if nothing more. Cowardice, however, is another matter. That trait was exemplified by the Eastern College Athletic Conference, the largest allied athletic conference in the NCAA, when it rubberstamped the NCAA action by also placing Yale on probation.

The ECAC had no excuse, Mr. Speaker. It knew that the NCAA decision had been vigorously protested in this body, in the press, and by thousands of concerned Americans both in and out of sports. It knew that Yale students were being used as pawns in a power struggle. It knew that the NCAA was ignoring its responsibility to represent the best interests of individual college athletes and their schools. It heard an outstanding presentation by Yale officials of the reason why Yale defied the NCAA ban on Maccabiah basketball. Still, Mr. Speaker, the ECAC chose to ignore the NCAA's abrogation of responsibility to its students and voted to follow blindly with a punitive measure of its own.

In previous statements, I blamed NCAA actions on an "arrogant hierarchy." Now, however, I am not so sure. It may well be that the arrogance and blindness shown time and again by NCAA leaders have now infected the entire structure of intercollegiate athletics. I pray that this is not the case, for if it is the primary purpose of amateur athletics will eventually be subverted.

Whatever the reason, the ECAC action was a senseless and tragic example of the misuse of power. Furthermore, it showed once again the great need for a thorough investigation of the structure of intercollegiate athletics in this country. The resolution introduced by our colleague, the gentleman from Illinois (Mr. MICHEL), and me, along with 24 cosponsors, would create a select committee to conduct such an investigation. I urge again its prompt enactment.

Mr. Speaker, I wish to insert in the RECORD at this point an excellent column by sportswriter Tim Horgan which appeared in a recent issue of the Boston Herald-Traveler. I urge our colleagues to note the statement in this column which says "Any college's first obligation is to its students, not to whatever organizations it might belong." This is the crux of the matter, Mr. Speaker. This is why Yale is right and should not have been punished.

The text of Mr. Horgan's outstanding column is as follows:

PAWNS IN NCAA FEUD: ECAC FAILS STUDENTS BY ITS ACTION

(By Tim Horgan)

The ECAC was quite right yesterday in placing Yale on probation for 15 months. But otherwise, it was incredibly wrong.

The ECAC's action was justified because it is a card-carrying member of the NCAA. And Yale had violated an NCAA rule prohibiting American college students from playing basketball in the Maccabiah Games last summer.

The ECAC was otherwise wrong, however, because the rule was a bad one, if not downright immoral. And the 190 member colleges of the ECAC have no right to force their students to submit to a bad rule, particularly one perpetrated by an off-campus agency.

Any college's first obligation is to its students, not to whatever organizations it might belong.

By kowtowing to the NCAA, the ECAC not only has compromised itself as an organization, but each of its member colleges has failed all of its students.

The NCAA rule is a bad one because it was passed for a notorious reason. Walter Byers, the NCAA's executive director, stated as much in a letter to Dr. Gaylord P. Harnwell of Penn, last summer.

Byers explained that the NCAA Council had barred all U.S. college students from playing basketball in international competition because the NCAA thus hoped to force the AAU to give up control of amateur basketball in the U.S.

Why does the NCAA want to control amateur basketball in the U.S.? I don't even know that it has the right to tell non-collegians when and where they'll play the game.

But that's the least of the questions raised by this affair.

The critical issue is why the ECAC colleges felt obliged to obey the NCAA at the expense of their own students?

There was nothing wrong with the Maccabiah Games. The NCAA allowed athletes in every other sport to take part in them, although that doesn't prove much either.

Langer certainly suffered no physical, moral, mental or other harm by playing in Israel. On the contrary. He got a worthwhile educational experience.

The NCAA simply intended to use the college students as pawns in its preposterous fight with the AAU. And for any college to condone this is, to my mind, insufferable.

Yet, Yale is the only college that stood up to the NCAA. Yale made its reason abundantly clear, too, not only through athletic director Delaney Kiphuth's 11-minute speech to the ECAC yesterday.

Yale Pres. Kingman Brewster, Jr., also wrote to the academic heads of every ECAC college not long ago, and told them:

"We think the NCAA has badly misused its powers in this controversy, and that the ECAC should condemn the NCAA rather than Yale."

Of course the ECAC should have. But instead it followed the NCAA as blindly as a flock of freshmen.

The worst part of it is that the ECAC doesn't deny that the NCAA rule is wrong. The 154 colleges which voted yesterday to punish Yale did so merely because Yale had stepped out of line. And the boys believed that, as administrators, they had to uphold law and order at any price. I can understand a little better now why our campuses are in an uproar.

I think it's frightening that Yale was the only ECAC college with the courage and intelligence to understand what's at stake here and to try to do something about it.

What's at stake is the right and duty of a college to protect its own students from being exploited. I don't know how any college can go about doing that now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, March 9, 1970*

The House met at 12 o'clock noon.

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

So we do not lose heart. Though our outer nature is wasting away, our inner nature is being renewed every day.—II Corinthians 4: 16.

Eternal God, whose paths are mercy and truth and who dost endeavor to lead Thy children to the heights of righteousness and peace, we come to Thee seeking light upon our way, strength for our tasks, wisdom to see clearly, and the courage to do what ought to be done for the well-being of our country.

Help us to live this day with joy and peace, without stumbling and without stain, because Thou art with us and we are with Thee. May the labor of these hours be in accordance with Thy holy will and for the good of all our people.

Come, O Lord, like morning sunlight,
Making all life new and free;
For the daily task and challenge
May we rise renewed in Thee.

Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 5, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 527. Concurrent resolution relating to the enrollment of the bill H.R. 13300.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD; *and*

S. Con. Res. 55. Concurrent resolution authorizing the printing of additional copies of Senate Report 91–617, entitled "Organized Crime Control Act of 1969".

The message also announced that the Vice President, pursuant to Public Law 82–414, appointed Mr. ERVIN, Mr. FONG, and Mr. THURMOND as members of the Joint Committee on Immigration and Nationality Policy.

PALISADE, COLO.—FRESH AIR UNLIMITED

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I take great pride in paying recognition to the town of Palisade, Colo., which also happens to be my home. In a day when the major emphasis is being placed upon clean water and clean air, I find it a most refreshing moment to be advised by the Colorado Department of Public Health, that Palisade has gone on record as having the lowest level of pollution in the air of the 46 cities and towns evaluated. I agree with Cal Queal's statement:

Denverites really serious about going out for a breath of fresh air would do well to drive to Palisade.

I will take the liberty to extend that invitation to my fellow Members of Congress.

An article from the Palisade Tribune of February 20, 1970, follows:

In last Sunday's Denver Post, in a section on environment of the West, Cal Queal substantiated what most of us have known for years, that Palisade is a pretty special place in which to live.

Some residents who have been smarting under the anti-pollution laws, especially the no-burning phase, can take comfort, and pride, in knowing that Palisade has less pollution in the air than any of the 46 cities and towns measured by the Colorado Health Department.

Under the Colorado Air Pollution Control Act of 1963, state ambient air control efforts start when the air filters of the high-volume air samplers, turn up particles at a rate of more than 90 micrograms per cubic meter of air. Palisade had 22—lowest in the State.

Downtown Grand Junction had 94. Pueblo was high with 198. Denver at 14th and Tremont had 158, Arvada and Fort Collins had 155, Loveland 154, Rifle 150, Colorado Springs 125, Greeley 118, Boulder 104, Sterling 100 and Aurora 97.

Fruita, La Porte, Glenwood Spgs., La Junta and Canon City had under 90.

As Cal Queal put it, "Denverites really serious about going out for a breath of fresh air would do well to drive to Palisade . . ."

TEXAS RUBY RED GRAPEFRUIT

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

Mr. DE LA GARZA. Mr. Speaker, the people of south Texas, the area I am privileged to represent, have a habit of sharing the good things of our region with less fortunate residents of other areas. We do this not to provoke envy on their part but simply to make them aware that there can be—and is—a paradise on earth.

In line with this custom it is my pleasure to have delivered today to each Member of the House and Senate a six-pack box of Texas Ruby Reds—the finest grapefruit produced anywhere in the world. This taste treat for Members is made possible through the courtesy of the Texas Valley Citrus Committee.

I appreciate the cooperation of the Superintendents' offices and the House pages in delivering the Texas Ruby Red grapefruit to Members.

STATEMENT BY YABLONSKI BROTHERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I was privileged to attend a news conference on Friday, March 6, at which Kenneth J. and Joseph A. "Chip" Yablonski, Jr., issued a statement and answered questions on recent developments in the United Mine Workers of America, including the election investigation report of the Department of Labor.

The full text of the statement by the Yablonski brothers follows:

STATEMENT OF KENNETH J. AND JOSEPH A. YABLONSKI

Yesterday, the Federal Government took a giant step toward eliminating the corruption and tyranny within the United Mine Workers of America. By filing a suit to upset the election and by the statement he issued yesterday, the Secretary of Labor has indicated that what we have been saying about this union and its election for the past ten months is true. Our Dad believed that the election was stolen from him and he said that millions—literally, millions—of dollars were being misappropriated from the union's treasury to bankroll Boyle's reelection. Some people dismissed his claims as "wild speculation" and the Federal Government which repeatedly refused to even investigate his many serious allegations refused to intervene to prevent the needless squandering of mineworkers' dues and the theft of the election.

Although the Labor Department reports it devoted 40,000 man hours to this investigation, little is contained in the papers filed with the Court that we did not spoon feed to the Department—most of it well in advance of the election. But there is one area of new information in this material which deserves comment. Our Dad's political power base was Western Pennsylvania (Districts 2, 4 and 5), Ohio (District 6) and Northern West Virginia (District 31). Papers submitted in connection with the Secretary of Labor's suit show an enormous influx of UMW International funds into these areas during the election year:

1967	
District 2	$330,000
District 4	35,000
District 5	140,000
District 6	5,000
District 31	60,000
Total	570,000
1968	
District 2	315,000
District 4	50,000
District 5	180,000
District 6	30,000
District 31	81,000
Total	656,000
1969	
District 2	480,000
District 4	120,000
District 5	360,000
District 6	115,000
District 31	252,000
Total	1,327,000

Now, it is apparent that the UMW cannot justify these increases in "loans" to these areas; no supporting receipts or vouchers are available, we are told. The Secretary is going to compel the UMWA to institute a proper accounting system. This, of course, comes too late to recover the money contributed by hard-working miners and illegally spent by the UMWA officers. At any rate, we sincerely hope that the federal government will not conclude that its job is ended here.

In other areas of federal law, where records or supporting documents are required to be kept by law, and they are not produced, this failure or refusal is regarded as *prima facie* proof of fraud or misuse. Once the UMWA LM Reports for the calendar year 1969 are filed—they should be filed at the end of this month—we are certain that further proof of embezzlement and misappropriation of funds will be disclosed. It is absolutely essential that the officials responsible for this theft be prosecuted promptly and vigorously.

We commend the Secretary for the broadly worded, wide-ranging complaint, but we can never overlook or forgive his inexcusable inaction during the course of the campaign. We still firmly believe that had a federal presence been felt during the campaign, we would be here today only as interested onlookers while our Dad discussed plans for the new election.

It is a great disappointment to us that the Secretary failed to include *specifically* certain violations of law and the UMWA Constitution in his complaint which greatly altered the outcome of this election. First, there is no discussion of the "bogey" locals—there are more than 600 illegal locals out of nearly 1,300 locals in the UMWA. Through these weak, easily manipulated locals the incumbents perpetuate their control and make it virtually impossible for the working miners of this country to control their own union. *These locals must be disbanded.* Secondly, the complaint does not specifically mention the fact that Boyle engineered a 30% pension increase the day after he installed himself as Trustee of the UMWA Pension Fund, in order to buy the votes of pensioned voters. Lastly, the complaint fails to mention the obvious impact on the election of the union's illegal trusteeship system whereby 19 of the 23 U.S. districts of the union are controlled directly by the International.

No one should have any "rosy illusions" that the filing of this complaint heralds a new era for the UMWA and its membership. Much has not been specifically mentioned in the complaint and we can now only speculate as to the real scope of this action. A blueprint for re-invigorating the UMWA must include the following:

1. A tough, no-nonsense attitude toward a prompt resolution of the election suit;

2. A vigorous prosecution of the autonomy suit, which has been pending trial in federal court for over 5 years;

3. Elimination of all bogey locals and transfer of the members of these locals into bona fide working locals;

4. Prompt action to convict those who have stolen money from the miners of this nation;

5. Establishing a federal watchdog over *all* union and pension fund expenditures, particularly those two pension funds controlled by the UMWA International Officers;

6. A full and complete audit of the National Bank of Washington—if for no other reason than to clear its reputation in the financial community.

One final remark: up to now the American Labor Movement has been harsh in its judgment of our Dad and those who supported him. We think their position is and always has been unjustified. We are not union busters. Our credentials as advocates of organized labor are unimpeachable. We support its goals and objectives. What the Labor Movement has failed to see—and what ought to be clear to them now—is that the UMWA is *not* a union. It is not an organization of men banded together for their common good and protection. It is a financial institution dedicated to enhancing the personal welfare of Tony Boyle, Ed Carey, John Owens, George Titler, Harrison Combs and their families and friends. The plundering of the union's treasury must be judicially checked. The hard earned contributions of

America's coal miners will be frittered away unless positive judicial action is forthcoming and Boyle and his bunch are ousted from the positions of trust which they hold and abuse.

Finally, a word of caution to the miners who have been elated by this news. It is too soon for anyone to announce his candidacy. Boyle has vowed to fight the Labor Department suit. A new election may be a year off. Let us all strive to right the injustices within the Union; let's put the thieves and thugs in jail; let's restore the Union to its position of preeminence in the Labor Movement. Then, let there be a convention of coal miners to select their candidates democratically.

And a word of caution to America. The coal fields are rife with rumors of a nationwide strike following Labor Day unless UMW members are allowed to elect their own District officers by then. The coal miners have waited over 10 years since the passage of the LMRDA for that simple, basic right—to choose who will represent them and who will handle their money and who will protect their rights. This is too long to have waited. They may not keep on waiting. America's lights may go out this Fall unless these men are given this fundamental right to be represented by men of their choosing.

Thank you.

DEPARTMENT OF LABOR CONCLUSIONS ON UNITED MINE WORKERS' ELECTION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the statement by Secretary of Labor George P. Shultz, released March 5, 1970, confirms the truth of what Joseph A. Yablonski said during his campaign. The complete text of Secretary Shultz' statement, along with the supporting documents and affidavits are of such importance that they should be read carefully by all those interested in a factual summary of developments and procedures within the United Mine Workers of America:

STATEMENT BY SECRETARY OF LABOR GEORGE P. SHULTZ

The Department of Labor has completed its investigation of the December 9, 1969, election of officers in the United Mine Workers of America and today, on behalf of the Secretary of Labor, the Justice Department filed an action under Titles II and IV of the Landrum-Griffin Act to set aside that election and to enjoin the union from inadequate recordkeeping.

The allegations are as follows:

1. The Union failed to provide adequate safeguards to insure a fair election, including permitting campaigning at the polls.

2. The Union denied candidates the right to have observers at polling places and at the count of ballots.

3. The Union failed to conduct its election in accordance with its constitution, including the failure of many local unions to elect tellers and to hold a membership meeting to set the time and place of the election.

