's present proposed limitation, however, is so high that it will produce almost no savings. A Department of Agriculture official conceded as much to me only recently. What is needed, Mr. Speaker, is not a symbolic bow to this House which has twice passed a $20,000 ceiling, but a substantial recognition of the need for genuine reform.

Following the passage of my amendment last May, I reexamined that proposal to determine whether it offered the best approach to future farm legislation. After consulting a number of distinguished agricultural economists, I determined that a better proposal would be to limit payments to $5,000 per crop for each producer. I proposed this limitation in my testimony before the House Agriculture Committee on July 15, 1969.

While the amendment which has twice passed this House could have produced as much as $300 million in savings annually, my new proposal could save as much as $500 million.

In conclusion, Mr. Speaker, I believe that the administration has finally recognized the need for a more rational farm policy—one that moves in the direction of more freedom for the farmer, while at the same time limiting payments.

Having formulated that policy, however, the time has come for the administration to support it strongly. If Secretary Hardin will now get behind this program, amending it to include the realistic payments ceiling I have suggested, he will find me a stanch ally. For the sake of the taxpayer as well as the farmer, let us hope he will do so.

My letter to Mr. Hardin follows:

FEBRUARY 9, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you know from my past correspondence, I have been concerned about two programs under the jurisdiction of your Department—the food stamp program and the farm program.

I was most interested in the proposed "Agricultural Act of 1970" which you presented last week to the House Agricultural Committee. In fact, with the exception of the level of payments your limitation would permit, I find myself almost completely in agreement with it.

Now that you have taken this step, I find that we are in agreement on three major points:

1. That the House Agriculture Committee should report out a food stamp bill promptly.
2. That future farm legislation should contain a payments limitation; and
3. That general farm legislation must move in the direction of a freer, more market-oriented program.

Until now, you have understandably moved cautiously, working closely with the House Agriculture Committee.

It seems to me, however, that the time has come for you to strongly advocate the positions you and your staff have so carefully worked out. In my view, this means that you should now make clear to the Committee in the strongest possible terms that it must report out a food stamp bill promptly and that it should be considered separately and not tied to new farm legislation.

With regard to the so-called "consensus" bill, I urge you to make one change in that legislation and then to make clear you are proud to have it known as an Administration bill. The change I recommend is that you replace the present unrealistically high payments ceiling with a limitation of $5,000 per crop for each producer. It makes no sense to me to support the appearance of a subsidy ceiling without the substance.

If you can make this alteration and then begin to exercise greater leadership in supporting these positions, I believe you will find a great deal of support among most of my colleagues—from rural and urban areas alike.

Speaking for myself, I can assure you that I will do all I can to assist you in this effort.

Particularly since the food stamp bill, now languishing in the House Agriculture Committee is such an urgent matter, I would appreciate an early reply.

With my very best wishes, I am,

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

URGENT NEED FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, the $1.3 billion surplus in President Nixon's budget for fiscal year 1971, which begins on July 1, 1970, is certainly a step in the right direction.

Yet, the fact that we have made no real effort to pay off any part of our national debt is proving to be very costly for American taxpayers. Our national debt has soared to over $360 billion in the form of various types of Federal securities and bonds. As these securities mature, we are just refinancing them at a shorter term and a higher interest rate.

As an example, during the week of February 9, 1970, $2.3 billion in Treasury bonds matured. These bonds had a term of 25 years and carried an annual interest rate of 2.5 percent. The Treasury Department had to refinance these bonds for a 1-year term at 8.25 percent.

During the present fiscal year, we are paying $16.7 billion in interest on the money we owe. During fiscal year 1971, over $100 billion in Federal obligations will mature. These obligations are presently carrying interest rates of from 2.5 to 4.25 percent. It will be necessary to refinance these obligations at an 8-percent interest rate, or higher.

This means that over $18 billion in interest will be paid by American taxpayers in fiscal year 1971.

In return for this $18 billion, the American people will receive nothing. They will just be paying the bill for fiscal irresponsibility and deficit spending for which, in the main, Democratic administrations have been responsible.

This $18 billion could be better spent for environmental pollution control, better housing for low- and moderate-income families, rebuilding the slum areas of our cities, or for many other useful purposes.

When States or municipalities borrow money through bond issues, the bond issue has a definite term, such as 20 years. During the life of the bond issue, some part of the principle and the interest is paid off annually. This means that at the end of the 20 years the money borrowed through the bond issue is completely repaid.

Our Federal Government must adopt a similarly sound fiscal policy. We must start paying off our national debt so that our annual interest payments do not continue to increase by billions of dollars each year.

The only way to accomplish this is to earmark a substantial sum of money annually, as a budgetary item, to pay off part of our Federal obligations as they mature, rather than refinance them.

WARM WELCOME FOR POMPIDOU

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, I am confident that President Pompidou will be accorded a courteous, warm reception when he visits Capitol Hill in Washington next Wednesday.

I make this forecast despite the efforts of a select few to organize a boycott. Actually, joint meetings of ceremonial nature often are marked by absenteeism. Some Members prefer to watch such occasions on television and avoid the crush of contesting with Members of the Senate, Cabinet, and diplomatic corps for seats in the House Chamber. It will be surprising, therefore, if everyone shows up.

I am confident that even those few who stay away will nevertheless be adult in their behavior and will reserve for another occasion the expression of differences they may have over French policies in the Mediterranean area.

Disagreement over what must be considered to be transitory differences between the United States and France must not be permitted to obscure or cloud the fact that these two great sister republics—devoted as they are to individual liberty and human dignity—have the same longterm objectives. In every major crisis our governments have stood together, and I have no doubt that this will continue to be the case in the future.

It is very much in the interest of the United States for France to be strong—militarily and in every other way. Strong allies help to ease the worldwide burdens of the United States.

Strength and influence by France in North Africa and the Middle East are also much to the advantage of the United States. This is particularly true in Arab states where U.S. interest may now be at low ebb.

Above all, we must remember that France and the United States are allied in the most intimate and important alliance in our history, the North Atlantic Treaty. Under it, each has made a solemn pact to use military measures automatically to protect the other in the event of attack. This agreement holds despite the fact that France no longer participates in NATO's military organization. Every French official has reassured me on this point.

When President Pompidou visits America, he should be received with all of the respect and feeling due a visiting head of state who is also an old friend. I know that the Congress will receive the President of France in that way.

I call attention to the recent reports in the New York Times:

FOREIGN AFFAIRS: UPSETTING NO APPLECARTS

[From the New York Times, Feb. 15, 1970]

(By C. L. Sulzberger)

PARIS.—The salient fact emerging from a long conversation with Georges Pompidou is that France's President has no intention of upsetting anybody's applecart. He is fully aware of the furore caused by the needlessly awkward revelations concerning French sale of Mirage jets to Libya and it is obvious he is approaching his American visit next week with hopes but also with deliberate caution.

Thus, while stressing France's interest in the Mediterranean both for its own part and for that of Western Europe, and while explaining his rationale for the Libyan deal, he makes plain an insistence that "Israel has an absolute right to exist, to function freely and live in peace within safe, recognized borders."

ISRAEL'S SECURITY

He pledges French support for Israel's independence and security, in opposition to Arab extremists who hope to eliminate the little Jewish state. But Pompidou continues de Gaulle's policy of refusing to recognize Israel's right to retain territories seized by military conquest. This refers to the fruits of the 1967 war.

While conceding that Israel is the principal victim of France's current arms embargo, the President hints that the embargo's totality might some day be loosened by a changed political climate. Moreover, he categorically denies rumors that Paris is selling Mirages to Iraq.

French arms diplomacy in the Mediterranean is not limited to North Africa and the Middle East. Pompidou explained this by confirming a new deal to sell military jets to Spain and expressing willingness to do likewise for Greece if Athens so desires.

"BALANCED" POLICY"

He favors Big Four agreement on Middle East peace but not an imposed settlement. A similar balance can be detected in his assessment of the crucial question of British entry into the European Common Market. On the one hand, Pompidou endorses the idea and considers it historically and geographically necessary. On the other hand he indicates expectation that Britain must abandon any vestigial "special relationships" with the United States and replace them with equivalent European relationships to qualify for this new role.

He supports West German efforts to develop contacts with the Communist East but doesn't expect swift results. He reaffirms French loyalty to the North Atlantic alliance but rejects all thought that France might rejoin NATO's integrated structure.

He especially looks forward to meeting President Nixon because he believes him more inclined to understand French and European views than his predecessors. He sees Washington and Paris as separated more by differences in procedure than objectives.

Nevertheless, having emphasized France's friendship for the United States, Britain and West Germany, and having foresworn any intention of denouncing the Atlantic Treaty he stresses his opposition to any "policy of blocs." This refers to Europe's division into NATO and anti-NATO camps.

As if to underscore his desire to achieve a balancing act between contending forces—even while remaining bound to one of them—the President says he will visit Moscow next autumn, the very same year of his first official trip to Washington.

NOTHING UNEXPECTED

In all this there is nothing either unexpected or sensational. With none of the dramatic and personalized quality of de Gaulle's statesmanship, Pompidou plainly intends to carry on the general's basic policy.

The difference comes in scope and style. Pompidou's concepts are less grandiose than de Gaulle's, less concerned with distant problems like Vietnam or Quebec, more focussed on areas close at hand like Europe and the Mediterranean. They are also less rigid, for example, with respect to Britain and the Common Market.

Furthermore, his methods are on the whole gentler. There is no longer any strident insistence on French primacy in Europe and France's need to speak loud in every corner of the earth. Pompidou quietly concedes that perhaps he may be considered more "accommodating" than the general.

LOW-KEY GAULLISM

In other words, as Mr. Nixon will discover, this is Gaullism in a low key or, in some senses, a French equivalent to the American President's own low profile approach. Pompidou himself acknowledges that perhaps this accords better with his "temperament" than the flamboyant diplomacy of de Gaulle.