4. The Union failed to elect its international officers by secret ballot among the members in good standing in that many members were required or permitted to cast their ballots in such a manner that the member voting could be identified with the choice expressed.

5. Members were denied the right to vote for or otherwise support the candidate or candidates of their choice without being subject to penalty, discipline, or improper interference or reprisal.

6. Members were denied the right to vote, in that elections were not conducted in some locals.

7. The Union used money received by it as dues, assessments, or similar levies, to promote the candidacy of its incumbent international officers, including but not limited to use of the union's official publication, district offices, property, and other facilities.

8. The union has failed and is still failing to maintain records and to require its subordinate Districts to maintain records on matters required to be reported under the Landrum-Griffin Act which provide in sufficient detail the necessary basic information and data from which documents filed with the Department may be verified, explained or clarified and checked for accuracy and completeness.

These allegations come from the complaint which is available to you today.

The Government has also asked the Court for a preliminary injunction to keep the United Mine Workers and its officers from spending union funds without reporting to the Department as required by Title II of the Landrum-Griffin Act.

The complaint grew out of the most widespread and painstaking investigation in the history of the Landrum-Griffin Act. The investigation involved intensive work by more than 200 investigators over the last two months.

I take this occasion to express my personal appreciation to these Labor Department employees who worked so hard and long on this assignment.

As you know, it would be improper for us to discuss the evidence supporting these allegations before that evidence is presented to a judge. Thus, we are limited in the press and other media to describing the documents filed in court.

INFORMATION ABOUT USDL'S INVESTIGATION OF UMWA DECEMBER ELECTION

Number of USDL investigators
(clerical not included)

In field	217
In Washington	13
Total professionals	230

Number election sites visited; 822 locals (of 1,260 voting locals).

Number of interviews (estim.) 4,400.

(These include: local UMWA personnel; volunteer observers; union members; UMWA personnel in 22 Districts and Washington; bank officials; transportation officials, radio, TV, newspaper and advertising persons.)

Number of man-hours (estim.) More than 43,000.

[In the U.S. District Court for the District of Columbia]

COMPLAINT

(*George P. Shultz, Secretary of Labor, U.S. Department of Labor, Plaintiff,* v. *United Mine Workers of America, Defendant.*)

Plaintiff brings this action under Titles II and IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519 *et seq.*, 29 U.S.C. 401 *et seq.*), hereinafter referred to as the Act for a judgment declaring the election held by the defendant on December 9, 1969, null and void and directing the conduct of a new election under the plaintiff's supervision and for an order directing and compelling the defendant and its subordinate Districts to maintain records as required by section 206 of the Act (29 U.S.C. 436).

For his First Cause of Action plaintiff alleges:

I

Plaintiff brings this cause of action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 *et seq.*).

II

Jurisdiction of this cause of action is conferred upon the Court by section 402(b) of the Act (29 U.S.C. 482(b)).

III

Defendant is, and at all times relevant to this action has been, an unincorporated association maintaining its principal office at 900 Fifteenth Street, N.W., Washington, D.C., within the jurisdiction of this Court.

IV

Defendant is, and at all times relevant to this action has been, an international labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j), and 401(a) of the Act (29 U.S.C. 402(i), 402(j) and 481(a)).

V

Defendant, purporting to act pursuant to and in accordance with the provisions of its Constitution, held an election of its International officers among its members in good standing on December 9, 1969. This election was subject to the provisions of Title IV of the Act (29 U.S.C. 481 *et seq.*).

VI

(a) By letter dated December 18, 1969, Joseph A. Yablonski, a member in good standing of defendant union, filed a protest with defendant's International Executive Board, alleging violations of Title IV of the Act in the conduct of defendant's December 9, 1969 election of officers.

(b) By letter dated January 8, 1970, addressed to the plaintiff, Defendant through its General Counsel requested that the plaintiff conduct an immediate investigation of the December 9, 1969 election of International officers pursuant to Title IV of the Act, dispensing with internal exhaustion of remedies procedures under defendant union's Constitution. Whereupon, plaintiff initiated an investigation.

(c) By telegram dated January 20, 1970, Mike Trbovich, a member in good standing of defendant union, through his counsel, filed a complaint with the Secretary of Labor alleging violations of the Act in the conduct of defendant's December 9, 1969 election of International officers.

VII

Pursuant to section 601 and in accordance with section 402(b) of the Act (29 U.S.C. section 521, 482(b)), plaintiff investigated said complaint and as a result of the facts shown by the investigation, found probable cause to believe that violations of Title IV of the Act had occurred in the conduct of defendant's election and had not been remedied at the time of the filing of this action.

VIII

Plaintiff alleges that in the conduct of the aforesaid election, defendant violated the provisions of Title IV of the Act (29 U.S.C. 401 *et seq.*) as follows:

(a) Section 401(e) of the Act (29 U.S.C. 481(a)) was violated in that defendant union failed to elect its international officers by secret ballot among the members in good standing in that many members were required or permitted to cast their ballots in such a manner that the member voting could be identified with the choice expressed.

(b) Section 401(c) of the Act (29 U.S.C. 481(c)) was violated in that

(i) defendant union failed to provide adequate safeguards to insure a fair election; including permitting campaigning at the polls;

(ii) denied candidates the right to have observers at polling places and at the counting of ballots

(c) Section 401(e) of the Act (29 U.S.C. 481(e)) was violated in that

(i) Defendant failed to conduct its election in accordance with its Constitution, including the failure of many local unions to elect tellers and to hold a membership meeting to set the time and place of the election;

(ii) Members were denied the right to vote for or otherwise support the candidate or candidates of their choice without being subject to penalty, discipline, or improper interference or reprisal.

(iii) Members were denied the right to vote, in that elections were not conducted in some locals.

(d) Section 401(g) of the Act (29 U.S.C. 481(g)) was violated in that defendant union used moneys received by it by way of dues, assessments, or similar levy, to promote the candidacy of its incumbent International officers, including but not limited to use of defendant's official publication, district offices, property and other facilities.

IX

The violations of section 401 of the Act (29 U.S.C. 481) found and alleged above may have affected the outcome of the aforesaid election.

For his Second Cause of Action plaintiff alleges:

I

Plaintiff brings this cause of action under Title II of the Act (29 U.S.C. 431 *et seq.*).

II

Jurisdiction of this cause of action is conferred upon the Court by section 210 of the Act (29 U.S.C. 440).

Paragraphs III and IV of this complaint relating to the First Cause of Action are hereby incorporated by reference into this Cause of Action.

* * * * *

IV

Defendant, is and at all times relevant to this action has been, subject to the reporting provisions of Title II of the Act (29 U.S.C. 431 *et seq.*).

V

Defendant has failed and is still failing to maintain records and to require its subordinate Districts to maintain records on matters required to be reported under Title II of the Act (29 U.S.C. 431 *et seq.*), which provide in sufficient detail the necessary basic information and data from which documents filed with the plaintiff may be verified, explained or clarified, and checked for accuracy and completeness, as required by section 206 of the Act (29 U.S.C. 436).

Wherefore, the plaintiff prays for judgment:

(a) declaring the election held by defendant union to be null and void;

(b) directing the conduct of a new election for all constitutional officers under the supervision of the plaintiff;

(c) directing and compelling the defendant to maintain records, as required by section 206 of the Act (29 U.S.C. 436);

(d) enjoining the defendant, its officers, members, agents, servants, employees, attorneys and all persons in active concert and participation with them, pending final determination of the second cause of action of this complaint, from violating the provisions of section 206 of the Act (29 U.S.C. 436);

(e) permanently and during the pendency of this action enjoining and restraining defendant, and its agents, servants, employees, attorneys and all persons acting, or claiming to act in their behalf and interest, from violating the provisions of section 206 of the Act (29 U.S.C. 436);

(f) awarding costs of this action; and

(g) granting such other relief as may be appropriate.

LAURENCE H. SILBERMAN,
Solicitor of Labor,
GEORGE T. AVERY,
Associate Solicitor,
U.S. Department of Labor, of Counsel.
WILLIAM D. RUCKELSHAUS,
Assistant Attorney General,
HARLAND F. LEATHERS,
Attorney, Department of Justice,
Attorneys for Plaintiff.

[In the United States District Court for the District of Columbia]

MOTION FOR PRELIMINARY INJUNCTION

(*George P. Shultz, Secretary of Labor, U.S. Department of Labor, Plaintiff,* v. *United Mine Workers of America, Defendant.*)

Plaintiff moves the Court for a preliminary injunction in the above-entitled action enjoining the defendant, United Mine Workers of America, its officers, members, agents, servants, employees, attorneys, and all persons in active concert and participation with it, from expending or permitting the expenditure of funds of the International or of its subordinate Districts without maintaining records on the matters required to be reported under Title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401 *et seq.*) which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary may be verified, explained or clarified, and checked for accuracy and completeness, such records to include specifically, but without limitation, receipts, vouchers, worksheets, and applicable resolutions, as required by section 206 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 436).

The issuance of such a preliminary injunction is requested on the grounds that:

(1) defendant has performed and will continue to perform the acts referred to;

(2) such action by defendant will result in irreparable injury, loss and damage to plaintiff, by impeding his continuing investigation pursuant to section 601 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 551), as more particularly appears from the affidavits of Thomas F. Kane, Hollis W. Bowers, and Henry A. Queen, attached to plaintiff's motion for temporary restraining order; and

(3) the issuance of a preliminary injunction herein will not cause inconvenience or loss to defendant but will prevent irreparable injury to plaintiff.

LAURENCE H. SILBERMAN,
Solicitor of Labor,
GEORGE T. AVERY,
Associate Solicitor,
EDWIN S. HOPSON,
ROGER D. MARSHALL,
Attorneys,
U.S. Department of Labor, of Counsel.
WILLIAM D. RUCKELSHAUS,
Assistant Attorney General,
HARLAND F. LEATHERS,
Attorney, Department of Justice,
Attorneys for Plaintiff.

AFFIDAVIT

[State of Maryland, County of Montgomery]

Henry A. Queen, being duly sworn, deposes and says:

1. I am the Chief, Branch of Elections and Trusteeships, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor, Washington, D.C.

2. In the course of my official duties, I supervised the investigation which was conducted of the election of International officers held by the United Mine Workers of America in 1969.

3. In connection with the aforesaid investigation, the financial records maintained in the offices of the subordinate Districts of the United Mine Workers of America were examined in order to determine whether funds of a labor organization had been expended to promote the candidacy of any person in the election in violation of section 401(g) of the Labor-Management Reporting and Disclosure Act of 1959.

4. The examination of such records disclosed numerous instances in which the records were not sufficiently maintained in order to permit a determination to be made whether funds had been expended in violation of section 401(g).

5. The financial records of District 2 disclosed that seven individuals described as organizers had been added to the payroll during the period between June 25 and July 1, 1969, and were still on the payroll at the time of the investigation. Checks were issued to these organizers for "organizing expenses" without any supporting vouchers or receipts to substantiate the purpose for which such expenditures were actually made.

6. The investigation disclosed that in February and March 1969, Secretary-Treasurer John Seddon prepared checks to each of four Executive Board members for District 5. These checks were cashed and the proceeds returned to Seddon, who states that he placed them in his safe deposit box in the Union National Bank, Pittsburgh, Pennsylvania. Thereafter, on July 14, 1969, Seddon deposited a sum equal to the total of the four checks ($8,560) in the checking account of District 5 in the National Bank of Washington, Washington, D.C. The records do not indicate what disposition was made of these funds in the interim.

The records of District 5 disclosed that 19 presidents of local unions within the District participated in a six-week "organizing" campaign in Butler and Mercer Counties, Pennsylvania. Each participant received from District funds approximately $1,650 gross salary and expenses for the six-week period. The records of the District do not contain any receipts or other documentary evidence supporting the payments to these officers for expenses. Ten of the same 19 local union presidents made a subsequent six-week trip into the same areas, and were reimbursed at approximately the same rate, again without any documentary support of their expenses.

7. The financial records of District 12 disclosed that District Board member Jesse M. Ballard was reimbursed for mileage and expenses during a 5-day period in which he was hospitalized. In the same District, two other District members admitted that the mileage for which they claimed reimbursement consisted of "short miles."

8. Examination of the records of District 19 disclosed that "organizing" payments totaling $19,970 were made to 23 members. The District records disclosed no documentation of any expenses incurred by these 23 members for which reimbursement could properly be made.

9. Investigation of the financial records for District 28 disclosed checks totaling $3,180.84 were paid to union members to reimburse them for lost time and expenses in connection with a trip to Pittsburgh, Pennsylvania, and Washington, D.C. The payment was charged to organizing expenses. Subsequently, an International auditor discovered that the trip had been made for campaign purposes, and the money was then repaid to the District from funds of the campaign committee supporting the reelection of the incumbent officers. Another check in the amount of $360 had been made payable to an International Representative in connection with the same trip, but this payment was undetected and no restitution was made.

The investigation disclosed that checks were drawn for advances and reimburse-

ment of expenses to officials of District 28 without any supporting vouchers or documentations. On December 31, 1969, a check was drawn in the amount of $5,000, payable to District Representative E. G. Gilbert upon the basis of his representation that the money was for organizing expenses, with further itemization or documentation.

10. In District 29, examination of the financial records disclosed that between 1961 and 1968 the District received $30,000 from Local 7086 and $16,000 from Local 5997, allegedly for expenses previously paid by the District, but without any supporting records in the form of receipts or expense vouchers. In 1969, District 29 received an additional $17,000 from Local 7086 and $13,000 from Local 5996, again without any specific information or documentation concerning the purpose of the payments.

11. The finanical records of District 31 disclosed that between April 15, 1969 and October 10, 1969, seven checks totaling $9,700 were drawn to the order of the First National Bank, and one check for $500 was drawn to the order of L. Clyde Riley, who is the Secretary-Treasurer of District 31, and were cashed. There was no documentation indicating the disposition of these funds.

HENRY A. QUEEN.

AFFIDAVIT

State of Maryland, County of Montgomery, ss:

Thomas F. Kane, being duly sworn, deposes and says:

1. I am a Special Investigator, employed by the Branch of Auditing and Accounting Standards, Division of Reports and Analysis, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor,

2. In the course of my official duties, I examined the records of the United Mine Workers of America (UMWA), 900 15th Street, N.W., Washington, D.C. concerning the granting of loans by the UMWA to its subordinate Districts. The records indicated that loans were made to subordinate Districts during the years 1967, 1968 and 1969 in the following amounts: 1967, $1,662,390; 1968, $1,658,922.20; 1969, $2,107,500. The amount of the loans made to each of the Districts in each of these three years is set forth in Exhibit A attached hereto.

3. My examination disclosed that these loans were made on the basis of requests from District officials and the request in each case indicated that the funds were to be used for organization administration or other union expenses, without further specification.

4. The records disclosed that when a loan was requested, International President W. A. Boyle issued instructions to International Secretary-Treasurer John Owens to issue a check in the amount requested and remit the funds to the District. Checks issued to make such loans were either deposited in the bank to the credit of the District or were cashed by an official of the District requesting the loan.

5. My examination of the Records of the UMWA International did not disclose any documentary evidence concerning the disposition of these loaned funds.

6. Each District submits to the International a monthly report summarizing the receipt and disbursement of funds by the District. Nothing in the monthly reports serves to verify that funds received by way of loan from the International were used for the purpose for which the loan was requested. Nor is there any other documentary evidence submitted by the Districts to the International indicating the disposition of the loaned funds.

THOMAS F. KANE.

EXHIBIT A

UMWA loans to districts during year 1967

District:	Amount
1	$80,000
2	330,000
3	10,000
4	35,000
5	140,000
6	5,000
7	25,000
9	60,000
10	1,000
11	25,000
12	15,000
15	40,500
19	384,290
20	25,000
21	2,500
23	10,000
26	5,500
27	10,000
28	125,000
30	273,600
31	60,000
Total	1,662,390

UMWA loans to districts during year 1968

District:	Amount
1	$72,000
2	315,000
3	20,000
4	50,000
5	180,000
6	30,000
7	30,000
9	83,300
10	4,000
11	20,000
12	25,000
15	35,000
19	340,000
20	30,000
21	5,000
22	10,000
23	5,000
26	2,000
27	17,000
28	50,000
30	264,023
31	81,000
Total	1,658,922

EXHIBIT A–3

UMWA loans to districts during year 1969

District:	Amount
1	$20,000
2	480,000
3	20,000
4	120,000
5	360,000
6	115,000
7	5,000
9	40,000
10	13,000
11	20,000
12	70,000
14	5,000
15	30,000
17	40,000
19	183,000
20	25,000
21	10,500
23	40,000
25	150,000
30	109,000
31	252,000
Total	2,107,500

AFFIDAVIT

STATE OF MARYLAND,
County of Montgomery, ss:

Hollis W. Bowers, being duly sworn, deposes and says:

I am employed as a special investigator by the Branch of Special Investigation, Division of Compliance Operations, Office of Labor-Management and Welfare-Pension Reports, United States Department of Labor.

In the course of my official duties, I participated in a financial investigation of the United Mine Workers of America (UMWA), 900 15th Street, N.W., Washington, D.C.

During that financial investigation, I examined expense accounts of the UMWA and determined that the UMWA has failed to require and direct its officers and employees to maintain adequate records to support disbursements for expenses, said records being necessary to determine the validity of the disbursements for expenses. My examination of the records with respect to disbursements to officers and employees for expenses indicated that vouchers were submitted and paid without any specification of mileage rates, and without any documentation of hotel and restaurant bills or other bills for which reimbursement was claimed.

My examination of the financial records of the UMWA concentrated primarily on 1967 and 1968 records. I also examined some of the records pertaining to 1969. The records for 1969 which I examined indicated that the UMWA has continued to make disbursements for expenses without adequate supporting records.

I was informed by responsible officers of the UMWA that the UMWA had not, prior to January 1, 1970, issued instructions to its officers and employees concerning the submission of proper itemization and documentation of expense vouchers. I ascertained from a review of the minutes of the International that in January 1970, the International Executive Board issued instructions that mileage would be reimbursed at the rate of 12 cents per mile.

I have been informed by responsible officials of the UMWA that the UMWA has never undertaken an audit of expenses to determine the validity of the expenses claimed.

I have also examined the UMWA labor organization financial reports filed on United States Department of Labor Form LM–2 for the fiscal years ended December 31, 1967 and December 31, 1968. The LM–2 filed for 1967 shows $864,479.00 disbursed to officers and and the employees as expenses. The LM–2 for 1698 shows $1,070,930 disbursed to officers and employees as expenses. The LM–2 for 1969 has not yet been filed.

HOLLIS W. BOWERS.

TWO NEW BILLS ON THE WAR ON CRIME

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

Mr. McCULLOCH. Mr. Speaker, it is my pleasure to introduce, at the request of the administration, two bills which will constitute an important part of the effort in the war on crime.

The first bill would authorize a judicial officer to issue an order requiring a person to submit to certain nontestimonial identification procedures. These would include such tests as fingerprint, blood, voice, and handwriting tests, as well as photographs and lineups.

A court order to require any of the procedures enumerated in the bill could only be granted on a showing of probable cause to believe that an offense was committed as well as reasonable grounds to suspect that the person being required to submit to such tests committed the offense, even though there might not be probable cause to arrest such person.

The bill is drafted so as to protect the rights of such person under procedural due process and other constitutional provisions. In fact, the person from whom identification evidence is obtained by this procedure may, after 45 days from the time of his examination have elapsed, obtain a court order directing that such evidence be destroyed if there is still not probable cause to believe that he committed the offense.

This bill would be of great benefit to Federal law-enforcement officials by enabling them to properly identify criminals and thereby solve crimes. At the same time, where the person examined is innocent, the cloud of suspicion would be removed from him and his name could thus be cleared.

The second bill would amend the Youth Corrections Act by allowing the Youth Correction Division within the Board of Parole to delegate certain of its functions to examiners. While all orders for release on parole and return to custody for further treatment would continue to be made by members of the Board themselves, the Board could delegate the task of interviewing youth offenders after initial commitment and on return to custody. This is presently the practice for adult offenders and for those youth offenders who waive their right to an interview by a Board member.

This proposal would greatly facilitate the operation of the Board of Parole by removing the existing administrative bottleneck created by the need for Board members to travel back and forth across the country, which practice delays the particular case in question and slows down the processing of the entire docket of cases before the Board.

Mr. Speaker, I urge the prompt consideration of these proposals as part of our continuing fight against crime in this country.

SERIOUS CRISIS IN PUBLIC EDUCATION

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

Mr. BROCK. Mr. Speaker, public education as we know it today has reached a serious crisis. The future of our children and our Nation is at stake. I think it is time for significant action.

For years we have attempted to provide in this country the finest system of education in the world. To a large degree we have succeeded. Today, however, the courts have declared that numerical racial balance is more important than education.

Mr. Speaker, we have not held hearings on this important problem. We have had little time to study or debate legislation against busing that has come before us.

While a constitutional amendment is the ultimate answer, to create a vehicle for discussion I have offered a concurrent resolution stating the sense of Congress against forced racial busing. I urge my colleagues to study this legislation and hope that hearings can begin soon. I have today sent a letter to my colleagues asking their support and I include that letter as part of my remarks.

The letter follows:

DEAR COLLEAGUE: Last week I introduced a concurrent resolution aimed at putting Congress on record for or against the forced busing of our school children. I believe this is an extremely important resolution and one that deserves your study and support.

During the past year, important court decisions have placed a cloud over a quality public education. I believe those decisions were based, not on building a sound and fair system of public education, but merely a numerical ratio. This is unfortunate. Our children are not numbers, they are human beings, in need of the best kind of education we can supply.

The question of forced busing has had no study in Congress since the 1964 Civil Rights Act was passed. That Act clearly stated that busing of children to achieve "racial balance" was forbidden. Now the Courts have violated the clear language of the law and have demanded busing.

It's time to give this situation our immediate attention. Congress must meet its responsibility. The Concurrent Resolution I have introduced will create a vehicle to conduct hearings and I hope you will join me in asking for early action on it.

BILL BROCK.

TV COVERAGE OF NIXON

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Columbus, Ohio, Dispatch, last week disclosed the results of a private survey taken of network television news coverage of the Nixon administration.

I think the story deserves the attention of my colleagues. I insert it in the RECORD:

WHITE HOUSE SURVEY REVEALED: NETWORKS VARY WIDELY IN NIXON COVERAGE

WASHINGTON.—A private survey of network television coverage of President Nixon's administration has found that the three major networks vary substantially in their approach.

The survey, which has not been made public, found that NBC coverage appeared to take the most unfavorable approach toward the administration. ABC was rated the most favorable and CBS was rated as having the most "balanced" coverage.

Results of the survey were meant for the White House only. It was taken between August and December of last year.

The survey ranked the networks this way:

ABC—favorable, 29 per cent; unfavorable, 29 per cent; fair, 41 per cent.

CBS—favorable, 24 per cent; unfavorable, 25 per cent; fair, 51 per cent.

NBC—favorable, 15 per cent; unfavorable, 44 per cent; fair, 40 per cent.

The survey found that, in contrast to the other two networks, NBC "periodically becomes crusading and generates news" that tends "to reflect unfavorably on the administration."

The vice president's two speeches criticizing the media, appear to have had some effect on television news coverage, the survey says.

While "it is still much too early to assert a firm conclusion" there have been "substantially fewer flagrantly biased presentations" since the speeches, the survey says.

A second change appears to be the amount of coverage being given the vice president. Since his speeches he has emerged as second only to the President as the American whose actions and words are most closely covered.

The survey contrasts his coverage now with the coverage given him before his speeches when he "was treated with condescension mixed with sarcasm."

The survey found that President Nixon personally has been given favorable to fair treatment. "Attacks are more often directed at some official or department, only indirectly at the President," the survey said. In contrast, both ABC and NBC were found to be critical of the administration while CBS again was given a "balanced" rating.

During the roughly four-month period the survey was taken, the networks were found to be most critical in their coverage of Judge Clement Haynsworth, President Nixon's choice for the Supreme Court who was turned down by the Senate. All three were listed as opposed to his confirmation.

A final finding by the survey was that the news commentators, as compared with the newscasters, overall gave the administration "an even break" during the survey period.

APPOINTMENT OF CONFEREES ON H.R. 514, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky (Mr. PERKINS)? The Chair hears none, and appoints the following conferees:

Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. THOMPSON of New Jersey, DENT, PUCINSKI, DANIELS of New Jersey, BRADEMAS, O'HARA, CAREY, HAWKINS, WILLIAM D. FORD, HATHAWAY, Mrs. MINK, Messrs. MEEDS, AYRES, QUIE, ASHBROOK, BELL of California, ERLENBORN, SCHERLE, DELLENBACK, ESCH, STEIGER of Wisconsin, and RUTH.

THE PRESIDENT'S MESSAGE ON EDUCATION REFORM

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

Mr. CONTE. Mr. Speaker, President Nixon has just sent us a comprehensive message on education reform. It emphasizes the great need to improve the quality of our educational system.

I think this would be a most appropriate time for us to study the President's message. The debate over the HEW appropriations bill is fresh in our minds.

However, the problems of the educational system remain. For this reason, I applaud the President's call to join with teachers and educators in a "searching reexamination of our entire approach to learning," and to aim for equal educational opportunities for rich and poor alike.

The financial crisis in which our schools find themselves today must be solved. We are talking about a fundamental institution—one that has made this Nation great and one that must continue if we are to remain great. The

President's Commission on School Finance is a hopeful sign that we can begin to solve this problem.

Once again Mr. Speaker, I commend President Nixon for his proposals on education reform. I look forward to improvements as a result of them.

JOINT COMMITTEE ON ENVIRONMENT AND TECHNOLOGY

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, today I am introducing a joint resolution to establish a Joint Committee on Environment and Technology. I am happy to announce also that the distinguished minority leader has joined me in introducing the resolution as have more than 100 other Members of the House. The resolution has broad bipartisan support in the Congress and in the country.

The joint committee which we propose to create would be a nonlegislative committee, organized to provide a clear focus on many of the difficult environmental decisions which must be made in the years ahead. It would also provide the legislative committees with the necessary background to insure effective action on short term and long term environmental problems and needs.

Under the resolution as it has been introduced, the Joint Committee on Environment and Technology would be composed of members from the various legislative committees which have legislative jurisdiction in areas relating to environment and technology. The committees of the House and Senate which would be represented on the joint committee are as follows: House Committees on Agriculture, Banking and Currency, Interstate and Foreign Commerce, Interior and Insular Affairs, Education and Labor, Public Works, Government Operations, Science and Astronautics, Merchant Marine and Fisheries; Senate Committees on Agriculture, Banking and Currency, Commerce, Interior and Insular Affairs, Labor and Public Welfare, Public Works, Government Operations, Aeronautical and Space Sciences and the Joint Committee on Atomic Energy.

Mr. Speaker, this resolution has been prepared after consultation with a number of Members, including chairmen of the committees of the House which are affected. In the words of one of those chairmen:

> The purpose of the proposed Joint Resolution is strongly propelled these days by the great force which philosophers attribute to an idea whose time has come.

I believe that the time for such a joint committee has come. Such a joint congressional committee has been recommended in the January 1970 Report of the Environmental Study Group to the Environmental Studies Board of the National Academy of Sciences. A number of Members have previously introduced similar bills or resolutions.

I am hopeful that the House will be able to act on this matter soon in order that the joint committee may begin to function at an early date.

Under the unanimous-consent request, I include the complete text of the resolution being introduced today:

H.J. RES. 1117

Joint resolution to establish a Joint Committee on Environment and Technology

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a joint congressional commitee which shall be known as the Joint Committee on Environment and Technology (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, and twenty-one Members of the House of Representatives to be designated by the Speaker of the House of Representatives as follows:

(1) one Senator from the majority party, and one Member of the House of Representatives from the majority party;

(2) two Senators who are members of the Committee on Agriculture; and two Members of the House of Representatives who are members of the Committee on Agriculture;

(3) two Senators who are members of the Committee on Banking and Currency; and two Members of the House of Representatives who are members of the Committee on Banking and Currency;

(4) two Senators who are members of the Committee on Commerce; and two Members of the House of Representatives who are members of the Committee on Interstate and Foreign Commerce;

(5) two Senators who are members of the Committee on Interior and Insular Affairs; and two Members of the House of Representatives who are members of the Committee on Interior and Insular Affairs;

(6) two Senators who are members of the Committee on Labor and Public Welfare; and two Members of the House of Representatives who are members of the Committee on Education and Labor;

(7) two Senators who are members of the Committee on Public Works; and two Members of the House of Representatives who are members of the Committee on Public Works;

(8) two Senators who are members of the Committee on Government Operations; and two Members of the House of Representatives who are members of the Committee on Government Operations;

(9) two Senators who are members of the Joint Committee on Atomic Energy; and two members of the House of Representatives who are members of the Joint Committee on Atomic Energy; and

(10) two Members of the House of Representatives who are members of the Committee on Merchant Marine and Fisheries; and

(11) two Senators who are members of the Committee on Aeronautical and Space Sciences; and two members of the House of Representatives who are members of the Committee on Science and Astronautics.

Of the two Members appointed from each committee under clauses (2) through (11) of this subsection, one Member shall be from the majority party, and one shall be from the minority party.

(b) The Committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purposes of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

SEC. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the character and extent of environmental and technological changes that may occur in the future and their effect on population, communities, and industries, including but not limited to the effects of such changes on the need for public and private planning and investment in housing, water resources (including oceanography), pollution control, food supplies, education, automation affecting interstate commerce, fish and wildlife, forestry, mining, communications, transportation, power supplies, welfare, and other services and facilities;

(2) to study methods of using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans;

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality; and

(4) to review any recommendations made by the President (including the Environmental Quality Report required to be submitted pursuant to section 201 of the National Environmental Policy Oct of 1969) relating to environmental policy.

(b) The Environmental Quality Report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, which shall, as soon as practicable thereafter, hold hearings with respect to such Report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the appropriate standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the appropraite standing committees of the Congress prior to such annual report as it deems advisable.