Taken all in all, therefore, one should not anticipate any earth-shaking results when the two Chiefs of State discuss mutual problems for the first time. Neither low keys nor low profiles lend themselves easily to sensation. They do, however, facilitate the careful repair of flaws in past understandings. And they could in the long run provide the basis for future harmony.

[From the New York Times, Feb. 15, 1970]

EXCERPTS FROM INTERVIEW WITH PRESIDENT POMPIDOU ON FRENCH FOREIGN POLICY

PARIS, February 14.—Following are excerpts from an interview with President Pompidou conducted Tuesday by C. L. Sulzberger, foreign-affairs columnist of The New York Times. The translation from the French was prepared by The Times and approved by Mr. Pompidou.

Q. Would you tell me what your Middle East policy is? Moreover, was the sale of planes to Libya simply to insure France's position in the Mediterranean and access to oil?

A. Anyone can see that France is seeking ways to reconcile the assertion that Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders, with our refusal to recognize Israel's right of military conquest.

NAZI KILLINGS RECALLED

Everyone should understand that France has not forgotten the Nazi martyrdom of European Jews, including French Jews, whose courage during the ordeal earned the admiration of all our people. However, France also intends to maintain and develop its ancient ties with most of the Moslem world and more particularly with the Arab countries.

In the Middle East crisis, France wants and seeks only peace—a peace which I believe is indispensable to everyone and first of all to Israel. This is why we have placed the embargo on the shipment of arms to all the countries in the field of battle. The fact that at first this affected Israel in particular is correct. But since then all these countries have received increasingly powerful arms, sometimes from one nation, sometimes another, but never from France.

SHIFT IS POSSIBLE

On the other hand, why should we refuse to fulfill the requests of countries that are not in the field of battle? To let others take our place? What would the cause of peace gain by that? It goes without saying that if the situation of such and such a country changed and that such a state decided to enter into the battlefield, then our attitude toward armaments would change as well.

As far as the Libyan affair is concerned, we do not consider Libya directly involved in the conflict between Israel and a certain number of countries, including Egypt. Naturally, Libya is Egypt's neighbor and an Arab nation. The Libyan leaders have made declarations of solidarity with the other Arab countries. All this is true. To maintain that there is no relationship would be contrary to the truth.

But France has treated this affair separately for two reasons: First, our ties with the countries of North Africa and the Maghreb, of which Libya is not an integral part but to which it is far from foreign. Because of French interests in the Maghreb, our economic, cultural and intellectual position in that region, we cannot dissociate ourselves from Libya.

As long as she was tied to the Anglo-Saxon countries under the regime of King Idris, we never tried to make our presence particularly felt in Libya. But the day she offered and requested more cooperation, our entire North African policy obliged us to reply favorably.

"FRANCE'S DUTY TO HERSELF"

The second reason is that if we weren't there, others would move in. Consequently, we consider that it is France's duty to herself, and also to all the western Mediterranean, to look after those interests common to European and Mediterranean countries.

We are not going to seek Libyan oil; we buy oil from Libya, of course, but we are not seeking to expand our position as regards oil especially in Libya. I repeat, it is a country located at our very door and at the door of the Maghreb; it is a country whose oil resources are important for Europe as a whole, not only for France. It is a country whose strategic position is important.

We therefore think that it was not only our interest and our right but also our duty to fulfill the request of the Libyan Government.

Q. When you speak of other influences, do you mean primarily Soviet influence?

A. It could be Soviet influence if you wish, but I am not trying to offset any particular influence. I simply say that, placed as we are in Western Europe and in the western Mediterranean, our interest and our duty are to maintain a presence in these areas rather than to let others move in without our participation.

Q. According to published reports, you have asked for a guarantee that the planes in question will not be used in the war in Palestine. Has the Libyan Government promised anything in this respect?

A. We have promises concerning the transfer and assignment of the planes.

Q. Then I ask you this: There was a federation between Egypt and Syria, which did not last very long; if there were a new federation between Egypt and Libya, would there be a way of blocking delivery of the planes?

A. First of all, I believe that Libya is Libyan, I believe that its current relations with the United Arab Republic, the Sudan, etc., are very good, but I believe deeply that it is Libyan and that as the new regime gets its bearings, it will discover that Libyan interests are not identical to those of its neighbors. Thus, it will be looking more and more for ways to preserve its autonomy. I am not alone in this opinion.

In the second place, your hypothesis is possible, of course, but the time it will take to deliver the planes, to train the pilots, and, consequently, to create a Libyan air force, will give us time to see whether Libya will evolve the way I believe or otherwise. Thus, we retain the right to freedom of judgment.

Q. Has the Government of Tripoli promised France to refuse sanctuary to the rebels of Chad?

A. We have simply reminded the Libyan Government that it is surrounded by states that are our friends, but this applies to Tunisia and Niger as well as Chad. Moreover, to my knowledge, there is no Libyan aid to whatever uncontrolled movement might exist in Chad.

A QUESTION OF STRATEGY

Q. I knew that for several years French generals have considered a strategy for NATO, which would prevent the Russians from reaching the Atlantic Ocean by turning NATO's flank through Africa. Do you believe that France's position in Libya eliminates the possibility of thus turning the European flank through Africa?

A. First, I would like to say that our policy is not dominated by the hypothesis of a conflict between the West and the U.S.S.R. You know that on this point our ideas as well as our actions emphasize bettering East-West relations. As for this strategic hypothesis, one can only hope that it will continue to remain nothing more than just that—a hypothesis.

In considering the hypothesis, one need only look at a map, to realize that if a power wanted to attack Europe from the east, it could do so from the north or the east, of course, but also from the south. I would compare it to what happened during the Cuban missile crisis. At the time it was said that Russia wanted to attack the underbelly of the United States. To a certain extent the Mediterranean is the underbelly of Europe.

NO PLANES FOR IRAQ

Q. May I ask you, Mr. President, whether there are any other plans for arms sales—to Iraq, for example—as has been mentioned in the press? There were reports on this which disappeared and then reappeared.

A. We are not selling planes to Iraq.

Q. There is also Greece, which of course is not an Arab country, where possibilities have been mentioned, especially in the Greek press.

A. If Greece wanted to buy French planes, and if we were in a position to supply them, I don't see why we shouldn't do so. But I fear that there will be competition.

Q. There are also plans for sales to Spain?

A. That is so.

Q. And how about Israel? Is there any chance in the future of reconsidering the current total embargo? I am thinking, for example, of spare parts.

A. I have nothing to add to all that I have said about this previously. I stand by all the statements I have made since taking office on this matter; they are in line with my present thinking. But the way in which the principles expressed in these statements are applied will, of course, be contingent upon circumstances and climate.

Q. Some flexibility would therefore be possible, depending on the climate?

A. I have no further comment.

Q. Do you believe that the four powers can impose peace in the Middle East?

A. It is conceivable that the four powers might agree on a plan and to decide to impose it. This would be possible physically, but psychologically it would be a bad formula. A peace imposed outright would have built-in weaknesses since neither the Israelis nor the Arabs would give it their wholehearted consent.

I do think that if they want to, the four powers can agree on a plan for a settlement. It should be possible, thanks particularly to the Jarring mission, that the peace achieved be accepted and not imposed. But this is becoming increasingly difficult because of the current escalation, which creates a climate less and less conducive to peace.

Q. Mr. President, do you detect in the most recent Soviet note any new possibilities or do you feel the door is even more tightly closed?

A. I think the latest Soviet note is moderate in the sense that it does not close the door but that it should be taken seriously.

Q. To change the subject, if we may, Mr. President, does France intend to remain a member of the North Atlantic alliance, or is there a possibility that it may one day denounce the treaty?

A. Absolutely not.

Q. Do you feel that a new relationship should be established between the United States and France, either within or outside the North Atlantic Treaty?

A. This may well be one of the issues that President Nixon will want to discuss with me, and my reply will largely depend on the position adopted by the United States.

NO PLANS ON NATO

As far as we are concerned, we have no plans to resume membership in the integrated NATO organization. We do, on the other hand, intend to pursue our relationship as allies with contacts and of course certain arrangements which now exist or may exist in the future.

As for bilateral cooperation between France and the United States, I personally doubt that the United States wants this.

Q. While on the subject of bilateral accords, would it be useful to have targeting agreement on the French deterrent and SAC, our nuclear force?

A. For the moment, happily, I do not think that either of us will have to use our nuclear forces. Consultations on targetings are obviously feasible, but I want to emphasize that France built a national striking force with the precise intention of enjoying full freedom of decision.

I think that this is consistent with its immediate national interests and even more so with developments at large, be they geographical or related to the development of strategic forces—not only our own but those of the United States and of the Soviet Union.

STRATEGY OF DEFENSE

Q. I am under the impression that, even under President de Gaulle, the French General Staff had given up the strategy of defense from all directions which had been so heavily publicized three or four years ago. Is that correct?

A. I read that The London Times had me completely revising France's nuclear strategy.

Q. That's something else. General Fourquet [French Chief of Staff] wrote a few months ago in the National Defense Review that the philosophical basis of French strategy was no longer "from all directions." Can you confirm this?

A. These are possibilities rather than a philosophical basis.

Q. Mr. President, do you believe Britain will become a member of the Common Market, that the British people are willing to pay the price, and that France will accept this if the British are willing to pay the price?

A. This obviously depends on how the British people and Government feel about it, but I am working on the hypothesis Britain will come in.

Q. You don't anticipate a veto on the part of British public opinion, which might view the deal as too costly?

A. I don't think so; but anyway that's not my problem.

Q. Mr. President, I remember that in 1963, when you were Prime Minister, you told me that Britain had an obvious role to play, that the English should be in Europe, for historical and geographical reasons. Do you still hold this view?