(d) In carrying out its functions and duties the committee shall avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

SEC. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House

of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) With the prior consent of the department or agency concerned, the committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

UNEMPLOYMENT FIGURES REVEAL WE ARE IN A RECESSION

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the debate of recent weeks over the terminology of the economic condition of this country seems conclusively resolved by the latest Government report on unemployment which shows 4.1 percent of the work force out of jobs. We are in a recession. Unless there is a reversal of the policy of disinterest by the administration, I fear we may slide even deeper into economic recession at the same time that the fires of inflation rage.

It is past time for the President and his economic advisers to recognize the effect of their failing policies on the lives of millions of Americans. The unemployed, now reaching almost 4 million, are real people—not just cold statistics. The millions more who have had work weeks and incomes reduced are real American working men and women, who daily face the growing difficulties of maintaining a decent living standard as accelerated inflation robs them of their purchasing power for the necessities of life.

It is time that they recognize that the elderly on fixed incomes are robbed by the continuing inflation.

About the only discourse we hear from the White House and the administration economists is an effort to shift blame for present economic woes to past administrations. I must remind them that President Richard Nixon has been President of the United States now for almost 14 months, and in that period we have seen a rapid acceleration of inflation, a deepening recession, and policies favoring the vested interests and monied sources. The working men, the poor, the elderly, the small businessman, and the minorities are being made to pay for the Nixon inflation and the Nixon recession.

I call on the President to utilize the anti-inflation and antirecession tools which Congress has provided, and to join concerned legislators in providing an economic climate that will right the deteriorating economic conditions. I call on the Republican economists to consider the human toll that their "favor the rich" policies are exacting on the working people, the housewives, the elderly and the small businessmen. We no longer need to debate economic terminology. We are in a recession, and the administration must recognize the conditions, and display leadership and concern to correct misguided policies.

THE FEDERAL GOVERNMENT VIOLATES NATIONAL POLICY, AS WELL AS THE PRESIDENT'S EXECUTIVE ORDERS, BY PROVIDING BILLIONS OF DOLLARS OF FEDERAL CONTRACTS TO UNIVERSITIES WHICH DISCRIMINATE AGAINST WOMEN

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, it is a national calamity that agencies of the Federal Government are violating our national policy, as well as the President's Executive orders, by providing billions of dollars of Federal contracts to universities and colleges which discriminate against women both as teachers and as students.

Our national policy, as expressed by Congress in 5 United States Code section 7151, plainly states:

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

The President's Executive Order 11246, as amended by Executive Order 11375, specifically forbids sex discrimination by Federal contractors. These orders are administered by the Office of Federal Contract Compliance of the Department of Labor. The Department of Health, Education, and Welfare has been designated as the compliance agency to obtain compliance with the Executive orders by colleges and universities with Federal contracts. However, billions of dollars in Federal contracts continue to go every year to colleges and universities which perpetrate vicious patterns of discrimination against women, despite the Executive orders to the contrary. And neither the Labor Department nor HEW does anything to stop or mitigate such discrimination.

Half of our brightest people, the people with talent and the capacity for the highest intellectual and fruitful endeavors, are women. They encounter pervasive discrimination when they try to enter college—when they apply for graduate and advanced training—when they attempt to join the faculties of our most esteemed universities and colleges—and if they finally succeed in becoming teachers, they get less pay and fewer promotions than their male colleagues.

Many universities and colleges with Federal contracts, although forbidden by Executive order from discriminating against women, nevertheless do so by applying quotas for women in admission to both undergraduate and graduate training programs. They discriminate against them in awarding scholarships and providing financial assistance. They discriminate against them in hiring their faculty members. They discriminate by paying their women faculty members less than their male colleagues with similar qualifications. They discriminate by promoting women far more slowly than men.

Although these institutions of higher learning like to view themselves as bastions of democracy, yet they penalize fully half of their potential students by requiring women to meet higher admission standards for admission than men. For example, at the University of North Carolina, admission of women on the freshman level is "restricted to those who are especially well-qualified." There is no similar restriction for male students. In the State of Virginia, 21,000 women were turned down for college entrance, while not one male student was rejected. What has the Federal Government done to change inequities such as these? Nothing—indeed, the Federal Government has not even made a murmur of protest.

Quota systems exist at many universities and colleges, whether openly admitted or not. In fact, the consistent low percentages of women students in medicine, law, engineering, and other professional fields, as well as in many undergraduate schools, can be the result only of quotas. They are the principal reasons why the percentage of women with M.D. degrees has not increased since 1920, the year that women first got the right to vote. It is sex discrimination in the universities which accounts for the fact that only 7 percent of U.S. physicians are women.

The undergraduate and graduate programs in universities are analogous to the training and apprenticeship programs of industry. Open admission policies, free of discrimination against women, are essential if women are to have the same employment opportunities as other citizens. Unless the universities open their training programs to women on equal basis, women will continue to get the short end of the stick in employment opportunities.

The tragic fact today is that women are losing ground in every segment of university life. Their proportion as students in college is not increasing. Their proportion as students at the graduate level is less now than in 1930. Whereas they held more than one-third of university faculty positions in the 1870's, they now hold less than one-fourth, and at the prestigious Big Ten universities they hold only about one-tenth, of the university faculty positions.

Moreover, women on the faculty generally are at the bottom of the academic hierarchy. Often they lack tenure. The higher the academic rank, the less is the percentage of women. For example, a recent study of 188 sociology departments in universities across the country showed

that women are 30 percent of the doctoral candidates, but only 14 percent of the assistant professors, only 9 percent of the associate professors, and only 4 percent of the full professors.

For years there has been a shortage of college teachers, yet there have been little serious efforts to recruit women for college faculties. The excuse often given that there is a shortage of qualified women is ridiculous. For example, at Columbia University women receive about 25 percent of its doctoral degrees, but comprise only 2 percent of the tenured faculty in its graduate schools. Furthermore, contrary to academic mythology, a higher percentage of women with doctorates go into college teaching than do men with doctorates. The argument that women are lost to the academic world when they marry is also a myth, since over 90 percent of the women with doctorates are in the labor force. Women comprise 40 percent of the faculties in teachers' colleges, and about the same in junior colleges. But in the prestigious private and State universities the percentage of women teachers is much less.

Is it discrimination against women, or mere coincidence, that the great University of Chicago has a lower percentage of women on its faculty now than it did in 1899? Can anyone seriously argue that there are less qualified women now than in 1899?

Even in the field of education, where one might expect women to predominate, they are generally conspicuously absent in the upper ranks. A recent study shows that the University of Maryland's Department of Early Childhood Education, where women professors are 47 percent of the faculty, has almost all of these women—13 out of 15—at the lowest rank of assistant professor.

Women college teachers simply do not get promoted as often or as quickly as their male colleagues with similar qualifications. Ninety percent of the men with Ph. D's and at least 20 years of academic experience are full professors, whereas barely half of the women with the same qualifications have that rank. At Stanford University, 50 percent of the men, but only 10 percent of the women, on the faculty are associate or full professors. Somehow, women who are qualified enough to be hired are not "qualified" enough to be promoted. In some places they simply are not hired at all. The University of Pennsylvania, for example, has only four departments with more than two women, and 26 departments with no women at all. Similar incredible examples exist in many universities and departments in practically all areas of higher education.

Even when the universities hire women, they do not get the same salaries as men on the campus. Numerous studies document the pay differences between men and women with the same academic rank and qualifications, deans of women make far less than deans of men, even at the same institutions.

I heard of one woman who had been an associate professor for more than 10 years, discovered she was earning at least $1,000 less than the bottom salary which that university paid to its men associate professors. In the academic world, women instructors earn less than male instructors; women assistant professors earn less than male assistant professors; women associate professors earn less than male associate professors; and women full professors earn less than male full professors; and there is every indication that the gap between the salaries of men and women faculty members is growing wider.

The picture is even more dismal at the administrative level. The number of women college presidents is decreasing. Women rarely head departments. At the University of Maryland, for example, in the College of Education, only one department—Special Education—is headed by a woman. At Columbia College, the undergraduate men's college of Columbia University, only one woman—the librarian—is on the administrative staff. The proportion of women in college and university leadership positions is lower than it was 25 or even 10 years ago.

The vast extent of Federal moneys received by universities and colleges is documented in the recent report by the National Science Foundation entitled "Federal Support to Universities and Colleges, Fiscal Year 1968," report No. NSF 69–32, dated September 1969. That report reveals that 2,174 universities and colleges received $3,367 million from the Federal Government in fiscal year 1968. Of this amount, $2,340 million went to support academic science, and $1,027 million to support nonscience activities, at those institutions. Virtually all of those funds came from the following Government agencies:

[In millions of dollars]

Department of Agriculture	144
Department of Commerce	10
Department of Defense	243
Department of Health, Education and Welfare	2,212
Department of Interior	28
Atomic Energy Commission	110
National Aeronautics and Space Administration	130
National Science Foundation	423
Department of Labor, Housing and Urban Development, Transportation and Office of Economic Opportunity	67
Total	3,367

These funds, received by these universities and colleges under contracts with the Federal Government, are a major source of their total operating budget. Yet most of these institutions discriminate outrageously against half of our citizens—women. They neglect and disregard their potential talent. They place innumerable obstacles and hurdles in the way of academic women. Is our Nation so rich in talent that we can afford to have our universities penalize the aspirations of half of our population? Should the Federal Government close its eyes to such unjust discrimination and continue to provide the billions of dollars that help to support those unjust practices?

Our national policy mandates equal treatment and opportunity for all citizens, including women. The Labor Department has recently shown much concern about racial discrimination in the construction industry, and the Department of Health, Education, and Welfare is heavily involved in eliminating racial discrimination in elementary and secondary schools. I applaud their concerns about such discrimination; but I also ask: Where is their concern about discrimination against women in our universities and colleges?

Let me emphasize again that Executive Orders 11246 and 11375 specifically forbid Federal contractors from discriminating against women in employment. Many of our universities and colleges have Federal contracts and receive substantial amounts of Federal funds. But neither the Department of Labor, which is responsible for enforcing these Executive orders, nor the Department of Health, Education, and Welfare, which is the compliance agency for universities, has made any effort whatsoever to invoke these Executive orders to prevent sex discrimination in employment or training by institutions of higher learning. Under the Labor Department's own guidelines, Federal contractors with 50 or more employees and a contract of $50,000 or more, must develop a written plan of affirmative action to prevent discrimination based on race, color, religion, sex, or national origin. I know of no university or college that has done so.

Worse yet, no university or college has been asked to do so. Under the same guidelines, all Federal contractors, including universities, are required to make an analysis of problems and an evaluation of opportunities for the use of minority employees, as well as specific goals and timetables for correcting existing discrimination. Again, I know of no university or college that has been asked to do so. Moreover, under these guidelines, universities and colleges with Federal contracts are required to state that there will be no discrimination in advertising for employees. I know of no instance where any Government agency has required, or requested, them to do so. Women in various professional organizations have been trying, largely without success, to get university departments to eliminate sex preference in advertisements placed for new faculty. Yet in column after column of job ads in professional journals, there are many advertisements which specify "male" or "prefer male, but will consider female." Both the Departments of Labor and Health, Education, and Welfare have been equally remiss and derelict in carrying out their responsibilities under the Executive orders.

Furthermore, Federal agency compliance programs are supposed to include a determination of nondiscrimination for each contractor prior to the award of any contract over $1 million. I know of no instance where this has been done, in terms of sex discrimination, in awarding contracts to universities and colleges, despite the requirements of the Executive orders. Nor do I know of any on-site compliance review concerning sex discrimination at any institution of higher learning.

Thus, despite the existence of Executive orders that specifically forbid such flagrant discrimination against women,

the Federal Government has done absolutely nothing to enforce the orders in universities and colleges. Women in academic life are particularly vulnerable and unprotected from the ravages of sex discrimination. They are not protected by title VII of the Civil Rights Act of 1964 because section 702, for no rational or ascertainable reason, exempts every "educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution"—42 U.S.C. 2000e–1. They are not protected by the Equal Pay Act of 1963—Public Law 88–38, 29 U.S.C. 206(d)—which is a part of the Fair Labor Standards Act, because the latter act does not apply with respect to "executive, administrative or professional employees"—29 U.S.C. 213. The callous disregard which the Departments of Labor and Health, Education, and Welfare have demonstrated toward the requirements of Executive Orders 11246 and 11375, so far as it concerns discrimination against women by universities and colleges with Federal contracts, has made the Executive orders, for women, "only a promise to the ear to be broken to the hope, a teasing illusion like a munificent bequest in a pauper's will."

It is shocking and outrageous that universities and colleges, using Federal moneys, are allowed to continue treating women as second-class citizens, while the Government hypocritically closes its eyes. Remedial action must be taken, at once, to bring the universities and colleges in line with the requirements of the Executive orders. I am now assembling a list of all universities and colleges with Federal contracts. As a first step, I call upon the Secretary of Labor and the Secretary of Health, Education, and Welfare to contact all of these institutions to obtain from them full and detailed information, with respect to men and women, concerning: First, admission policies, including quotas; second, financial aid; third, hiring practices; fourth, promotions; and fifth, salary differentials for those with similar qualifications. I also call upon the Secretary of Labor to take prompt action on the complaint filed with him on January 31, 1970, by the Women's Equity Action League—WEAL—concerning the pattern of blatant discrimination against women in our universities and colleges with Federal contracts. WEAL's complaint strongly indicts the pervasive patterns of sex discrimination perpetrated by many universities. I believe it will interest every Member of Congress, and the general public, and I therefore include it as part of my remarks at this point in the RECORD:

FAIRVIEW PARK, OHIO,
January 31, 1970.

The Hon. GEORGE P. SHULTZ,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Please consider this letter as a formal complaint under Executive Order 11246, as amended by Executive Order 11375.

The Women's Equity Action League (WEAL) hereby requests that you instruct the Office of Federal Contract Compliance to insist that *all* Federal agencies doing business with universities and colleges enforce the Executive Orders which have been completely ignored. We know of no meaningful compliance efforts that have been undertaken. We ask that the Office of Federal Contract Compliance institute an immediate *"class" action* and *compliance review* for *all* universities and colleges receiving Federal contracts. We ask that as stated in the Executive Orders, *Universities end discrimination* and *take affirmative action* "to ensure that applicants are employed, and that employees are treated during employment, without regard to . . . sex."

Each year millions of dollars in Federal contracts are disbursed to universities and colleges. And each year, these same univeritie and college discriminate against women in a variety of ways. They discriminate by having quotas for women in admission to undergraduate and graduate programs; they discriminate in scholarships and financial assistance; they discriminate in the hiring of women for their facultie; they discriminate by paying their women faculty members less than their male counterparts, and they discriminate by promoting women far more slowly than men. Whether by design or accident, the effect is the same: women are second class citizens on many a campus.

For example, the proportion of women studying in college is not increasing; it is tending to remain fairly constant. At the advanced levels, the proportion of women is *less now* than it was in 1930. The proportion of M.D. degrees awarded to women has not increased since 1920, and a similar situation exists in Law and Engineering schools. Such *consistent* percentages of women students can only be a result of quotas whether openly admitted or not. (Why are 85% of Finland's dentists and 75% of Russia's physicians women? In our country only 7% of our physicians are women.)

In the last century, women held more than one-third of the faculty positions in colleges and universities; today the proportion of women is less than one-fourth. (At most of the "Big Ten" universities it is about one-tenth.) In study after study, women are now found mainly in the lower reaches of academia. For example, of 188 graduate departments of Sociology across the country, women are 30% of the doctoral candidates, 14% of the Assistant Professors, 9% of the Associate Professors, and only 4% of the Full Professors. At the University of Maryland in the College of Arts and Sciences nine out of the 15 departments examined had no women who were Full Professors, although all had women in the lower academic ranks. The figures can be duplicated, department by department, university by university, in practically all areas of higher education.

Moreover, numerous studies reveal consistent pay differences between men and women with the same academic rank, with the same length of service, and with the same academic qualifications. Deans of Women make less money than Deans of Men, even in the same institution. In the same departments, women instructors usually make less than male instructors, women Assistant Professors make less than male Assistant Professors, women Associate Professors make less than male Associate Professors, and women Full Professors make less than male Full Professors. Some studies indicate that the size of these differences in salary may be *increasing*.

Administrative positions in higher education rarely go to women. Women are rarely heads of departments. (In the School of Education at the University of Maryland only *one* department—Special Education—is headed by a woman; in the College of Arts and Sciences only the Department of Dance is headed by a woman.) In fact, the *proportion* of women in college and university leadership positions is *lower now* than it was 25 or even 10 years ago.

Executive Order 11246 as amended by Executive Order 11375 specifically *forbids discrimination by Federal Contractors because of Sex.* Universities often get as much as one-third of their total funds from government contracts. Yet the universities have been allowed to continue discriminating against women at all levels. The Federal government, despite the applicability of the Executive Orders, has done nothing to change this. This is shocking and outrageous. Remedial steps need to be taken at once to bring the universities and colleges in line with the Executive Orders referring to Federal contractors and sex discrimination.

Specifically, these areas of discrimination must be examined and remedied:

1. *Admission Quotas to Undergraduate and Graduate Schools.* Admission to college is analogous to being admitted to the "apprenticeship" programs of industry. Without open admissions, there can be no fair treatment. Quotas must be abolished; admission must be based on ability, not sex.

2. *Discrimination in Financial Help for Graduate Study (Scholarships, Fellowships, Research Grants, Teaching Assistantships,* etc.). Financial help must be extended purely on the basis of ability and/or need, and not on the basis of sex.

3. *Hiring Practices.* Discrimination against hiring women in academic positions must end.

4. *Promotions.* Criteria for upgrading should be irrespective of sex.

5. *Salary Differentials.* Women and men at the same academic level and with similar qualifications should receive similar salaries.

WEAL asks that the OFCC act immediately in these areas to end discrimination against women by all universities and colleges receiving Federal contracts.

I have appended to this letter some background materials showing clearly the pattern of sex discrimination in higher education. WEAL will be glad to confer with the OFCC in implementing the Executive Orders and in developing plans for affirmative actions on the part of the institutions involved.

This complaint is grounded also in a specific charge of discrimination in faculty hiring and promotion at the University of Maryland. The investigator should contact me for the names of persons who will discuss this case in support of the complaint.

Sincerely yours,

NANCY E. DOWDING, Ph. D.,
President.

INDIAN MASSACRE IN DISTRICT OF COLUMBIA

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

Mr. RARICK. Mr. Speaker, last week a full-blooded Piute Indian journeyed all the way from Nevada to see the Great White Father in Washington—to lobby for his underprivileged people. But he was ambushed by the Washington savages, and massacred here on 14th Street.

For many weeks now, we have heard the beating of propaganda drums in the urban jungle—it seems that the Washington natives are restless. They want, among other things, more "free" money, less control over narcotics, and something they call "home rule." In fact, they threaten violence if they do not have their way.

At the same time, and in the same town, we find that both the criminal

games of rape and robbery are practiced in broad daylight—while the natives clamor for more and more "home rule" with less and less control.

The writers of our Constitution wisely provided for the government of the Federal District by the Congress—and by the Congress alone. We should remember that it was the lack of control by the Continental Congress over a lawless mob, and the appeal of the Members to local authorities of the city in which they were sitting for rescue, which brought about the establishment of a Federal city.

We should also remember that those who refuse to learn from the mistakes of the past are doomed to repeat them. We tried a magnificent experiment in home rule for the Federal District over a century ago. That historic failure is written in dirt, corruption, and blood for all to see. Now some would urge us to repeat the error.

The local press—so active in reporting on school buses and minority incidents in South Carolina, all but suppresses the massacre of the Piute Indian from Nevada and other serious crimes right in their own backyard.

I include pertinent newsclippings in my remarks:

[From the Washington (D.C.) Evening Star, Mar. 7, 1970]

INDIAN DIES OF INJURIES IN BEATING

A full-blooded American Indian who was in Washington to lobby for his inter-tribal council in Nevada died in a hospital here yesterday, apparently the victim of a street robbery and beating Thursday.

Sen. Howard Cannon, D-Nev., whom he intended to visit, said his office is investigating the case which left George Kane, 47, lying unconscious in a gutter at 14th and P streets NW early Thursday morning.

Kane, a Piute Indian from a reservation near Reno, Nev., was here to lobby for more money for the Indian poverty program in his state, and had scheduled a meeting with Cannon to talk over Indian problems.

He was last seen leaving his hotel at 3 a.m. Thursday morning in a taxi, and was found on 14th Street two hours later, his wallet and money missing.

Taken to George Washington University Hospital, he was placed under observation. Later that day, nurses noted a change in his condition and he was X-rayed, then rushed into surgery for a brain hemorrhage. He died at 12:40 p.m. yesterday.

[From the Washington (D.C.) Evening Star, Mar. 7, 1970]

BANK-TO-BANK TOUR: BANDITS GET $9,000 IN WOMAN'S SAVINGS

(By Sheridan Fahnestock)

A 76-year-old woman handed over $9,000 to three armed men Thursday who had forced her to withdraw it from a bank despite the suspicions of bank tellers.

Police said the woman did not report the incident to them until her ill sister, from whom she withheld the story for several hours, told her to call officers. The men got away.

Police said Mrs. Ruth B. Brown of 1616 Taylor St. NW was leaving the Riggs National Bank branch at 18th Street and Columbia Road about noon Thursday when three young men approached. One pulled out a gun and ordered her to get into a car with them.

In the auto, the two men in the back seat took her pocketbook and removed her Columbia Federal Savings and Loan Co. book. They drove to its branch at 730 11th St. NW, where Mrs. Brown was ordered to withdraw $9,000 in cash; one of the men accompanied her inside.

A teller told them he didn't have enough money on hand, and could only give her $1,000 and a bank draft for $8,000, on the American Security and Trust Co.

Mrs. Brown and her abductors drove to that bank's office at 15th and Pennsylvania Avenue NW, where a teller, suspicious, told her to have her signature on the check verified by someone at the Riggs Bank.

They went to the Riggs branch at 15th Street and Pennsylvania Avenue NW, but were told to go to the branch where she had her account.

They then drove to the Riggs Bank branch at 14th and Park Road, where a bank official verified her signature; the trio then took Mrs. Brown back to the American Security and Trust office.

There, a suspicious teller argued for sometime with the man accompanying Mrs. Brown, who had identified himself as her nephew, but finally was unable to avoid cashing the check, after verifying the Riggs Bank official's signature.

Mrs. Brown was taken back to the car and driven to the corner of 22nd and P Streets NW, where she was dropped off.

Police said she hailed a cab, went back to the Riggs Bank, parking lot at 18th Street and Columbia Road where she had been abducted more than three hours before, got into her car and drove home.

[From the Washington (D.C.) Post, Feb. 5, 1970]

CLERK, 17, RAPED IN NORTHWEST STORE

A 17-year-old clerk in a Northwest Washington store was raped and the store's owner robbed by an armed holdup man yesterday, police reported.

Police said the man entered the store at 2:30 p.m. but then left. He returned a few minutes later and tied the women up at gun point.

The man then took the clerk into the bathroom and raped her. He then took $20 from the owner and left.

[From the Evening Star, Washington (D.C.), Mar. 7, 1970]

GIRL, 17, RAPED BY ARMED YOUTH

A 17-year-old schoolgirl was raped at gunpoint Thursday night in the Brightwood section of Northwest Washington by a youth who also robbed her of $2.75, police said.

Police said the girl told them she was walking in the 3900 block of Kansas Avenue NW about 7:30 p.m. when the youth, about her own age, approached, pulled out a pistol, and told her to come with him and not to say anything.

He forced her into a garage and threatened to kill her if she didn't disrobe; she complied after he struck her on the head with the handgun, and was then raped.

The victim, who was treated and released at D.C. General Hospital, told police her assailant talked in a peculiar manner, as if he might have been taking drugs.

UNEMPLOYMENT DANGERS IN ECONOMIC CONTROLS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I want to call attention to a policy of the administration whose effects are reaching considerable proportions and may well bear in them the seed of serious future trouble. I refer to the current administration program to slow down the economy.

No one can quarrel with the proposal to control inflation and in that objective I concur with the President and his advisers. At the same time, the effect of the application of fiscal and monetary measures by the Executive is not easy to predict. Most people can remember with clarity the 1957 recession which was brought about by a conscious administration policy of deflation and resulted in deep and widespread unemployment before it had run its course.

I want to emphasize the dangers in the present course of the administration.

Already in Connecticut there are 10,800 more unemployed than there were a year ago and substantial reductions are predicted for many industries, both in the Fifth District and elsewhere throughout the State. Although these figures do not look spectacular as pure statistics, it must be remembered that these are people who are involved and not just numbers and their problems cannot be viewed merely as mathematical formulas.

In addition, there is a cumulative economic effect from reduced payrolls that appears first in the immediate community and then spreads throughout the economy. I suggest therefore that the restraints be carefully watched and the brakes be released as danger signals appear. We certainly do not want a recession such as we had in 1957.

Connecticut will have enough problems in the prospective change from a defense-oriented economy to a peace-based one without having artificially induced shortages and job terminations superimposed. There is some question as to whether the economic faucet can be turned on and off at will. This is a time for extreme caution and I hope that the Secretary of the Treasury, the Chairman of the Federal Reserve Board and all other financial officers will have these dangers and possibilities in mind and act with every presumption in favor of maintaining employment at a high level.

ADDITIONAL PROGRAM FOR THIS WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of announcing an addition in the program.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise that some nine stockpile bills have been unanimously reported, I am advised, from the Committee on Armed Services and that the gentleman from Massachusetts (Mr. PHILBIN) may seek unanimous consent to bring these bills up sometime during the week. They will be published in the RECORD.

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

Mr. ALBERT. I yield to the gentleman.

Mr. GROSS. Are copies of these bills and the reports available?

Mr. ALBERT. I am sure they are. They are on the Consent Calendar already. They are Consent Calendar No. 121 through No. 129, listed as follows:

H.R. 15021. A bill to authorize the release of 40,200,000 pounds of cobalt from the na-

tional stockpile and the supplemental stockpile;

H.R. 15831. A bill to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. A bill to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. A bill to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. A bill to authorize the disposal of magnesium from the national stockpile and the supplemental stockpile;

H.R. 15836. A bill to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. A bill to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. A bill to authorize the disposal of shellac from the national stockpile; and

H.R. 15839. A bill to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

NIXON ADMINISTRATION STYMIES ISRAEL DESALTING PLANT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is extremely distressing to learn that despite this country's commitment to Israel, despite Israel's urgent need, despite the benefits to be obtained by the United States, and despite Congress' having expressed its will, the Nixon administration does not intend to proceed with the prototype desalting plant in Israel, authorized by the Foreign Assistance Act of 1969, Public Law 91–175, for which $20 million was appropriated by Public Law 91–708. This administration is reneging on the U.S. commitment to Israel made by President Johnson, and it is flouting the determination of Congress that this project should proceed.

I have for a long time urged U.S. assistance to Israel in the design, development, and construction of a desalinization plant. To this end, I introduced legislation in the 90th Congress as well as in this Congress.

Last May 14, on the floor, I made clear my support for such action by the United States and expressed my concern that the Nixon administration had, as of that time, "failed to take a position" on assisting Israel in this project. At that time, I inserted in the CONGRESSIONAL RECORD, volume 115, part 9, page 12460, copies of the correspondence between myself and the White House concerning the plant.

On August 1, I again noted that the commitment made by President Johnson to the late Premier Levi Eshkol of Israel to support U.S. participation in the desalinization plant project had yet to be reaffirmed by the Nixon administration.

On September 24, 1969, I urged the administration to "clarify its position on this important project which the Department of Interior described on January 17, 1969, as 'vital to Israel in terms of water supply and power,' and also as giving the United States 'an opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to the development of low-cost desalinization processes'." CONGRESSIONAL RECORD, volume 115, part 21, page 27948. At that time, I inserted in the RECORD copies of the correspondence between myself and the White House which had occurred subsequent to March 14.

On November 20, I opposed the amendment offered by the gentleman from Iowa (Mr. GROSS) striking out section 209 of the Foreign Assistance Act of 1969, which authorized $40 million for U.S. participation in a prototype desalinization plant in Israel. And on December 9, I urged full funding in the Foreign Assistance Appropriation bill, which had cut this $40 million to $20 million.

The foreign assistance and related programs appropriation bill, 1970, as enacted into law—Public Law 91–708—did embody that $20 million figure in that part of title I entitled "Economic Assistance." This was the funding provided for pursuant to the authorization act—Public Law 91–175—which provides, in part:

"SEC. 219. PROTOTYPE DESALTING PLANT.—(a) In furtherance of the purposes of this part and for the purpose of improving existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project. . . .

There are at least four reasons why the United States should proceed with the desalinization plant:

First, President Johnson committed this country to this program. The late Premier Levi Eshkol disclosed on January 19, 1969, that President Johnson had written to him promising Executive support for the construction of a desalinization plant.

Second, desalinization is imperative for Israel's well-being. Israel's need for fresh water for irrigation of arid land is acute; about 95 percent of her existing fresh water sources have already been tapped. As I said on July 30 before the House Committee on Foreign Affairs:

(I)t is clear that agricultural needs will not be met if additional sources of fresh water are not developed. If these sources are to be developed, it is imperative that development of a saline water conversion facility be begun as soon as is technically possible.

Third, this plant is extremely significant to the United States, as fully detailed in the letter sent to Congress on January 17, 1969, by Max N. Edwards, who was then Assistant Secretary of the Interior:

"The proposal provides the opportunity for the United States to participate in a technologically advanced water desalting program to further its objectives of developing large-scale desalting processes. The United States will receive and have available for domestic and worldwide use all of the project information, technical data, and operating experience resulting from this project. The United States, its officers and employees, will be granted permanent rights to receive data and will have access to the plant for the purpose of observing its operation and improving science and technology in the field of desalination. It will be expected that the water-plant will be procured from United States sources . . .

". . . In previous presentations of the saline water program to the Congress, the need for participation in the study, design, construction, and operation of such large-scale prototype desalting plants has been emphasized. Briefly, the basic reasons for such participation are as follows:

"1. To develop advanced desalting technology for design and for hardware construction.