A. I certainly do; I think that Britain and Europe both stand to gain.

EQUAL PARTNERS

Q. You also told me that the day would come when the United States and Europe should work together as equal partners and that it would then be possible to settle some problems currently arising between the United States and Europe.

A. I'll stand on that and would like to add that President Nixon seems closer to that kind of thinking than maybe his predecessors were. Admittedly, Europe is still lagging behind economically, technically and in other fields, especially if you take each country separately. It is up to the Europeans to fill the gap and to take concrete steps along the path which, it appears to me, the Americans have outlined.

Q. What are the main points of disagreement between the United States and France?

A. If you are referring to major problems such as relationships among nations and the way people live within these nations, I would say that there is no disagreement.

Interests are bound to be divergent because of geography, of our respective forces and potential. Disagreement often applies less to the final objectives than to the ways in which they can be achieved. When we talk about Vietnam or about the Middle East, it is rather on procedures than on aims that we tend to differ. But nothing fundamental separates us.

FIRST MEETING WITH NIXON

Q. Do you think that your trip to the United States will lead to the solution of certain problems, besides the fact that it will reaffirm traditional friendship between the two countries?

A. I am a great believer in meetings and rediscoveries. I say "meetings" because I have never met President Nixon personally and because I think it is important that the President of the United States and the President of France should know each other.

When I say "rediscovery," I am thinking somewhat of disagreements which may have arisen between France and the United States a few years ago.

I think that this trip will give us an opportunity to talk very frankly about all our problems. The franker we are, the closer we will probably find ourselves.

Q. It has often been said that there is a special relationship between the United States and Britain, more special than, for example, the old alliance between France and the United States. Is this true or is it a myth?

A. I believe this exists, there is a "special relationship" between Britain and the United States, based above all on the Atlantic position of the United Kingdom and the British Commonwealth, with such countries as Canada and Australia, even closer to the United States than to Britain itself. There is a common language, which constitutes an important link and then there is a special military relationship.

Q. Can this relationship be replaced, shortly, by a new relationship between Britain and Europe?

A. I assume that this is Britain's intention in seeking Common Market membership.

Q. Do you think the creation of a French-British nuclear force would be useful?

TIME IS NOT RIGHT

A. We haven't reached that stage yet, and Mr. Wilson has rejected that idea.

Q. The idea exists, but perhaps this is not the right moment?

A. It is certainly not the right moment.

Q. There has been much talk about differences which reportedly exist between your foreign policy and that of General de Gaulle. Do such differences really exist?

A. In the first place, France being France, our basic needs remain necessarily the same. General de Gaulle's policy was not unnatural. It was imposed by the needs and the fundamental interests of France.

As far as the rest is concerned, of course there are differences. These come from a certain number of events which have taken place, for example, in the economic and monetary fields, changing France's position today from what it was three years ago.

There is what General de Gaulle has called the personal coefficient which by his prestige he himself contributed to French policy. All of this creates a difference. There is a tendency to say that I am more accommodating. However, I would not like to be less firm in insisting upon what I consider our national interest, the interests of Europe and the interests of peace. I cannot act differently with regard to these fundamental points.

THE POMPIDOU POLICY

Q. Certain observers have stated that the Pompidou policy is more dynamic in Europe and in the Mediterranean than was previously the case, and less so in distant points; it has even been said that this policy is more realistic. Is this the case?

A. I do not know if it is more realistic. Perhaps it corresponds a bit better to my temperament.

Q. I have read with a great deal of interest about results of your conversations with Chancellor Brandt. Do you think it would be possible to find a formula for confederation between the two Germanys in order to avoid the crises which occur regularly—the problem of reunification?

A. You must know that we have often encouraged the German Government to seek a détente with the East, emphasizing that it was in such an eastern détente that one could hope to find a solution to the German problem.

Among the positions taken by Chancellor Brandt, there is one which I particularly approve—in which he recognizes, with a great deal of political courage, that the question of German reunification is not today's problem; I feel this problem of the relationship between the two Germanys requires a long-term, progressive and prudent approach. Furthermore, it is on such a basis that Chancelor Brandt is negotiating at this time with the Soviet Government.

Q. Are you optimistic about the possibility of an accord, or is it too early?

A. The problem is to know whether, in these conversations, West Germany and the U.S.S.R. will limit themselves to a pragmatic approach or whether they will attempt to resolve questions of principle. Of course, should they seek to solve questions of principle, success will be more difficult to achieve.

Q. From time to time one hears talk of the dangers of neo-Nazism not only in West Germany but also in East Germany. Is this a question that worries France?

A. Quite frankly, at this time, I do not believe the problem disturbing.

Q. Is France in favor of the European security conference?

A. Our position on this matter is well known. We are in favor of a European security conference and we believe that such a conference could be useful.

However, in order to be effective it must be preceded not only by diplomatic preparation but by what I would call psychological preparation, to provide a favorable climate so that such a conference could be of practical value. But the idea itself is good.

DIFFICULTIES EXPECTED

Q. With a great deal of difficulties beforehand?

A. With difficulties beforehand, yes. But where do these not exist?

Q. Do you feel that, in the interest of the status quo in Europe, it is necessary to forget the occupation of Czechoslovakia?

A. What happened in Czechoslovakia is part of something against which France has been fighting for a considerable time, that is to say, the policy of blocs. We still feel that the closer the contacts are, the more ties will develop, the more an atmosphere of détente will be established and this type of procedure will appear to anybody as unnecessary and undesirable.

Q. I have been told—and I am not sure if this is correct, this is why I ask you—that you are also planning an official trip to the U.S.S.R. in the course of 1970. Is this correct?

A. Yes. I will be going to the Soviet Union in the autumn of 1970.

Q. For how long?

A. This has not yet been decided.

Q. Is there any question of new political relations between France and Russia?

A. We are continuing a normal path.

FOREIGN POLICY REPORT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. BUSH) is recognized for 10 minutes.

Mr. BUSH. Mr. Speaker, I was particularly impressed with the section of

President Nixon's foreign policy report dealing with Communist China. No one who has had even a passing acquaintance with his record can accuse President Nixon of being sentimentally optimistic when it comes to dealing with the Communists. He knows them. And knowledge in this case is power: power to deal with the complexities of the relationship between this giant state and our own.

The fact is that President Nixon is the one American today who could make a reappraisal of our Red China policies—and still have the support and the trust of the American people. He does not promise a millennium; he does not try to smooth over grave and perhaps at this time even irreconcilable differences. He simply states the fact: Red China is there. Within the context of our commitment to freedom and to peace, what are we going to do about it?

His answer is simple and bold at the same time. We are going to try to improve practical relations with Peking.

This no Utopian scheme. This is not one of those head-in-the-sand visions of friendly relationships between a dictatorial regime of immense strength and sinister outlook and a free people. It is simply a realization of the need for a beginning—a beginning based on realistic appraisal of the facts—a beginning that could lead to better hopes for peace in the world.

FEDERAL-STATE PARTNERSHIP IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, recently a former Johnson administration official, who served during the development of the Elementary and Secondary Education Act of 1965, observed that the act may well have been put together backwards.

As my colleagues know, title I of the act provides for a major effort on the part of the Federal Government to meet the educational needs of disadvantaged children. Title II provides for library resources, textbooks, and other instructional material; title III for the development and implementation of exemplary educational programs which would otherwise be unavailable to or untried by local school districts; title IV provides for educational research and training; and title V provides for grants to strengthen State departments of education. These were the titles of the original act. Congress put the major emphasis and most money into title I. We rushed into title I full speed ahead. The results have been sporadic, to say the least.

What if we had reversed the titles and emphasis on the titles and first strengthened State departments of education, then emphasized research and training, third, set up demonstration projects and provided books and other instructional materials? Would we have been better able today to carry out a meaningful and effective title I program? There is no easy answer to this question.

The lesson, however, is behind us. As many Republicans on the Education and Labor Committee observed in their minority views on the recent amendments to ESEA, "we believe that the entire Federal role in education is overdue for a searching evaluation in the context not only of our total educational needs, but of total national needs for public services of all kinds and the tax structure upon which all this rests."

The deputy superintendent of the Wisconsin Department of Public Instruction has written an excellent paper on Federal-State partnership in education in the 1970's. Recognizing that "interrelationships and interdependence between levels of government—local, State and Federal—have become more complex than they were only a few years ago," Mr. Buchmiller has set forth recommendations for complementing State and Federal roles in education. He says:

The State and Federal roles must reinforce each other and wherever possible avoid conflict and duplication in educational leadership and the administrative machinery needed to carry out joint endeavors.

I urge my colleagues to review Mr. Buchmiller's thesis which I include at this point as part of my remarks:

A GOAL FOR THE 1970'S, CONSENSUS ON THE FEDERAL-STATE PARTNERSHIP IN EDUCATION

(By A. A. Buchmiller)

The decade of the 1960's witnessed a vigorous renewed interest by the federal government in the educational affairs of states and local school districts. This interest is directed toward a national commitment for full educational opportunity for every citizen. It is also used as an instrument of intercession to ameliorate complex social problems in American society.[1] The Vocational Acts of 1963 and 1968, the Economic Opportunity Act of 1964, and the Elementary and Secondary Education Act of 1965 (with subsequent amendments) are examples of both of these basic purposes.

There appears to be general acceptance of the notion that education is an investment in the development of human capital which is essential to social and economic growth. Benson pointed to the importance of using education as a vehicle for social development when he said:

"Throughout the world, both philosophers and men of affairs appear to have reached consensus on this point: education is a major force for human betterment."[2]

Unfortunately, the employment of education as an instrument of social change was accompanied by unrealistic expectations relative to the time required to overcome deep-seated social ills and in the underallocation of the financial resources needed to fulfill these expectations. One has only to look at the authorized level of funding in Title I of the Elementary and Secondary Education Act of 1965 as a prime example. While the fact cannot be ignored that financial resources are in short supply, it must also be acknowledged that the priorities used to allocate our financial resources are also a function of our value system or a matter of choice.