"2. To demonstrate desalting practices and to gain operating experience with a large plant. Only through actual operation will it be possible to establish the economics of water costs, study the effects of different modes of operation, investigate pretreatment methods, and resolve operating and maintenance problems, all of which determine the price of the water.

3. As a necessary intermediate step for eventual larger projects in all parts of the world, and specifically in the United States. This project will serve as a pilot operation for the technology and plants required before the turn of the century by our own southwest.

"The proposed financial contribution towards the capital and operating costs of this project is less than any other presently available alternative for obtaining similar technology.

"The project to be authorized by this legislation offers a unique opportunity to achieve the objectives we have just set forth. The Government of Israel has conducted a comprehensive national study of the availability and quality of its water resources. They have concluded that new incremental sources of fresh water must be made available by the mid-1970s in order to maintain their industrial and economic growth. Therefore, Israel has had a continuing interest in desalting and specifically in the United States States desalting program . . .

"Participation in this specific project provides an excellent opportunity to study a system of water use for agriculture. Israel is unique in having a fully integrated water system serving the bulk of the nation's irrigated agriculture and other uses, and it provides in effect a water management laboratory. The impact of decisions involving such matters as water prices and quantities, water allocation to different uses, value and kind of crops and areas of development can be related to the cost and quantity of desalted water, and, indirectly, to other water supplies.

"In summary, while the project is vital to Israel in terms of water supply and power, its significance to the United States is the opportunity to improve and advance science and technology in the field of saline water conversion and to contribute materially to development of low cost desalination processes. We believe we should take advantage of this opportunity and we urge the early enactment of this proposal . . ."

Fourth, the Congress has made its will clear by authorizing $20 million for the desalinization plant and by appropriating $20 million.

I have detailed at length this history for two reasons. One, I want to show that this issue is one of long standing. In fact,

as long ago as 1964, President Johnson announced that the United States and Israel would cooperate in desalting research and development. The feasibility study conducted pursuant to the 1965 agreement between the United States and Israel, and carried out by Kaiser Engineers in association with Catalytic Construction Co., made clear the feasibility of the desalting plant. The February 1966 report of that study, entitled "Engineering Feasibility and Economic Study for Dual-Purpose Electric Power Water Desalting Plant for Israel" concluded that an operating plant could be in existence by late 1972, if begun then.

And, two, I am in some way attempting to temper my dismay upon learning that the administration does not intend to proceed with the desalinization plant project. The years of study proving that the desalting plant can and should be built, make it high time to start. The technology has been developed to build such a plant. The plant could have been begun long ago. It should be begun immediately.

To this end, I am calling upon the President and the Administrator of the Agency for International Development to take immediate steps to implement the Israeli prototype desalinization plant.

HIGH INTEREST RATES

The SPEAKER. Under previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise today to speak on a House concurrent resolution which has been introduced heretofore and cosponsored by 83 Members of the House of Representatives, both Democrat and Republican, representing 28 States.

I ask unanimous consent that the text of that resolution may appear in the RECORD at this point in the presentation.

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

There was no objection.

The concurrent resolution is as follows:

CONCURRENT RESOLUTION

Whereas a high interest rate policy has been followed for the past fourteen months as part of the administration's fight against inflation; and

Whereas the higher interest rates paid by manufacturers, distributors, transporters, retailers, and all others involved in the production and marketing processes tend to become part of the end cost of the product, thereby adding to the growth of inflation; and

Whereas consumers and small businessmen, to whom credit is vital and who operate on smaller margins, ultimately pay the cost of interest rate increases; and

Whereas the high interest rate policy, continued over an extended period, has served to blunt the Federal goal of attacking the problem of inadequate and substandard housing on a massive scale by systematically reducing the availability of low-cost financing; and

Whereas extended periods of high interest rates have traditionally and historically been followed by recessions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the administration should make every effort to reverse its policy of high interest rates in all programs and at all levels, and that the Federal Reserve Board should take steps to gradually roll the prime interest rate back to 6 per centum.

Mr. ALEXANDER. Mr. Speaker, the problem of inflation is one which has concerned this Nation for many months. It is one which must be solved, and the efforts to solve this continuing and growing problem deserve the high priority and attention they are receiving.

It is my belief, however, Mr. Speaker, that our consideration for the people of this country—for their problems—their hardships—and their views—must also receive a high consideration in this effort. The people of the First Congressional District of Arkansas are finding the cure to be as unbearable as the illness—I refer to the policy of high interest rates and tight money.

I do not stand before my colleagues today to discuss the rightness or the wrongness of instituting this high interest rate policy 14 months ago. While I personally feel that such a policy may be effective in fighting inflation over a short period of time, that question has little bearing on the issue today. It is clear to me that such a policy is not effective as an anti-inflationary measure over a long period of time. In other words, Mr. Speaker, I believe that the administration's high interest rate policy has clearly become counterproductive.

What is the purpose of a tight money policy? We are told that it is effective in discouraging consumer spending and in halting the growth in consumer credit. If this is the purpose, it has clearly failed. Consumer credit grew by more than $9 billion during 1969. The effect of this policy has not been to halt credit buying, but to add to the financial burden of American consumers through increased costs of using that credit.

The results of this policy, spread over a period of 14 months, have been to fuel the inflationary cycle. It has become part of the problem it was intended to solve. The high cost of money has become an integral part of the high cost of living. The added cost of interest is now a part of the inflated purchase price.

Who are the persons most affected by a high interest rate policy? They are the people who are least able to pay for the fight against inflation. They are the consumers—they are the small businessmen—they are the farmers—and—they are the people who must live on fixed incomes. To these people, credit is essential if they are to secure items which have today become necessities such as automobiles, refrigerators, and even clothing. And yet, these people are unable to pass along the 10-, 12-, and 18-percent charges which have become part of their purchase prices.

We cannot forever continue to point the finger at these people when we say that Americans must "sacrifice" and "tighten their belts" in order to fight inflation. We cannot forever ask our people to man the battle lines when economists, who stand unaffected by such battles, sound the clarion call. Such a policy is indefensible.

One businessman in northeast Arkansas was relating to me recently his experience with the high interest rate policy.

On a gross volume of $2,000,000, interest costs in his business increased by 5 percent, or a total of $10,000, during 1969.

At the same time, he could not pass along all of these costs to his customers because they were being charged all they could pay with the increased prices on inventory charged by the manufacturers which had already passed along their interest costs.

The increase of $10,000 represents much of the margin of profit for this businessman, as it does for most small entrepreneurs.

The result is that he has recently laid off five employees.

While such a development may not alarm economists in New York and Washington, who gaze at their crystal balls and see increased unemployment as signs of progress, it spells disaster for those employees who are now told to fight inflation without a job.

A mother in the First Congressional District wrote me recently about the difficulties she is experiencing:

Her twin children have consistently been named to the honor roll in high school.

They have shown great promise and they have the qualities that must be developed all over this great country to retain its greatness.

But this mother will be unable to further her children's education because she cannot afford to borrow the money to send them to college.

In her letter to me, she said:

I have two fine children, twins, a boy and a girl. They will graduate in May. We have tried hard to save for their college education. Their father had surgery a year ago and they found cancer. This depleted our savings. We can't give them the money, for we don't have it, and the banks want too much interest for us to borrow it.

There have been numerous cases in northeast Arkansas where local government units have been unable to sell bond issues because of the high interest rates. This has caused major needs for hospitals, schools, libraries, and other necessary public facilities to be unmet. At a time when the emphasis is on improving the quality of life for all Americans, this is a giant step backward.

One side effect of this development has been that several school districts, involved in construction to help meet desegregation efforts, have been stymied. These local school boards are honestly and earnestly seeking to fulfill their responsibilities, but they have been the victims of one Government policy—high interest rates—while trying to meet the requirements of another Government policy—unified school systems.

One other drastic effect of this policy, at least in rural areas of this country, has been the drying up of financial resources. Funds have been diverted from small financial institutions throughout

northeast Arkansas, depriving local residents of much-needed credit. The result, of course, has been an almost complete halt in new housing starts, and a shortage of money for regular business operating loans.

We are even feeling the effects of this policy in the Congress. There has been an estimated $2 billion increase in the cost of interest on the national debt during the last 2 years. This is a $2 billion price tag that was not necessary. It is $2 billion that was desperately needed—to help meet national commitments to clean up our environment—to meet our urgent housing needs—to improve the quality of educational opportunities for our young people.

There has been a great deal of technical discussion recently about the possibilities of our economy moving into a recession. While the Washington definition of a recession may be unmet at this time, I charge that we are already experiencing a recession in many regions of America. For many, the question mark is not whether we will move into a recession, but whether we will move into a depression.

Unemployed persons may be statistics to economists, but they are personal tragedies in northeast Arkansas. High interest rates may be a solution to economic problems in the eyes of economists, but they provide the one straw too many to families where a dollar can make the difference. I would like to emphasize that this is not an indictment of the administration. This is an indictment of a policy. I have supported my President on most of his proposals. President Nixon has indicated that he is ready to see the record-high interest rates rolled back. As President, he has the power and influence to make a move in that direction. The introduction of a House concurrent resolution by 83 Members of Congress last Wednesday, expressing opposition to the high-interest-rate policy and urging a rollback, will help the President in his efforts if this is, indeed, his goal..

Secretary George Romney, of the Department of Housing and Urban Development, said on February 23 that the "rising cost of money has hurt most" this country's efforts to meet our national housing goals. He called the interest rate increases "exorbitant and unwarranted." I strongly concur in his statement.

The introduction of this House concurrent resolution is not intended to legislate low interest rates. Economic policy must remain flexible. But the passage of this resolution will say that the silent majority, through their elected Representatives, do not approve of this policy and want to see it reversed. It will tell economists that people are more than statistics, that they are persons who are tired of having to bear the brunt of the fight against inflation.

The passage of this resolution will be a statement by millions of people across this country that they appreciate the efforts to halt inflation, but "do not kill us in the process of helping us." A sustained high-interest-rate policy to halt inflation is something akin to giving a person poison to cure cancer. The medicine hurts so bad you cannot feel the pain of the illness.

This policy must be reversed, and the American people cannot wait any longer. The passage of this resolution will be a statement by Congress that the continuation of this policy is unacceptable and should be reversed in an orderly but determined way—starting immediately.

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

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman from Arkansas for yielding to me.

I rise to congratulate the gentleman on the excellent and incisive statement he is making on the floor today. Additionally I want to congratulate him on the leadership he provided last week for a group of us who joined together in the introduction of this resolution calling upon the administration to create a systematic plan for rolling back these interest rates to a manageable and livable level. The gentleman from Arkansas has been a prime sponsor of that resolution. Eighty-three of us in all have joined as cosponsors.

In connection with the remarks of the gentleman that the high interest rate policy has brought about the specter of recession, I was interested to observe in the Washington newspapers over the weekend that unemployment now has reached the highest level in the past 4 years. The gross national product did not grow last year when it is compared with the growth of the population. Industrial production has fallen. The stagnation of the gross national product, the decline in industrial production, and the concommitant increase in unemployment are unquestionably the results of this highly restrictive monetary policy.

Yet this policy has not made any measurable progress whatever toward its announced goal of reducing the price level. In spite of the fact that interest rates are presently at their highest peak in American economic history, prices rose more last year than they had in any year since 1951. Therefore, I think it clearly demonstrable that the high interest rate policy has been a total failure in its announced goal of bringing about a reduction in the consumer price index.

By the end of 1969, most interest rates had climbed to 4 percentage points above their 1965 level. The suddenness and steepness of the advance was totally unprecedented. Almost every sector of the economy has been hurt.

Local governments have found it impossible to sell bonds for essential improvements. Where city bond issues have been negotiated, local taxpayers will be bearing the burden of the high interest rates through bigger local taxes for years to come.

Federal taxpayers will have to come forward with some $2 billion annually in additional taxes simply to pay the increase in interest on the national debt which has been caused by the escalating interest rates.

Homebuilding has been brought to a screeching halt. Purchasers of houses during the past year will be paying the added pound of flesh for most of their lives. A 1-percent increase in mortgage interest will cost the purchaser of a $25,000 home approximately $6,300 in extra tribute by the time he gets it paid off.

The student loan program by which the Government guaranteed banks absolute and full repayment for moneys loaned to college students has fallen victim to the hard money policy.

Least tolerable of all effects, high interest rates are exacting their greatest toll from people who must borrow to survive—farmers, workers and small businessmen with modest profits, and pensioners who have no profits at all.

Two charts demonstrate the fallacy of the high interest rate policy as an anti-inflationary gambit. The comparison drawn in the first chart depicting the percentage of change in four economic indicators since mid-1965, makes two conclusions inescapable.

First. While prime interest rates have been skyrocketed to the highest level in American history and almost 80 percent above the figure of 4½ years ago, the consumer price index has risen by approximately 25 percent.

In the past year, during which interest charges have undergone the most dramatic rise, prices have increased at an even faster pace than before.

Second. Presumably the deliberate skyrocketing of interest rates was intended as a curb against borrowing. It has not worked. Since mid-1965, consumer indebtedness has grown by an alarming 65 percent. It continued its climb in 1969. Thus, instead of discouraging indebtedness, high interest has merely increased the cost of indebtedness and thus contributed to the total consumer debt.

Leon Keyserling, testifying before the caucus committee, makes the point that the price of money is the most inflationary commodity of all. He points out that an increase in the price of artichokes is considerably less inflationary than an increase in the price of steel, since the latter is used in the production of more end commodities than the former. But the single commodity which figures in the cost of almost every end product is money—borrowed money. As its price increases, the price of every end product increases.

The second chart compares two factors in the economic history of the past 45 years, or since 1925. The two factors are the average commercial interest rate and the annual percent of change in the per capita gross national product.

The line running straight across the chart is a median. If the GNP grew exactly in proportion to the population, the lower line would parallel and converge with the median line. What the lower line represents, then, is the average citizen's share in the annual growth or decline of the GNP. The two lines, seen together, point to several very interesting conclusions.

First. Contrary to Federal Reserve myth, interest rates are not a product of the market. They are a product of deliberate governmental policy. During the 13 years from 1934 to 1947 the average commercial interest rate remained relatively stable—at or below 1 percent. This was because of conscious government policy.

During this period, we recovered from a devastating depression and fought the greatest war in the Nation's history. During this period more money was borrowed and the national debt increased more markedly than at any like period of American history. Notwithstanding, interest rates remained stable and low because the Democratic administration was determined to keep them stable and low.

Second. The level of the interest rate invariably and predictably exerts an inverse effect upon the gross national product. The peaks and valleys of the chart indicate dramatically that a rise in interest rate almost always precipitates a commensurate decline in the GNP.

The fallacy of the current doctrine is that the way to fight inflation is to curb the economic growth rate. High interest rates indeed perform this function, but as we have seen from the other chart they do not necessarily bring about a decline in prices.

It might even be concluded, in fact, that as fewer goods are produced, an upward trend in prices is usually brought about.

Third. Observe that each square on the chart represents for the lower line a 5-percent increase or decline in the per capita GNP, and that each square in the top line represents a 1-percent increase or decline in the average commercial interest rate.

The juxtaposition of the two lines tempts one to a conclusion that altering the interest rate downward or upward by 1 percent can almost predictably be expected to influence a 5-percent increase or decrease in the per capita GNP.

Halting or depressing the growth of the GNP is certainly not an acceptable long-range economic policy for this country for the obvious reason that unless we promote constant, steady, and supportable economic growth such as to create approximately 2 million new and additional jobs in the private economy every year, unemployment inevitably follows.

So the administration policy of high interest rates does not reduce prices. It does not decrease the cost of living. It does depress the GNP. It does lower the rate of production. It does create unemployment.

The goal should be steady economic growth with price stability. The end result of the administration's policy appears to be both price inflation and economic depression, coexisting in the same economy.

Unfortunately, the above-mentioned charts cannot be duplicated for printing in the RECORD.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter, including charts.)

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

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

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding and thank him for his concern in this area of high interest rates.

This is a problem that has been going on for some time and not something that suddenly developed in the 1 year of the Nixon administration. I recall several votes we had in the past year which have been important and critical and bellwether votes as to what will be the policy of the Congress of the United States on interest. One involved the FHA and the VA loans. There were 43 Congressmen who voted against removing the then current ceiling on the VA and FHA loans. I voted against the removal of those ceilings because I am very definitely opposed to high, unlimited interest rates. Then there was the student loan bill which came up before the Congress—and all of these came up in the last year. There were 10 Congressmen here who voted against increasing the maximum rate to 10 percent on student loans. I am in favor of student loans and in favor of VA and FHA loans, but I voted against the student loan increase to 10 percent because I simply would not support the pleas of our legislative leaders that unless we increased the maximum permissible rate there would be no money made available. I think the money would be available. However, that was all part of the escalation of interest rates in this last year. This Congress certainly shares a part of the blame. I do not subscribe to the theory of economists that the way to stop inflation is to increase interest rates so as to strangle our economy. I subscribe, rather, to the theory that it is better to produce more goods and to bring about the production of more goods in our overall marketplace. By doing that we will then be able to overcome some of the deficit spending we have had in the past. When you look at the cause of high interest we find that it is associated with several things. One is that for the past 8 years we have had a Government centered more upon providing services for people than providing additional goods. Now, when we put money into economy and we do not produce a product, that money is going to compete with all of the products that are already in the market.

Two years ago we had a $25 billion deficit. That means that this Nation spent $25 billion more than it took in. That $25 billion went into the economy to compete for the products that were already in existence and in excess of what our gross national product was that particular year. This was bound to be inflationary. The results of it are now being felt.

I was proud to join the gentleman in his resolution calling for lower interest rates. I support the activities of the chairman of the Committee on Banking and Currency in that he has been consistently sincere in his efforts to cut down on the interest rates. I cannot say that I support the gentleman in all of his endeavors. But, certainly, he has been a leader and been consistent in fighting high interest rates which I think are more detrimental to the economy of this Nation than any single factor we have confronting us at this time.

I, also, reluctantly voted for the tax revision bill, for one reason. It eliminated the investment tax credit. Many people said with reference to the investment tax credit that this would be something to help increase jobs. It did help increase jobs. How did it help? It helped industry to expand their facilities and start manufacturing new products. They got a special tax credit when they bought new production equipment. This is the way the system worked. In the expansion of these facilities new jobs were created and these new employees made new products and these products then went into the mainstream of the American economy. This is the way, in my estimation, to fight inflation. We fight inflation by increasing our gross national product more than by giving money away and putting money into nonproductive endeavors.

Certainly, we have to have our welfare programs for those who are disabled and cannot work, but for those who can work, we should concentrate upon providing jobs.

I thank the gentleman for yielding.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Tennesee.

Mr. JONES of Tennessee. Mr. Speaker, for more than a year the American people have been waiting for inflation to be reversed or arrested. We were told that a tightening of money brought about by an increase in interest rates would end the economy's inflationary spiral.

I am sad to say that our experience has not proved this information to be correct. Prices have continued to move upward, yet our productive economy is slowing down. Tight money has had little effect on the cost of living's steady climb, yet it has brought on the beginnings of a recession.

Unfortunately, Mr. Speaker, it is the little American who most of all is feeling the consequences of tight money. It is he who finds himself unable to afford to pay the new high prices of things he wants and needs. It is he who finds it impossible to borrow the money to build or buy a new house. It is he who must face the spectre of unemployment.

Ironically, those who set our economic policies will still be able to pay the new prices and to get their loans. They will not be laid off because of their employers' forced curtailment policies.

Mr. Speaker, in the name of the little people of this country, of the silent Americans, I urge my colleagues to join in support of the resolution calling for a rollback in interest rates.

Mr. ALEXANDER. I thank the gentleman from Tennessee for his comments.

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

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

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding, and I wish to compliment the gentleman for bringing this matter to the floor today to permit us to have a colloquy on this very important problem of high interest rates and inflation.

I think, however, the gentleman would be doing a disservice if he would leave the implication that the high interest rates are just results of policies of the

Nixon administration, in for a period of just 1 year. I think it would be more accurate to say that many of L. B. J.'s chickens have come home to roost in the Nixon nest.

Actually, I think in the President's state of the Union message he pointed out that in the last decade we have had a deficit of $57 billion, in the last 10 years; that we have spent that much more than we have taken in.

Many of the people who are now upset about the high interest rates have never voted against a spending program during their entire history in Congress, and many of those same people are those who opposed the surtax that would have alleviated the situation somewhat.

Mr. Speaker, I believe it is quite clear that the President and his administration are trying to roll back the interest rates, and I think you will see action out of the Federal Reserve Board within the next few weeks that will indicate that the interest rates will be rolled back.

We are all opposed to inflation, and we do not want recessions or depressions, and I think it is part of the responsibility of the Members of this House to help clear this situation up by voting responsibly and carefully selecting priorities.

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

Mr. ALEXANDER. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I would like to compliment the gentleman too for bringing to the floor a discussion of this very important problem I was particularly struck by the statements the gentleman made about unemployment and the rising trend in unemployment, because what I have today placed in the RECORD elsewhere is a statement on this trend in my own State of Connecticut where there are over 10,000 more unemployed today than there were a year ago, and in my own city of Waterbury, where the rate of unemployment has gone from 4.7 percent to 6.7 percent in a year's time.

The economy is not something that can be turned on and off at will. I believe it is important to call attention, as the gentleman does, among other things, to the danger that lies in connection with this attempt of the administration to control inflation. We are all in favor of the objective, but the dangers in it are tremendous and I hope that the administration's financial officers will have these dangers in mind and act cautiously where jobs and family well-being are concerned. I thank the gentleman for pointing out some of these dangers here today.

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

Mr. ALEXANDER. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I thank the distinguished gentleman for yielding, and I wish to state that at the present time we are in a recession, and on the verge of a depression if something is not done.

At the present time anyone can obtain interest, that has money to loan, of from 8 to 8.5 percent from Federal agencies. As a result of this money going out from our banks and savings and loan associations, and the business people, the little people, the farmers and the homebuilders, have no place to go for their loans.

Ninety-nine percent of the people in our country, when they buy automobiles, finance them. But at the present time, with the interest rates up and money scarce, this industry is in the doldrums The estimate has been made to me by those in this industry that 20 percent of the car dealers in our country will go out of business this year unless something is done.

Ninety-five percent of the people in our country who buy homes finance them. At the present time they cannot borrow the money to finance their homes. Therefore the housing industry, which is a great industry in our country, has been slowing down to a stop. Not only that, but there are allied industries that are failing. As an example, take lumber. The sawmills in my area are losing money and are about to go under.

So, Mr. Speaker, I would say that it is time for us to lower the interest rates. I believe the administration should consider doing its best to influence the Federal Reserve Board to lower the exchange rates, and to use all the influence that they may have on the bankers of our country to bring the interest rates down.

This is the time when rich people make money. You get 8½ or 9½ or 10 percent on your loan. Wealthy people make huge sums of money. But the poor people, the business people and the farmers, all suffer.

So I call upon the administration today to do what it can to lower the interest rate. I thank the distinguished gentleman for his excellent presentation and thank him for yielding.

Mr. ALEXANDER. I thank the gentleman from Kentucky.

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

Mr. ALEXANDER. I yield to the distinguished chairman of the House Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. First, I want to congratulate the gentleman, Mr. Speaker, for making a very fine statement concerning high interest rates. I congratulate the gentleman on becoming a member of that group that has sponsored what is known as House Concurrent Resolution 522, a resolution which was introduced on March 4, just a few days ago.

I am glad to know that you have 83 Members. You know the Members of Congress can have influence, if they will work together, and you are making a wonderful start. I congratulate the entire group for what they are doing and I hope you do more of this.

You know there are a lot of fallacies about the use of interest, credit, tight money, and what should be done. But there are certain things that we always know about—we know the difference between right and wrong. People who know the difference between right and wrong know that there are a lot of things going on in this country now involving interest rates and the use of money that are absolutely wrong.

Housing today is the worst thing that we have facing us. There is a serious depression, and I do not mean recession—I mean depression in housing. A person who is making less than $13,000 a year cannot finance a decent home for himself and for his family now. They are absolutely out. Only the affluent people are building homes now—no one else can afford to build homes. This situation is dangerous for our country.

We talk about environmental quality. Families, in order to have a proper environment for the rearing and educating of their children, of course, must have food, and they must have clothing, and they must have shelter, a decent home in which to rear and to educate their children.

As it is now they can get the food and they can get the clothing, but there is no way that half the people of this Nation can get proper housing for their families—and that is one of the requisites for a decent environmental quality.

High interest rates can be corrected; there is no question on earth about that. I have gone through a period of time when interest rates were kept down. There is no question about that fact. Members of both parties agreed on a system of interest rates preceding World War II, in the middle of 1939 when the war was beginning in Europe. We knew eventually we would get involved somehow in that war and that it would take a lot of money. We commenced to prepare for that eventuality. President Roosevelt got the Federal Reserve Board together and said:

> Now we are getting into a wartime situation and we are going to spend more money than we ever spent before. We cannot come out of this as a nation and as a sovereign country with any assurance of going on in the future, as we have in the past, unless we keep interest rates down. We must have low interest rates.

The members of the Federal Reserve Board did not agree with President Roosevelt—that is, most of them did not. This included the Federal Reserve Chairman Marriner Eccles, who had been a big businessman and banker. He is one of the best men I ever knew. He was a very rich man and he did not believe in the Roosevelt policy. But, he cooperated and he carried out his promise to the President; and for 14 years, commencing in June 1939, when the first war signs and clouds were over Europe, until 1953, until the first 3 months of 1953, we had stable interest rates. The wholesale rate, we will call it—which is the rate charged on long-term Government bonds—averaged less than 2½ percent through the 14 years. That shows that it can be done when you have an administration which wants to keep interest rates low. You know, when the Government owes a big national debt, it is almost impossible to visualize a situation where a person would be justified in saying that a big national debt can be used in the public interest. But, in this case it can, as it was in World War II and the Korean war. By fixing the long-term rate on the debt, that fixes comparable debts in private business and industry. They follow

right along with it, because the Government debt represents so much of the total debt that it prevails. That would prevail today if the rates were pegged at a reasonable level.

We have total debts of a trillion six hundred billion dollars. If we wanted to fix interest rates, the Government could. Those low rates would prevail, just as they did for 14 years when President Roosevelt and President Truman were in office.

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

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

Mr. GROSS. The gentleman from Texas (Mr. PATMAN) has spoken of 14 years of war. It seems to me he is stretching that all over the landscape. That is the first time I have heard of this country being in a war for 14 years. Vietnam may produce a 14-year war eventually. I do not know. But how many years during that period were there wage and price controls?

Mr. PATMAN. The gentleman misunderstood me. I am sorry. When I mentioned 1939, I said we were not in a war then, but we knew we were going to get into a war. There were war clouds over Europe. The signs showed that we were becoming involved. We were getting ready for what eventually took place on December 7, 1941.

Mr. GROSS. How many years are you talking about?

Mr. PATMAN. I am talking about any period that was influenced by a war.

Mr. GROSS. We are still being influenced by war.

Mr. PATMAN. That is correct. You are right.

Mr. GROSS. And by the effects of World War II.

Mr. PATMAN. I believe if you will let me finish, I think I would answer your question. When we knew there was going to be a war—in 1939—we commenced to prepare. That is when we commenced to fix interest rates low. We fixed interest rates low and kept them that way for 14 years, including the first few months of 1953, from 1939—2½ percent and less on long-term Government bonds. Even when the Eisenhower administration came in, January of 1953, there were two bond issues floated, one of them at 2⅜ percent and one of them at 2½ percent. That showed that all during that time the rate had been maintained at 2½ percent or less. It can be done. It could be done right now. But it has not been done.

I am not making a partisan issue of this. The Republicans supported that policy in the period I am talking about, just the same as the Democrats did. The mistake was made after it was all over, and when efforts were made by certain people to raise those rates and they were successful in doing so. It was not the Democrats doing it or the Republicans doing it. There are people on both sides who want high interest rates; there are people on both sides who want low interest rates.

But let me tell you, if you will pardon me for another minute or two, what that resulted in. In the year 1944 we experienced the darkest days of the United States of America ever. We did not know whether we were going to win that war or not. We were in a bad condition. People were then saying that we had better get ready for the worst. When we did win the war, they said we would have a severe depression. They would say, "Name me one country, a major country, that ever engaged in a major war and did not have a major depression after that war was over." And no one could dispute that statement because it was the truth. We were then in a major war involving millions of people. Young men were engaged in service around the globe. Everybody said, "When they come back here, if they get a job selling apples, they will be lucky. We will have the worst depression we have ever had. Every major country has always had a major depression under those circumstances."

And Members of Congress, be it said to their credit, on both sides of the aisle said, "We must not permit that to happen."

We got up the GI bill of rights, we got up all kinds of rights for the returning veterans. And because of the low interest rates Mr. Truman—before he went out as President—was able to pay $29 billion on the national debt. That was something that could not have been done except under low interest rates. Also, our credit was so good that the returning servicemen did not have to get out on the streets as unemployed people. They became doctors and lawyers and professional people after they were educated under the GI bill. One of the greatest strengths of this country today is the education of these fine young men.

Also, if the returning men wanted to buy a home, the Government furnished them the money at a reasonable rate of interest. If they wanted to go into business, the Government furnished money at a reasonable rate of interest. Therefore, we had a transition from war to peace that was smooth, and it set a record for all civilizations. This was a major country coming out of a major war and not having a major depression—because of the low interest rates.

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

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

Mr. GROSS. Of course we were able to do that, because we were willing to subsidize the economy in part by subsidizing interest rates. I do not want to argue with the gentleman, but if the gentleman had his way he would start the printing presses and turn out printing press money. That would take care of everything.

I would like to ask the gentleman from Arkansas, what measures does he propose to use to curb inflation in place of some form of interest rate control? What other control does the gentleman propose to use?

I assume the gentleman is willing to admit that we cannot continue spending beyond income and borrow money without having inflation. I wonder what the gentleman proposes to use if interest rates are reduced? What does the gentleman propose to use in place of that to curb inflation?

Mr. ALEXANDER. In response to the gentleman from Iowa, I would like to point out that I, along with a majority of the House of Representatives, have supported the President on his effort to balance the budget. I supported his request to continue the surtax in order to bring in additional income with which to balance the budget.