Another aspect of the entry of the federal government in local educational affairs during the 1960's was the trend for increasingly complex administrative procedures at the federal, state, and local levels. These procedures (frequently modified by amendments to the congressional enactments, changes in administrative rule by USOE and multiple agency approval) taxed the capability of local school districts to respond effectively. An example of the increased complexity of the administrative process may be found in a Bureau of the Budget Bulletin[3] dated July 24, 1969, requiring metropolitan, regional, and state planning commission approval. The lack of flexibility in much of the legislation prompted the Committee for Economic Development to conclude that:

"Sweeping initiations by the national government resulted in local governments tending to become administrative mechanisms for implementation of national policies rather than dynamic centers of authority in their own right."[4]

These trends frequently come in direct conflict with long standing traditions of autonomy and home rule by state and local governments. Confronted by the pressure for change from every direction, the glue of tradition does not provide or maintain the orderliness and coordination needed in our educational planning and administration. The interrelationships and interdependence between levels of government (local, state, and federal) have become vastly more complex than they were only a few years ago, it cannot be otherwise in a society which is itself complex and changing. As a result the struggle of redefine and accept changes in long-standing roles produces as much disagreement as it does agreement. Little consensus seems to be surfacing which would establish the "new educational partners" in secure or recast roles. It results in a slowdown in building on existing educational strengths and infusing needed changes in our educational enterprise. In a period of rapid change, marking time or slow progress has negative long-range implications for future educational, social, and economic well-being.

Historians may characterize the decade of the 1960's as one of turmoil and the beginning of a new era of federal-state responsibility and cooperation in education. Increasing urbanization, population mobility and changes in our economic structure all point to a reordering of our priorities. Already many are pointing to a fiscal crisis in education for the 1970's and the need to equalize educational costs between local school districts, the states, and the federal government.

If one accepts the assumption that a new cooperative educational responsibility is needed, then logically one must also assume that a viable state-federal partnership must be developed to maximize the delivery of educational programs, services, and resources in order to attain the highest level of educational productivity possible within existing limitations and constraints. The state and federal roles must reinforce each other and wherever possible avoid conflict and duplication in educational leadership and the administrative machinery needed to carry out joint endeavors. The federal agencies stand in relation to the states as the state stands to local school districts and each must develop its unique capability and most effective role.

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[1] Professor Burton A. Weisbrod of Washington University emphasizes this relationship in his research and writings.

[2] Charles S. Benson, *The Economics of Public Education* (Boston, Mass., Houghton-Mifflin, 1961), p. VII.

[3] Robert P. Mayo, Director, Bureau of the Budget, Circular No. A-95, Subject: Evaluation, review, and coordination of Federal assistance programs and projects (Washington, D.C., U.S. Government Printing Office, July 24, 1969).

[4] Committee for Economic Development, *Modernizing Local Government to Secure a Balanced Federalism* (Washington, D.C., Committee for Economic Development, July, 1966), p. 9.

While the states may be faulted on their performance in the past, it must be acknowledged that legislation passed by the congress has significantly altered the role of state departments of education in recent years. Financial resources available for the administration of federal programs and especially earmarked funds provided under Title V, Section 503, of the Elementary and Secondary Education Act of 1965 infused new strength and capability into state departments of education. It should also be noted that appropriations have not been increased in order to maintain and expand this initiative, and increased costs threaten to erode the gains already made by these agencies. Perhaps no other educational investment by the federal government is more important than to maintain and expand the leadership capability of state departments of education for delivering the benefits of congressional enactments and fulfillment of national educational priorities. Forrester's[5] observation for urban vitality is equally analogous for internal state educational policy.

The need is urgent and time critical to achieve greater consensus covering the major missions of education and the redefinition of state-federal roles which will promote the delivery of educational opportunities to *all* of our citizens. To this end the following brief initial statement of common educational missions and roles is suggested.

[5] Jay W. Forrester, *Urban Dynamics* (Cambridge, Mass., The M.I.T. Press, 1969) p. 120. "Outside help for the city cannot be sustained forever if the effort is directed toward an unnatural goal that the city itself cannot *maintain*, to say nothing of *achieve* on its own." (Italics mine.)

THE MISSIONS AND ROLE OF THE STATE AND FEDERAL PARTNERS FOR ELEMENTARY AND SECONDARY EDUCATION

MISSION	FEDERAL LEVEL	STATE LEVEL
1. To assure full and equal educational opportunity for all citizens.	1. Provided by interstate leadership and allocation of resources to states: (a) leadership and technical assistance to *state educational agencies* in areas of the national interest. (b) assessment of educational performance and productivity in cooperation with each state educational agency. (c) grants-in-aid to state educational agencies to assist in providing technical assistance and services at and from the state level and annual increases which maintain such level of services. (d) leadership for interstate compacts and cooperation. (e) human rights and nondiscrimination (federal and interstate).	1. Provided by intrastate leadership and allocation of resources to school districts: (a) leadership, technical assistance and *services to local school districts* in areas of federal and state interest. (b) establishment of educational standards, accreditation of schools and licensure of qualified professional staff which are employed by local school districts. (c) assessment of educational performance in cooperation with federal interests. (d) establishment of experimental and cooperative programs and the operation of special schools and regional service centers. (e) educational auditing. (f) human rights and nondiscrimination (intra-state).
2. To stimulate and coordinate educational research for improvement of education.	2. Allocate federal funds for research, demonstration and dissemination activities at a level of two to five percent the amount of funds provided the states for general support: (a) to institutions of higher education. (b) to state education agencies. (c) to local schools. (d) to other organizations and agencies. The focus of research should be on new discovery, development and experimentation in areas common to the national interest and to the majority of the states.	2. Allocate state funds for research, experimentation, evaluation and dissemination at a level of two to five percent of the amount of funds provided by the state for general support to local school districts. The major focus should be on: (a) collection and dissemination of data. (b) experimentation and demonstration of new methods. (c) operational research. (d) program evaluation. (e) provide technical assistance to local districts.
3. To achieve an equitable allocation of financial resources for local school district and state educational agency operational costs.	3. (a) *Local School Districts:* Twenty percent of the national average per pupil operating costs should be provided to each state on the basis of census age children between 4–19 years of age. Sixty percent of the total be distributed to local school districts on a per capita basis and forty percent on an approved state equalization basis. (b) *State Educational Agencies:* A minimum flat grant and percentage of total funds received adequate to provide for necessary administration of federal funds within the state.	3. (a) *Local School Districts:* A minimum of forty percent of state average per pupil operating costs provided by the state to local school districts through an equalization formula which recognizes need, minimum educational opportunity and local effort. (b) *State Educational Agency:* Full costs to administer and audit the administration of state and federal revenues.
4. To provide financial assistance programs to meet high priority needs.	4. Adequate full funding of special programs to achieve high priority goals within a period of ten years or less, administered by individual state plan administration in each state approved by USOE, which are gradually phased into regular operations: (a) urban education. (b) educationally disadvantaged. (c) vocational education. (d) handicapped. (e) facilities and equipment. (f) professional training.	4. Seventy percent state funding of special programs to meet priority state needs and/or to provide special services at the local level: (a) emphasis on comprehensive programs for the handicapped. (b) residential schools (fully state-financed). (c) educationally disadvantaged. (d) facilities and debt retirement. (e) teacher education.
5. To promote and provide for the dissemination of educational information.	5. To provide clearinghouse centers for the dissemination of research, educational information, statistics and programs to the States, institutions of higher education, etc. The dissemination of information should be through State educational agencies and other organizations relating to educational improvement. (a) operate or contract for centers. (b) provide technical assistance to States. (c) provide grant-in-aids to State agencies to maintain State dissemination centers.	5. Collection and dissemination of educational information to schools, agencies, and to the Federal Government. The State educational agency should be the primary clearinghouse on educational information in the State. (a) maintain State information and dissemination centers. (b) provide services to local school districts. (c) collect and transmit educational data to other agencies (State and Federal).
6. To encourage and promote interstate cooperation on educational policy, administration, and common problems.	6. Promote interstate cooperation and activities for resolving problems which are common to states through: (a) conferences and workshops. (b) grants-in-aid for cooperative action. (c) technical and consultative assistance to states.	6. Provide for state participation in interstate projects and related intrastate coordination. (a) cooperation and participation in interstate projects and concerns. (b) initiating and administering interstate grants to resolve common problems.

THE MISSIONS AND ROLE OF THE STATE AND FEDERAL PARTNERS FOR ELEMENTARY AND SECONDARY EDUCATION—Continued

MISSION	FEDERAL LEVEL	STATE LEVEL
	(d) mobilize and coordinate activities in the national interest.	(c) providing assistance and advisory input to federal agencies regarding state needs, federal policy and administration of federal programs.
7. To cooperate with the world family of nations in areas of common educational interest.	7. Foster educational cooperation between nations through: (a) information programs. (b) technical assistance. (c) reciprocal training and study exchanges.	7. Cooperate with federal agencies in the coordination of federal programs in international education: (a) cooperate in intern and foreign study exchanges. (b) participate in technical assistance missions.

CRIME AT OUR PORTS OF ENTRY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I hope this Congress will concern itself with protecting the ports of entry in our country from the increasing infiltration of organized crime. Organized crime has more than a foothold in business concerns operating on the waterfront in the Port of New York. Large-scale pilferage and theft of cargo is also a problem on the waterfront. Moreover, Attorney Gen. John Mitchell recently stated that at one of the major airports, and it is commonly believed he was referring to the John F. Kennedy Airport in New York, there is an annual half-billion-dollar loss as the result of pilferage and thefts.

My examination of the New York/New Jersey Waterfront Commission established 17 years ago with the approval of Congress indicates that the commission is not doing an adequate job in keeping organized crime off the waterfront. Moreover, the scope of its activities are limited solely to the waterfront and there are other ports of entry, such as JFK, which are not under the control of any State or Federal agency whose purpose it is to root out and prevent organized crime from gaining and maintaining influence at those sites.

I believe that the time has come for the Federal Government to consider legislation with the following priorities in mind:

First, the prevention of pilferage or grand theft from cargo whether from airports or seaports.

Second, the prevention of an infiltration of legitimate waterfront and airport business by elements of organized crime by the use of licensing power over those engaged in interstate commerce.

Third, the creation of Federal standards of cargo protection and the creation of freight security areas in both airports and seaports.

The activities of organized crime places a great burden of additional cost upon the consumer. It is clear that increased costs resulting from business monopoly, fraudulent practices and cargo theft are ultimately passed on to the consumer.

On February 12, I issued a statement on the activities of the New York/New Jersey Waterfront Commission which I insert at this point so as to acquaint our colleagues with that disturbing situation:

STATEMENT BY CONGRESSMAN EDWARD I. KOCH REGARDING ELIMINATION OF ORGANIZED CRIME ON THE WATERFRONT

The Waterfront Commission is not using its licensing powers to keep organized crime off the waterfront. If the bi-state agency governing the Port of New York lacks the will to fight organized crime, it may become necessary for the Federal government to step in and do the job instead.

Last year the Waterfront Commission went to Albany and Trenton and asked for legislation giving it licensing powers over companies performing services incidental to the movement of waterborne freight. The legislation was specifically aimed at companies under the control of, or associated with, organized crime. These companies included Erb Strapping under the control of the Vito Genovese family which has a practical monopoly in port handling and inspection of meats, and Court Carpentry and its successor C. C. Lumber, the largest marine carpentry company on the waterfront, which previously maintained illegal business relationships with labor leader, Anthony Scotto.

The legislation was passed in July 1969 and became effective September 2, 1969. Curiously, the Commission has done next to nothing since then. Erb Strapping and C. C. Lumber are still on the waterfront having been given temporary licenses without any hearings on their qualifications or lack of them. William Sirignano, Executive Director and General Counsel of the Commission, testified in Albany last year that these companies had already been "intensively" investigated, and yet today they continue to operate with temporary licenses. There is no excuse for this Commission inaction. Hearings should be held without further delay.

In view of recent reports of organized crime activity on the waterfront involving large scale container thefts, the continuance of gambling and business monopolies and the casual Commission attitude in the Passalacqua case, it is time for Gov. Rockefeller, in consultation with Gov. Cahill, to shake up the Commission's executive hierarchy and get something done. If that means removing Commissioner Kaitz and Mr. Sirignano—so be it.

If the Commission does not use its new licensing powers and if New York and New Jersey do not take steps to restore the Commission to its former prestige—then it will be time for the Congress to consider the establishment of Federal control and the utilization of licensing powers to break the hold of organized crime on the waterfront.

ALABAMA SCHOOLS

(Mr. NICHOLS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, of all the issues that concern Alabamians, and there are many, there is no single issue on which I receive more mail than on Alabama schools. I get letters and more letters and my phone rings daily from some concerned parent or school official telling me of the damage being inflicted on public education from the unworkable demands of both HEW as well as the courts. A few days ago I met with more than 150 Alabama high school principals at a breakfast meeting and these career school people poured out their understandable concern to me and told me of the extreme difficulties they were experiencing in attempting to carry out the mandates of the court. Alabama school people are to be commended in their efforts to impart knowledge to our boys and girls under conditions that are most difficult under the harassment of our Government.

This past Sunday, I attended the meeting held at the Birmingham Auditorium attended by former Gov. George Wallace, Senator ALLEN, Congressman GEORGE ANDREWS, and Congressman WALTER FLOWERS of our own delegation. An estimated 10,000 concerned parents from throughout the State were present. Representatives of six States came to serve notice that we intend to insist on freedom of choice in education.

The conflict goes far beyond the matter of integration but involves the busing of children a considerable distance to be schooled. In my judgment methods being used are in contradiction to the will of the Congress, who in clear and unmistakable language wrote into the 1964 Civil Rights Act as follows:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

In another section of the same act is the following language:

Desegregation shall not mean the assignment of students of public schools in order to overcome racial balance.

This is the law passed by the Congress and I have consistently maintained the courts are wrong in their interpretation.

What Alabamians are insisting upon is freedom of choice. They want to be able to send their children to any school within a given school district and this freedom of choice of course applies equally to both races. As a matter of fact, last fall an outstanding black high school student came to me speaking for his student body asking our efforts to preserve their school and I have letters from the teachers and trustees of this school who strongly objected to the closing of their school of which they were very proud. They told me that their buildings were relatively new however, despite my efforts in their behalf, the school was closed and this young man was moved to a school which was not his choice. This student was a senior and would have graduated this year. His principal at the new school told me that the boy, in his new environment, became despondent, dropped out of

school and has taken a job outside of the community.

It is not good business to bus students away from their communities against their wishes nor to transfer teachers and pupils alike in midyear to a school contrary to their wishes. Nor is it good business to abandon expensive school grounds to grow up in weeds and bushes. This problem needs further study by legal experts so that the laws passed by Congress may be carried out.

On Tuesday of this week, Members of the House from the Southern States whose schools have been most disrupted met with Alabama Gov. Albert Brewer, Georgia Gov. Lester Maddox, Louisiana Gov. John McKeithen, and Mississippi Gov. John Bell Williams. We hope that from this meeting will come some common ground on which we can all work toward bringing about a return to local control of our school systems.

Last year, I placed in the CONGRESSIONAL RECORD a number of letters from students, parents, teachers, and community leaders who objected to the closing of the St. Clair County Training School by the Federal courts. This was an all-Negro school, and because no white students chose to attend it under the freedom-of-choice plan, the court decreed that it would be closed altogether and the students were sent to other already overcrowed schools.

I would like at this time to place in the RECORD a few of the many hundreds of letters I have received in the last few weeks. These letters reflect the feelings of parents and teachers in my congressional district over the situation that exists in the public schools of Alabama.

The letters follow:

FEBRUARY 4, 1970.

THE SUPREME COURT BUILDING,
Washington, D.C.

GENTLEMEN: Today was February 2nd and Jefferson County, Alabama was forced to integrate contrary to our understanding of the 1964 Civil Rights Act. This was your doing.

When the ruling was handed down it was done without any consideration whatsoever to the children or teachers. Was September 1970 so far away? Better yet, why was it not done in September 1969? Oh, it probably would have met opposition but the mass confusion and needless upsetting of the children and teachers involved would not have come about. This is happening now.

Today the children came to school wondering if their teachers would be there. Our teachers still do not know who will be transferred as of this time. They know who is eligible and must go through the agony of waiting and wondering. This waiting is most unfair, mentally, on the teacher as well as the children.

We *are not* against integration. We *are for* everyone's child receiving the best possible education. We *are not* for school disruptions, teacher changing, readjustments or student busing during the middle of a school year with the only goal in mind to achieve racial balance. Thanks to you gentlemen this is what our second grader is receiving. I call it very unfair and undemocratic.

We live in an area we chose to live in and expect our children to attend the school here, not somewhere else; because we feel this should be their right. At no cost to the taxpayers, (of which we are two) we transport our children to and from school.

It seems to us during the past several years our freedoms are diminishing. Our constitution is slowly losing its meaning because it says one thing but does not evidently mean that for everyone. If the constitution was enforced for all persons as it was originally written, we do not believe all the current civil rights legislation would be necessary. By a court ruling, by you, a matter becomes word and law and you could care less what the public thinks and wants. Respect for you has gone way down.

Where are your children or grandchildren going to school? In some exclusive private one someplace where there are *no* problems and won't be. Why isn't ours going to one? Because, we believe in the public school system, or did, and prefer it over a private one. Our children deserve the best and if it is at all within our means will get it.

Our teachers don't want to leave their present classrooms at this time of the school year. They are conscientious teachers who also can see the harm of switching midstream. Our feeling is this, they don't have the freedom of teaching where they wish, thanks to you.

Freedoms? The American People are slowly losing theirs. Washington has power but wants more. The more they control, the more they want.

We came to Alabama from a northern state less than a year ago so our family is not native southerners. Frankly the south and its problems didn't faze us one way or the other. Now we are here and involved and our views and opinions have changed tremendously. Most of them have been of our government in Washington.

We don't expect this letter to be read by anyone sitting on the Supreme Court benches, and because you gentlemen do not hold an elective office, you do not have to answer to your constituents, but we have said what we started out to say and thank the good Lord we still have that freedom.

Sincerely yours,

Mr. and Mrs. RICHARD D. GREEN.

SYCAMORE, ALA.,
January 19, 1970.

Congressman BILL NICHOLS,
Washington, D.C.

MY DEAR SIR: I am very concerned about the school system here in the South and I feel I should write to you on this subject.

I have no children in school, but I do have nieces and I feel everyone should speak out. What I cannot understand—along with most of the people—is where our Freedom of Choice has gone. Not only the white people but the Black as well.

The Federal Government says they have to mix in school. Well, most of the white and black people have accepted this. But why bus white children 20 blocks or 20 miles to a black school or bus black children the same way. Not only the Freedom of Choice for the students have been taken away, but for the teachers as well. They have no choice either. They have to teach where they are told to teach. Why? Because the Federal Courts say you do it this way or no Federal aid. What is Federal aid? It is taxes that every day working men and women pay. White and Black. It is their money to be used for the good of education, not to ruin it. And that is what is going to happen.

Take a case in the city of Talladega. I'm sure you read it in the Talladega Daily Home Paper. This Black woman's children could walk to school and come home for lunch, therefore saving this family money they needed for other things. There was six or seven of the children. She went to see the circuit judge and he said there was nothing he could do. By law he could not. So they bussed her children completely across town to a white school. Now I ask, Where did this Black woman's Freedom of Choice go, as well as, her children?

I'm proud I'm a Southerner and I hope to live here the rest of my life, but it looks as if someone somewhere with authority has a grudge against the South.

The main issue in the South today is giving the Freedom of Choice back to the people.

Thank you. I remain,
Yours truly,

BETTY BARNETT.

MARIN JUNCTION, ALA.,
February 4, 1970.

Hon. BILL NICHOLS,
House Office Building,
Washington, D.C.

HONORABLE BILL NICHOLS: I am very much concerned citizen of Marian Junction, Dallas County, Ala., and am interested in the affairs of Alabama to be handled by the efficient official staff of Alabama.

I feel this "Inforced School Situation" on the few Southern States is "discrimination." All States should be treated alike, the way I see it. To me this is not according to the Constitution of the United States. I do not call this "Civil Rights" nor "Freedom of Choice" which Constitution calls for.

Please do something about this situation.

Sincerely,

Mrs. W. C. EDWARDS.

PINSON, ALA.,
January 31, 1970.

Mr. BILL NICHOLS,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. NICHOLS: We do appreciate your earnest and sincere efforts on behalf of our state and nation in these trying times.

May we now ask you to work for laws requiring freedom of choice in all public schools in all fifty states.

Zoning and busing, etc. work more hardships on both races here and everywhere in the nation. Quality education is going "down the drain" if Congress does not take immediate steps to correct this unhappy and needless situation.

We urge you and your colleagues to please save our public school system!

Sincerely yours,

Mr. and Mrs. DON H. VEAL.

SELMA, ALA.,
February 7, 1970.

Hon. WILLIAM NICHOLS,
House of Representatives,
Washington, D.C.

DEAR MR. NICHOLS: I am enclosing a Xerox copy of an article which appeared in the Selma Times Journal on February 5, 1970. This article is by David Lawrence in whom I have implicit confidence as an interpreter of legal documents, etc. In this article he refers to various sections of the Civil Rights Act of 1964, such as 407, 408, 409 and 410. I am sure you are familiar with every phase of these and other sections on the subject of "racial imbalance," busing school children, etc.

Mr. Nichols, please enlighten me on the subject of some of these laws. Not only does Mr. Lawrence state what the Constitution permits but emphasizes certain items here which are strictly forbidden by it. What I would like to know is why Federal Judges as well as the Supreme Court continue to rule in violation of these provisions and no one ever seems to question their decisions.

Personally, I feel that there is no system which is more equitable than "freedom of choice," without coercion, when it comes to placement of pupils in our public schools.

Thank you.

Sincerely,

W. H. SLAUGHTER.

[From the Selma Times-Journal, Feb. 5, 1970]

FREE CHOICE IS LAW

(By David Lawrence)

WASHINGTON.—The Constitution of the United States specifically says that Congress

may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

"Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the 1969 appropriations act of the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In 1970 appropriations act for the Department of Health, Education, and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After President Nixon's veto of the bill, it went back to a House appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children. The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," but it has to be proved that this is a result of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children of other races attending the same schools. The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education, and Welfare from carrying out any such instructions of the courts.

This problem certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found. (c)

TAKE PRIDE IN AMERICA—NO. 29

(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. In 1967, Americans sent 76,593,000,000 pieces of mail. This was over seven times more than the United Kingdom, the second leading mailer in the world, which sent 10,918,000,000 pieces.

VIETNAM CASUALTY REPORT: THE DOWNWARD TREND

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include a report.)

Mr GERALD R. FORD. Mr. Speaker, I am sure all Americans will be gratified to learn of the extent to which President Nixon's Vietnamization program is working to reduce U.S. combat casualties in Southeast Asia.

Although there are some who apparently believe the President's program is a program only in name, an article by James D. Hessman and Margaret Berkowitz in the February 14 issue of the Armed Forces Journal proves, through an analysis of U.S. casualty statistics over the past 2 years, that U.S. combat deaths have been dropping significantly since the start of the Vietnamization program.

There were some 5,000 fewer U.S. combat deaths in Vietnam in 1969 than there were in 1968, Mr. Speaker. More important, as the Armed Forces Journal points out in its well-researched and carefully-documented article, the rate of U.S. casualties, both dead and wounded, has been steadily downward for the past 6 months.

While this has been accomplished, as the Journal article also proves, the military forces of our South Vietnamese allies have been steadily improving to the point where they are now, with continued U.S. support, of course, demonstrably winning their war of attrition against the North Vietnamese aggressors.

I commend to my colleagues the best statistical documentation and analysis of the downward trend of U.S. casualties in Vietnam which has come to my attention.

The article follows:

[From Armed Forces Journal, Feb. 14, 1970]

VIETNAM CASUALTY REPORT: THE DOWNWARD TREND

(By James D. Hessman and Margaret Berkowitz)

President Nixon is winning, dramatically and demonstrably, his battle to reduce U.S. combat casualties in Vietnam, and the domestic political impact in the election year of 1970 could be enormous.

Data compiled by the Armed Forces Journal from various official U.S. source documents reveal that:

U.S. forces in Vietnam suffered some 5,227 fewer combat deaths in 1969—President Nixon's first year—than in 1968. There were 9,365 U.S. combat deaths in 1969 compared to 14,592 in 1968. The 1969 total, in fact, is even a shade less than the total of 9,378 combat deaths suffered by U.S. forces in 1967.

The number of U.S. combat wounded also was down—almost 23,000—in [illegible]: 69,943, compared to 92,920 in 1968.

More important, there is now evident a steadily downward *trend* in the U.S. casualty statistics: In the first half of 1968, President Johnson's last year in office, U.S. forces suffered an average of 362.3 battle deaths per week. In the second half of 1968 this figure dropped to 188.2 per week, but climbed again in the first three months of 1969, after Mr. Nixon was sworn into office, to a disheartening 253.2 per week figure, before tailing off slightly in the second quarter of 1969 to 235.8 per week.

In the third quarter of 1969, presumably after the Nixon/Laird "Vietnamization" program had taken better hold, U.S. combat deaths dropped significantly lower—to 130.6 per week. The downward trend continued in the fourth quarter as U.S. combat deaths dropped to 90.7 per week. Thus, despite an ominous start, the 177.6 per week combat death average for all of 1969 was almost 100 per week below the 275.3 average in 1968.

South Vietnamese Armed Forces deaths, after soaring to an alarming 1,043.1 per week peak in the second quarter of 1969, also have dropped considerably. The ARVN lost an average of 355.7 men per week in the third quarter, and 347.5 men per week during the fourth quarter of 1969. This is less than 35% of the fearful second quarter toll.

Enemy deaths also have dropped, but not so steeply as have allied deaths. The Viet Cong and North Vietnamese forces lost a combined 3,007.6 men per week last year, not appreciably lower, on a percentage basis, than the 3,684.2 men per week they lost in 1968. Perhaps of more significance are the individual third and fourth quarter statistics, which reveal that, at a time when both U.S. and ARVN combat losses were decreasing, enemy combat deaths were *increasing*—from 2,371.5 deaths per week in the third quarter of 1969 to 2,384.7 deaths per week in the fourth quarter.

THE CHANGING KILL RATIOS

Underscoring the varying rates of change in the allied and enemy casualty statistics are the morbid and controversial but in many respects useful "kill ratios," which show that:

(1) The ratio of enemy dead to allied dead—5.06 in 1968—climbed to 5.28 in the fourth quarter of 1969. The ratio had peaked at 6.74 in the first quarter of 1969 but, in the second quarter, when the Vietnamization program was first getting underway, plummeted to 2.76—a change which created considerable concern among allied planners. The 4.30 ratio for all of 1969 still was somewhat lower than the 5.06 ratio in 1968, but the trend was steadily upward.

(2) The ratio of enemy dead to U.S. dead was up appreciably—from 12.59 in 1968 to 16.94 in 1969. Here again the absolute figures tell only half the story. What is of greater importance is the trend of the ratio, which has increased steadily over the past two years: from 12.34 in the first half of 1968, to 13.06 in the second half of 1968, to 14.54 in the first quarter of 1969, to 15.22 in the second quarter, to 18.49 in the third quarter, and finally to 26.29 (over twice the second half 1968 ratio) in the fourth quarter of 1969. In U.S. political terms the significance here is not so much the absolute kill ratio as such, but the politically potent fact that the ever more favorable ratio is but one more reflection of the dramatic reduction in U.S. combat casualties during the first year of the Nixon Administration.

(3) The ratio of enemy dead to ARVN dead also shows a steady if not spectacular up-

ward trend. The enemy/ARVN ratio—8.79 in 1968—climbed to 13.39 in the first quarter of 1969, when South Vietnamese forces were relatively inactive. The ratio dropped sharply, to 3.44, in the second quarter, but climbed back up to 6.66 in the third quarter and edged up still higher, to 6.86, in the fourth quarter. The continuing upward trend at a time when South Vietnamese forces are assuming more and more of the combat burden must necessarily give pause to North Vietnamese planners, who undoubtedly hoped to fare much better against the ARVN than they have so far against U.S. forces.

A HAPPY CONTRAST

The long range picture beginning to emerge is in happy contrast to the grim prospects which faced President Nixon after his first six months in office. In an earlier analysis of the comparative Johnson/Nixon casualty statistics (2 August 1969, a time when most press reports were headlining a "lull" in combat activity), the Journal pointed out that U.S. combat deaths had, in fact, increased some 30% in the first six months of the Nixon Administration (compared to the last six months of the Johnson Administration), that the enemy/allied kill ratio had dropped significantly during the same period, and that the ARVN were suffering heavy and perhaps politically—and therefore militarily—fatal combat losses.

CAUSE FOR CONCERN

Despite the more encouraging trends of the longer range 12-months statistics, however, there still are numerous reasons for concern:

In each of the last two years, U.S. combat deaths in the first half of the year were more than double the number in the second half. An increase in U.S. casualties in the first half of 1970, therefore, although such is unlikely, would not be without recent historical precedent.

U.S. combat casualties, while decreasing, are still high—9,365 dead and 69,943 wounded in 1969. Even if the combat death rate holds at the current 90.7 per week mark (1,105.1 wounded per week) the U.S. still would suffer over 62,000 more casualties—including some 4,600 deaths—over the next 12 months.

Total U.S. combat deaths are now over 40,000, and the wounded total is approaching the 275,000 mark. And the higher the casualty lists climb the greater the cumulative frustration of the American public. For this reason, although recent polls shows the majority of U.S. citizens back President Nixon's handling of the war, it is still quite possible that Hanoi may once again try, through a new escalation of combat activity, to win by political means what it patently cannot achieve militarily.

A WAR OF ATTRITION

This latter possibility is considered most unlikely, however. U.S. planners concede that the enemy could, by concentrating his forces and by accepting heavy losses, achieve certain short term military successes. But it is now considered almost impossible for the North Vietnamese/Viet Cong, after losing close to 600,000 men in the war—some experts have calculated that the North Vietnamese combat death rate now exceeds their birth rate—to mount a sustained offensive for any significant duration of time.

Even if they did, President Nixon has several times warned, without getting into specifics, that he would be willing to take whatever "appropriate action" is necessary to counteract a new enemy offensive, if and when. (A number of observers believe such "appropriate action" by the President would include a resumption of the bombing of North Vietnam.)

If the enemy were foolish enough to escalate the war once again, despite the Nixon warning, it would of course mean a higher degree of combat intensity for a while, but it also likely would lead to a much heavier U.S. offensive which could, in turn, bring the war to a final screeching halt.

HANOI'S DILEMMA

It is Hanoi, rather than Washington or Saigon, which now finds itself caught in a dilemma. If it escalates the war, it could precipitate an unacceptably harsh U.S. reaction. On the other hand, if it bides its time to build up its own strength, it will continue to lose on the battlefield, and it will at the same time give the South Vietnamese leaders more time to further build up the capabilities of their own rapidly improving military forces and to consolidate their still shaky but improving political situation.

This is not all. Hanoi has other problems. Among them:

(1) The increasingly bitter intramural row between the USSR and Communist China could—and possibly already has—led to a considerable reduction in the flow of supplies to North Vietnam as the two Communist superpowers retrench to build up their own forces.

(2) With the death of Ho Chi Minh the North Vietnamese lost an irreplaceable leader who, whatever his true characer, possessed a charisma and a reputation unmatched by few other men in the world, and certainly not by any of his successors.

(3) Because of their bungling of the POW issue and their truculence in Paris, the North Vietnamese have lost a good share of the puzzling moral strength they possessed among those nations who for various reasons good and bad have refused to condemn Hanoi for its attempt to subjugate South Vietnam.

(4) Within the United States itself public opinion has rallied behind the President, a result 180 degrees from what the Communists expected—much credit for this, of course, must be given to the President's adroit handling of domestic criticism with his 3 November speech of last year, now considered by many to be the high point of Mr. Nixon's first year in office.

All of the above factors indicate that time now is definitely on the side of the U.S. and its South Vietnamese allies, and very much against North Vietnam.

It is impossible, and would be exceedingly foolish, to predict with any certitude the certain end of an always unpredictable war.

But it seems safe to say that all the indicators of final combat success are now, perhaps for the first time, pointing uniformly to ultimate allied victory.

WEEKLY AVERAGE OF VIETNAM CASUALTIES

	U.S. combat deaths					U.S. wounded					Non-U.S. combat deaths		
	Army	Navy	USMC	USAF	Total	Army	Navy	USMC	USAF	Total	ARVN	Free world forces	Enemy
Rate in President Johnson's last year:													
1st half, 1968	227.5	11.6	119.2	5.0	362.3	1,468.5	68.8	750.2	22.2	2,309.7	542.9	23.7	4,471.1
2d half, 1968	125.5	6.2	54.5	2.1	188.2	795.9	45.8	364.1	7.9	1,213.7	244.8	13.9	2,458.6
1968 total	175.9	8.9	86.9	3.5	275.3	1,132.4	57.3	557.1	15.1	1,761.7	393.9	18.8	3,464.8
Casualty rate to date under President Nixon:													
1st quarter, 1969	167.2	9.3	73.8	2.1	253.2	1,287.7	78.8	478.3	14.8	1,859.7	275.3	18.5	3,684.2
2d quarter, 1969	176.3	5.5	50.8	3.2	235.8	1,222.7	49.3	364.2	8.9	1,645.2	1,043.1	17.4	3,590.2
1st half, 1969	171.8	7.4	62.3	3.0	244.5	1,255.2	64.1	421.1	11.9	1,752.4	659.2	17.9	3,637.2
3d quarter, 1969	91.5	3.5	32.2	3.4	130.6	764.1	33.5	298.9	8.6	1,105.1	355.7	16.5	2,371.5
4th quarter, 1969	70.4	3.3	15.1	1.9	90.7	538.7	26.2	114.8	4.9	684.5	347.5	13.8	2,384.7
2d half, 1969	81.0	3.4	23.7	2.7	110.8	651.4	29.9	206.9	6.7	894.8	351.6	15.1	2,378.1
1969 total	126.4	5.4	43.0	2.9	177.6	953.3	47.0	314.1	9.3	1,323.6	505.4	16.5	3,007.6

Note: 1st half 1968: Jan. 20 through July 20, 1968. 2d half 1968: July 21, 1968 through Jan. 18, 1969. 1st quarter 1969: Jan. 19, 1969 through Apr. 19, 1969. 2d quarter 1969: Apr. 20, 1969 through July 19, 1969. 3d quarter 1969: July 20, 1969 through Oct. 18, 1969. 4th quarter 1969: Oct. 19, 1969 through Jan. 17, 1970. 1st half 1969: Jan. 19, 1969 through July 19, 1969. 2d half 1969: July 20, 1969 through Jan. 17, 1970.

Year	Killed in action	Wounded or injured: Died of wounds	Wounded or injured: Nonfatal wounds	Missing: Died while missing	Missing: Returned to control	Missing: Current missing	Captured/interned: Died while captured	Captured/interned: Returned to control	Captured/interned: Current captured	Summary: Combat deaths: From aircraft: Fixed wing	Summary: Combat deaths: From aircraft: Helicopter	Summary: Combat deaths: Ground action	Total deaths
1961–62	20	1	81	21	7					24	7	11	42
1963	53	5	411	20	3					23	35	20	78
1964	112	6	1,039	28	2		1			39	38	70	147
1965	1,130	87	6,614	151	12		1	3		111	88	1,170	1,369
1966	4,179	517	30,093	309	22		3			168	185	4,655	5,008
1967	7,482	981	62,025	911	12		4	5		173	287	8,918	9,378
1968	12,588	1,636	92,920	367	26		1	26		250	631	13,711	14,592
1969[1]	8,081	1,160	69,943	119	10	932	5	16	422	164	632	8,659	9,365
Total	33,645	4,393	263,126	1,926	94	932	15	50	422	952	1,903	37,124	39,979

[1] As of Dec. 27, 1969.

TOTAL VIETNAM COMBAT CASUALTIES

	1st Half 1968 [1]	2d Half 1968	Total 1968	1st Quarter 1969	2d Quarter 1969	1st Half 1969	3d Quarter 1969	4th Quarter 1969	2d Half 1969	Total 1969
U.S. combat deaths (all services)	9,420	4,894	14,314	3,292	3,066	6,358	1,698	1,179	2,880	9,235
Republic of Vietnam armed forces deaths	14,117	6,365	20,482	3,579	13,560	17,139	4,624	4,518	9,142	26,281
Free world forces deaths	615	363	978	240	226	466	214	179	393	859
Total deaths, all allied forces	24,152	11,622	35,774	7,111	16,852	23,963	6,536	5,876	12,415	36,375
Enemy deaths	116,251	63,920	180,171	47,894	46,672	94,566	30,829	31,001	61,830	156,396
Ratio of enemy dead to allied dead	4.81	5.49	5.06	6.74	2.76	3.95	4.72	5.28	4.98	4.30
Ratio of enemy dead to U.S. dead	12.34	13.06	12.59	14.54	15.22	14.87	18.49	26.29	21.47	16.94
Ratio of enemy dead to Republic of Vietnam Army dead	8.24	10.04	8.79	13.39	3.44	5.52	6.66	6.86	6.76	5.95

[1] Inclusive dates are the same as in the table on page 19, i.e., 1st half 1968–20 Jan. 68 through 20 July 68, etc.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of Tennessee (at the request of Mr. FULTON of Tennessee), for today, February 19, and Friday, February 20, on account of official business.

Mr. HENDERSON (at the request of Mr. FULTON of Tennessee), for today and remainder of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DENNIS) to revise and extend their remarks and include extraneous material:)

Mr. WILLIAMS, for 10 minutes, today.

Mr. FINDLEY, for 10 minutes, today.

Mr. HOSMER, for 10 minutes, today.

Mr. BUSH, for 10 minutes, today.

Mr. STEIGER of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DIGGS, for 15 minutes, today.

Mr. RYAN, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. HOLIFIELD and to include an editorial.

Mr. BUCHANAN following the remarks of Mr. MIZELL.

Mr. HOGAN immediately following Mr. JONAS during general debate today.

Mr. CUNNINGHAM, to revise and extend his remarks prior to the remarks of Mr. MICHEL.

Mr. FLOOD, to revise and extend his remarks on H.R. 15931.

Mr. MICHEL to include tables and extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15931.

(The following Members (at the request of Mr. DENNIS) and to include extraneous material:)

Mr. KLEPPE.

Mr. SPRINGER.

Mr. UTT in four instances.

Mr. BROTZMAN.

Mr. SCHERLE in two instances.

Mr. BROCK.

Mr. BOB WILSON.

Mr. BROOMFIELD.

Mr. MATHIAS in two instances.

Mr. WATSON.

Mr. STEIGER of Wisconsin.

Mr. WYDLER.

Mr. DEVINE in two instances.

Mr. WHALLEY.

Mr. REID of New York in three instances.

Mr. PRICE of Texas.

Mr. PELLY in two instances.

Mr. CRAMER in three instances.

Mr. HUNT.

Mr. WYMAN.

Mr. SAYLOR.

Mr. DERWINSKI.

Mr. MIZE.

Mr. GOLDWATER.

(The following Members (at the request of Mr. JONES of North Carolina) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.

Mr. FISHER in four instances.

Mr. MOORHEAD in five instances.

Mr. FOUNTAIN in three instances.

Mr. RODINO in two instances.

Mrs. GRIFFITHS.

Mr. LOWENSTEIN in six instances.

Mr. BOGGS.

Mr. SCHEUER in two instances.

Mr. YATRON.

Mr. BIAGGI in 10 instances.

Mr. GONZALEZ.

Mr. UDALL in eight instances.

Mr. WOLFF in four instances.

Mr. CHARLES H. WILSON.

Mr. PURCELL.

Mr. KOCH in two instances.

Mr. PICKLE in eight instances.

Mr. CONYERS in five instances.

Mr. HARRINGTON.

Mr. HELSTOSKI in three instances.

Mr. ADDABBO.

Mr. STUCKEY.

Mr. DIGGS.

Mr. MURPHY of New York.

Mr. FRIEDEL in two instances.

Mr. KLUCZYNSKI.

Mr. O'HARA.

Mr. BROOKS.

Mr. FRASER in two instances.

Mr. PATMAN in three instances.

Mr. ULLMAN.

Mr. ASHLEY.

Mr. HAGAN.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System and for other purposes.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, February 23, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clase 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1666. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and the Air Force Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1667. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of loans, insurance and guarantees issued in connection with U.S. exports to Yugoslavia for November and December, 1969, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS: Committee on Armed Services. H.R. 14322. A bill 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; with an amendment (Rept. No. 91–842). 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. ABERNETHY (for himself, Mr. ANDERSON of Tennessee, Mr. BEVILL, Mr. BLANTON, Mr. BROCK, Mr. CARTER, Mr. DAVIS of Georgia, Mr. DUNCAN, Mr. EVINS of Tennessee, Mr.

FLOWERS, Mr. FULTON of Tennessee, Mr. JONES of Alabama, Mr. JONES of Tennessee, Mr. KUYKENDALL, Mr. QUILLEN, Mr. STUBBLEFIELD, Mr. WAMPLER, and Mr. WHITTEN):

H.R. 16061. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. HOSMER (for himself, Mr. BENNETT, Mr. BROWN of Michigan, Mr. BUCHANAN, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mr. CAREY, Mr. CLEVELAND, Mr. COUGHLIN, Mr. GARMATZ, Mr. GUDE, Mr. HORTON, Mr. KUYKENDALL, Mr. LOWENSTEIN, Mr. OLSEN, Mr. PETTIS, Mr. REIFEL, Mr. ROBISON, Mr. RODINO, Mr. ROE, Mr. SCHEUER, Mr. SMITH of California, Mr. STEIGER of Arizona, and Mr. WEICKER):

H.R. 16062. A bill to amend the Wagner-O'Day Act to extend the provision thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

By Mr. ADAIR (by request):

H.R. 16063. A bill to increase the rates of pension and income limitations under the Veterans' Pension Act of 1959; to the Committee on Veterans' Affairs.

H.R. 16064. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADEMAS (for himself, Mr. REID of New York, Mr. DENT, Mr. BELL of California, Mr. DANIELS of New Jersey, Mrs. MINK, Mr. HANSEN of Idaho, Mr. MEEDS, Mr. SCHEUER, and Mr. GAYDOS):

H.R. 16065. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:

H.R. 16066. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTTON:

H.R. 16067. A bill to make the armed robbery of gasoline stations a Federal offense; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 16068. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16069. A bill to amend title 38, United States Code, to provide survivor benefits for military career personnel; to the Committee on Veterans' Affairs.

By Mr. CORMAN (for himself, Mr. TUNNEY, Mr. REES, Mr. JOHNSON of California, Mr. CHAPPELL, Mr. SISK, and Mr. ROYBAL):

H.R. 16070. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 16071. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DANIEL of Virginia:

H.R. 16072. A bill to amend the Federal Power Act in order to provide for the regulation of the amount of project reservoirs storage capacity that may be allotted for water quality control; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 16073. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. BUTTON, Mr. DENT, Mr. DULSKI, Mr. HATHAWAY, Mr. HOSMER, Mr. O'NEILL of Massachusetts, and Mr. RODINO):

H.R. 16074. A bill to amend the tariff adjustment and adjustment assistance provisions of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 16075. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY:

H.R. 16076. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 16077. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

H.R. 16078. A bill to enlarge the classes of persons eligible for servicemen's group life insurance, and to improve the administration of the program; to the Committee on Veterans' Affairs.

H.R. 16079. A bill to amend the Internal Revenue Code of 1954 to further project the privacy of individual taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 16080. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 16081. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON:

H.R. 16082. A bill to amend the Fisheries Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. MIZELL (for himself, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CRANE, Mr. DERWINSKI, Mr. DICKINSON, Mr. DOWDY, Mr. EDWARDS of Alabama, Mr. JONES of North Carolina, Mr. ROBERTS, Mr. SCOTT, Mr. WILLIAMS, Mr. ZION, and Mr. FLOWERS):

H.R. 16083. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 16084. A bill to authorize assistance under the section 236 program, the rent supplement program, and the public housing program for dormitory-type housing designed for low-income single individuals; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 16085. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. PODELL:

H.R. 16086. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 16087. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 16088. A bill to amend section 105 of the Clean Air Act to authorize increased grants to be made to certain air pollution control agencies not now eligible therefor; to the Committee on Interstate and Foreign Commerce.

H.R. 16089. A bill to amend title II of the Social Security Act to increase the maximum amount of the lump-sum death payment; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 16090. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per cent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 16091. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 16092. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; and for other purposes; to the Committee on Agriculture.

By Mr. WAMPLER:

H.R. 16093. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON (by request):

H.R. 16094. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 16095. A bill to provide for the conveyance of certain real property of the United States to the Yankton Sioux Tribe; to the Committee on Government Operations.

By Mr. EDWARDS of California:

H.R. 16096. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 16097. A bill to amend the Internal

Revenue Code of 1954 to encourage the construction of, and investment in, housing; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 16098. A bill to promote the advancement of postsecondary education through continuation of existing programs of assistance to postsecondary institutions and their students, through the institution of new programs, and for other purposes; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. BROCK, Mr. CHAPPELL, Mr. FEIGHAN, and Mr. FRELINGHUYSEN):

H.R. 16099. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind; and for other purposes; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 16100. A bill to amend the act of August 7, 1961, to extend the life of the Cape Cod National Seashore Advisory Commission; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS:

H.R. 16101. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 16102. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 16103. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16104. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16105. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16106. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16107. A bill to amend the act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to provide for the termination of certain licenses and permits; to the Committee on Public Works.

By Mr. TAYLOR:

H.R. 16108. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall end on the last Sunday of September of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio (for himself and Mr. MYERS):

H.R. 16109. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16110. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16111. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16112. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16113. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16114. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16115. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. BRINKLEY:

H.J. Res. 1087. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court judges; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.J. Res. 1088. Joint resolution authorizing the President to proclaim the week of May 4 through May 10, 1970, as "National Black Business Week"; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 1089. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 1090. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.J. Res. 1091. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 1092. Joint resolution proposing an amendment to the Constitution of the United States to change the age qualifications of Members of the House of Representatives and Senators; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself and Mr. GOLDWATER):

H. Res. 842. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mrs. GREEN of Oregon (for herself, Mr. ANDERSON of Tennessee, Mr. BLATNIK, Mr. COLMER, Mr. DANIELS of New Jersey, Mr. DELANEY, Mr. DENT, Mr. EDMONDSON, Mr. FLYNT, Mr. GALIFIANAKIS, Mr. GAYDOS, Mr. GIBBONS, Mr. HAYS, Mr. HOLIFIELD, Mr. JONES of North Carolina, Mr. KARTH, Mr. LANDRUM, Mr. PEPPER, Mr. SISK, Mr. TEAGUE of Texas, Mr. ULLMAN, Mr. WRIGHT, Mr. YOUNG, Mr. KLUCZYNSKI, and Mr. UDALL):

H. Res. 843. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 844. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of California introduced a bill (H.R. 16116) for the relief of Veronica Castillo de Mallari, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

398. The SPEAKER presented a petition of Daniel Edlor Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Thursday, February 19, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, the light of all that is true, and the glory of all that is beautiful, in the hush of this morning moment may Thy presence envelop all our thoughts. We thank Thee for every holy impulse, every noble desire, and every inmost yearning which leads us to Thyself. We beseech Thee to make this place an arena of high service and holy living. Take not our burdens from us but give us strength to carry them. Keep us close to Thee and if the way grows dark and the course unclear, light up our pathway with Thy truth that we fail Thee not. Impart Thy grace and truth to each of us that we may be good enough and wise enough for our times.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 18, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered on yesterday, the Senator from Alaska (Mr. STEVENS) is recognized for 30 minutes.

S. 3477—INTRODUCTION OF A BILL RELATING TO OIL IMPORT PROGRAM

Mr. STEVENS. Mr. President, I have listened with great interest to the extensive discussions and expressions of legitimate concerns voiced by my colleagues who have spoken on this Nation's oil import policy. The problems