The position that I have here—and I think the point, in fact, in question—is that the single-shot effort by the administration to use the interest rate alone for a sustained period of time—as it has now been used for such a period of time—loses its effect as a fight against inflation.

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

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the gentleman's statement there is absolutely correct. Here is the reason for it: Fighting inflation with high interest is just as illogical as fighting a fire with gasoline instead of water. It just makes the situation worse.

Higher interest increases the prices of goods on the shelves. When she shops the following Saturday, the housewife will see the prices reflect the interest rate increase. When interest rates go up, prices go up. There is inflation and more inflation, and the worse it is for the country.

We have to stop inflation. We do not want any worthless printing-press money. We only want good money like we have today. We must remember that the dollar today will buy less in interest than ever before in the history of these United States.

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

Mr. ALEXANDER. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the question posed by the gentleman from Iowa is a very valid question, and I think it deserves a fair answer. The gentleman from Iowa, if I recall, posed the question: What, rather than high interest rates, would the gentleman from Arkansas or the gentleman from Texas propose as a means of curbing inflation?

Mr. Speaker, I think the question has two answers. The first answer is that high interest rates in and of themselves have not curbed inflation, and that they are not likely to curb inflation. There are several reasons for this.

First of all, as the gentleman from Texas (Mr. PATMAN) has so effectively pointed out, an increase in the cost of money makes itself felt in higher selling prices for almost every commodity on the market. It is historically manifested that raising interest rates has not reduced prices except as it has spun the country into a recession. In those cases, the price reductions have not been the result of high interest, but rather the result of business recession caused by high interest rates.

We need go no farther than the experience of the past year to discover that the highest interest rates in history, far from curbing the growth of prices, have helped to bring about the greatest increase in the Consumer Price Index since the year 1951. The second part of the answer is that there are less hurtful and

more effective ways to curb rising inflation. One of them, it seems to me, would be a reinstitution of something in the nature of wage-price guidelines.

The gentleman from Iowa asked the question of the gentleman from Texas (Mr. PATMAN): In how many of those years he referred to were wage-price controls in effect? If my memory serves me correctly, wage-price controls were in effect during World War II and a limited sense during the Korean war. Informal wage-price guidelines were in effect during the first 4½ years of the Kennedy-Johnson and later Johnson-Humphrey administrations.

During this four-and-a-half-year period, from 1960 into mid-1965, while the gross national product was rising, while total employment was rising, while total unemployment was falling, and unemployment as a percentage of the labor force was falling, the price structure did not rise except at a level of about 1 percent a year. This was before the dramatic upward trend in interest rates began.

But, during 1969, with the highest interest rates in American history, the Consumer Price Index rose by 6.1 percent.

Mr. GROSS. While the debt was rising.

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

Mr. WRIGHT. I do not have the floor except at the courtesy of Mr. ALEXANDER. As soon as I complete this comment I am sure the gentleman from Arkansas, who does control the time, will be delighted to yield.

I believe a second point needs to be made in this connection. The gentleman from Iowa speaks of rising debt. The purpose of raising interest rates ostensibly was to curb borrowing, but it has not curbed borrowing. Quite to the contrary, during the period of the last 4½ years in which interest rates have risen most markedly—those were not all Nixon years; some of those were Johnson years—during that period consumer debt, instead of being discouraged, rose by some 66 percent. Therein we have the spectacle not only of the money in our pockets bidding up the price of goods, but of money we do not yet have and merely hope to get going into the market to bid up the price of goods.

So I believe it is demonstrably conclusive that increasing the cost of money has not discouraged debt. Therefore, I would suggest as a second alternative means of curbing inflation a reinstitution of something in the nature of regulation W, which existed during the Korean period, wherein it was required that anyone purchasing a large item on installment payments must have a minimum downpayment, approximately 25 to 30 or in some cases 33 percent. This curbs the growth of runaway debt in the consumer market. It makes debt less costly to the person incurring the debt, and I believe in the long run is a favor to the individual consumer, rather than allowing him to go deeper and deeper into debt and finding it harder and harder and ever more costly to pay his way out of debt.

An arrangement of this kind would be anti-inflationary and far more healthy than the present situation in which consumer debt is actually encouraged by low downpayments and long amortization periods and even by the insidious practice of sending credit cards through the mail unsolicited.

May I say one other thing, and then I will yield back to the gentleman from Arkansas, because I am aware I have consumed more time than I should.

The gentleman from Iowa very properly points out that unquestionably one element in the inflationary spiral has been the public debt. There is no question about that. The gentleman is eminently correct.

I should like to point out that during the period in which the Government borrowed more money than ever before or since, during the period of World War II, average commercial interest rates remained well below 1 percent—below 1 percent. Today they are above 8 percent. In fact, during the years from 1934 until 1947 the average commercial rates in this country were below 1 percent. So public debt, inflationary though it may be, certainly does not make high-interest rates inevitable. It is no answer, therefore, to say that we must have high-interest rates simply because we have a public debt.

The average commercial interest rate in this country did not reach 3 percent until the year 1954. Today, of course, the rates are in the neighborhood of 8 percent. All I am suggesting in this connection is that interest rates, contrary to popular myth, are not simply a result of market conditions. Interest rates are the result of deliberate Government policy. They were kept low during that long period from the mid-1930's to the early 1950's notwithstanding the fighting of a war and the recovery from a severe depression, because it was the conscious policy of the Government to keep them low and hold them low. I believe that was a wise policy. I think we should return to that general policy. Certainly we need to move in that direction.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. THOMPSON).

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

The gentleman from Texas (Mr. WRIGHT) certainly made some good and valid points. I, for one, do not favor wage and price controls. I know some of those in the labor sector have spoken to me about this and said that it usually ends up being wage controls and not much price controls. Those in the management sector have said that it ends up putting a noose around their neck as to what they can charge for their products. I think that we should have a free economy, but I go back to the original statement I made, which is one of the problems we have had in the past decade has been that there has been a change in thinking in this country in that we, the Government, should provide more services and concentrate on providing services rather than on the production of products.

Mr. Speaker, there are two types of spending: that which produces wealth and that which consumes wealth. During the early part of this decade when we did have a more stable structure in this country so far as inflation is concerned, we were building the forces that led to the inflation that we have today, because we were incurring this additional debt and putting more money into the economy without creating new profits. Our welfare programs and poverty programs I am speaking of. Rather than creating profits, they were simply putting money into the economy without the creation of something tangible which people could buy and produce a profit. During the early 1930's, in the Roosevelt period, I was a kid, but one thing I recall was WPA and some of those other programs. These were putting money into the economy which also created wealth. The country was being made more wealthy because of the various programs where they were building roads and highways and buildings. Every time a building is built the country is wealthier by that much. Every time a house is built the country is one house wealthier. The same goes for the construction of television sets, cars, or whatever. However, when you simply give subsistence, whether it is $1 or $1 billion, to someone, the country is actually poorer because there is no offsetting product there. That money is being used to compete with all of the other products in existence. This is one of the overriding things that we have to look forward to. I happen to favor additional public works programs. I would like to see more highways built, more rapid transit systems built, where people are creating wealth. Let us make more jobs for people that way rather than to have handouts on various doles.

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

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. May I say to the gentleman that I am real proud of him and my good friend and colleague, JIM WRIGHT, for initiating this fine resolution. It creates interest in a subject that is one of the most important subjects we have in the country today. The more discussion we have the better solution we will have to offer, and solutions can be offered, I assure the gentleman.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the President of the United States has full power to bring about lower interest rates.

President Nixon, of course, has the great Presidential weapon of moral suasion which could be used to bring about an immediate lowering of interest rates charged by the commercial banks. This "jawboning" technique is well accepted and has been used by many Presidents to protect the public interest.

President Kennedy used moral suasion to force a reduction in steel prices and President Johnson forced a rollback of the prime rate through the same technique.

But the Republican administration is apparently too far in debt to the banking industry to use moral suasion against high interest rates.

In addition to moral suasion, President Nixon was granted a broad set of

standby authorities to control credit and interest rates in Public Law 91–151 passed by the Congress in the closing days of the first session of the 91st Congress.

This law gives the President full authority to require the Federal Reserve to control virtually any aspect of credit transactions. The President can insist on a control of interest rates, downpayments, maturities, and similar transactions involving credit. The President could require that the Federal Reserve limit credit for plant expansion and thus slow inflationary tendencies in this area.

But the President of the United States and the Republican Party refuse to use this law. They refuse to use moral suasion or anything else that might go against the wishes of the banking fraternity.

Mr. Speaker, we are seeing a repeat of the permissivenss of the Eisenhower administration when our interest rate troubles really began.

When the Republicans took over in 1953, President Eisenhower claimed that the Federal Reserve System was somehow independent from the rest of the Government. President Eisenhower was totally and sadly mistaken about the law, but his support of the "independence" myth let the Federal Reserve and the bankers loose to prey on the American public.

As a result, in 1953—with William McChesney Martin in charge of the Federal Reserve—the interest rates started skyrocketing.

Mr. Speaker, I place in the RECORD a table showing how the Democratic administrations kept the interest rates down between 1939 and early 1953, a period of depression, war, and inflation—a period of good times and bad times. The table shows how interest started climbing in 1953 after the Federal Reserve was allowed to claim its "independence."

Yields on long-term Government bonds 1939 to present

[Percent per annum]

Years:	Yield
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68
Average for 14-year period (1939–52)	2.36
1953	2.94
1954	2.56
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.12
1966	4.65
Average for 14-year period (1953–66)	3.65

Mr. Speaker, this is over a 50-percent increase.

Of course, the rates have continued to go up and in 1967, they climbed to 4.85 on long-term Government securities and to 5.26 in 1968, and to 6.80 in 1969.

Prime rate (1939 to 1969) percent per annum

Year	Rate
1939	1.50
1940	1.50
1941	1.50
1942	1.50
1943	1.50
1944	1.50
1945	1.50
1946	1.50
1947	1.75
1948	1.75
1949	2.00
1950	2.00
1951	2.50
1952	3.00
1953	3.25
1954	3.25
1955	3.50
1956	4.00
1957	4.50
1958	4.00
1959	5.00
1960	5.00
1961	4.50
1962	4.50
1963	4.50
1964	4.50
1965	5.00
1966	6.00
1967	6.00
1968	6.75
1969	8.50

Source: Federal Reserve Board.

NET PUBLIC AND PRIVATE DEBT, TOTAL INTEREST PAID, AND AVERAGE RATE OF INTEREST IN THE UNITED STATES, 1951–68

[Dollar amounts in billions]

Year (I)	Total debt [1] (II)	Interest paid [2] (III)	Computed average interest paid (percent) (3–2) (IV)	Interest costs figured at 1951 computed rate (V)
1951	$518.9	$17.7	3.41	$17.7
1952	549.7	19.5	3.55	18.7
1953	581.1	21.7	3.73	19.8
1954	605.2	23.5	3.88	20.6
1955	664.3	25.8	3.88	22.7
1956	697.6	29.5	4.22	23.8
1957	727.4	33.6	4.61	24.8
1958	768.2	35.5	4.62	26.2
1959	830.7	40.3	4.85	28.3
1960	872.0	44.2	5.07	29.7
1961	929.4	46.8	5.04	31.7
1962	997.0	52.5	5.27	34.0
1963	1,071.2	58.7	5.48	36.5
1964	1,154.0	85.2	5.65	39.4
1965	1,243.8	72.4	5.82	42.4
1966	1,335.7	81.9	6.13	45.5
1967	1,424.8	89.9	6.31	48.6
1968	1,568.5	104.4	6.66	53.4
1969	[3]1,650.0	120.0	7.25	56.3
Total		983.1		621.1
Less total (V)		621.1		
Excess cost		362.0		

[1] Economic Report of the President, 1969.
[2] Office of Business Economics, Department of Commerce.
[3] Estimated.

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

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

Mr. GROSS. I am still at a loss to understand what you gentlemen would substitute for interest rates. No one likes to pay high interest rates. But, what would you substitute for drastically lowering interest rates? What would you substitute for it as a brake upon inflation?

Obviously, Congress is not in any mood to slow spending. We have just passed the Departments of Labor, Health, Education, and Welfare appropriation bill which carried an amount of between $650 million to $680 million above the President's budget. I see no real evidence around here that anyone is willing to cut spending.

What do you propose to substitute in place of interest rates?

The gentleman from Texas (Mr. WRIGHT) mentioned regulation W. Well, regulation W could be so applied as to be just as devastating as high interest rates; is that not the fact? It could be so inflicted that we would have the same result stagnating the economy.

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

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

In response to the question of the gentleman from Iowa I think the essential difference between something in the nature of regulation W and high interest rates as a curb against borrowing is, first, that regulation W was an effective curb against galloping consumer debt; whereas high interest rates have not been an effective curb. The consumer debt has gone higher and it has simply become more costly to the poor fellow in debt.

Second, I think the difference would be that a curb in the nature of regulation W would make it harder to get into debt and easier to get out of debt; whereas high interest rates make it easier to get into debt but much more difficult to get out of debt.

Mr. GROSS. But, it could stagnate the economy as well as high interest rates.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, it is at least conceivable that an unwise and injudicious administration of such a policy, acting without discretion or restraint, could apply it with vengeance in a falling economy. Even in such a case as that, however, I do not think it would be as devastating to the average consumer by any stretch of the imagination as high interest rates.

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

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. PATMAN. May I state that the gentleman from Iowa wants to know what the substitute is for high interest. The substitute is lower interest. High interest rates are not necessary, not necessary at all. They are justified by the people who want high interest rates in order to make more money by saying that "We are using the marketplace; we are using the rate that is fixed in the marketplace where this competition exists for the money—the money managers are using the marketplace rate." But, they are overlooking the fact that the people who buy homes cannot pay the interest rates that the speculators and gamblers and high interest rate loan sharks in this country pay. They are in competition with people to whom it does not make any difference about the interest rates.

We should have two types of rates of interest. We should have one rate for homes at, say, 5 percent or 5½ percent or 6 percent. This rate could be established tomorrow by the allocation of credit. We have plenty of money for everything else. One of the biggest banks in this country recently took money from 159 of their trust accounts and in cooperation with others bought $1 million shares of stock in an enterprise in the Bahamas whose principal business is a gambling institution. They have plenty of money for gamblers but no money for housing. No matter how high you make interest rates, money will not flow to the housing market because the people who have the money have too many other ways to invest it at higher rates. The home buyers cannot compete with the gamblers.

Mr. Speaker, I appreciate the gentleman yielding to me. I hope the gentleman continues to fight for this objective. The gentleman and the group cosponsoring this resolution ought to be highly commended.

The SPEAKER pro tempore. The Chair will state that the gentleman from Arkansas has 3 minutes remaining.

Mr. ALEXANDER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. THOMPSON).

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

Mr. Speaker, the chairman of the Committee on Banking and Currency has mentioned a very good point. High interest rates do not, in and of themselves, curb inflation. When a business has to pay a high interest rate, his product is going up because he bases the cost of that product on the cost of his money.

But there are other factors other than high interest rates as to what can be done, in answer to the gentleman from Iowa (Mr. GROSS), and that is less spending, particularly less spending in the field that is consumer spending, or those areas that do not produce wealth, is one area.

It would be interesting to know how many people on this resolution actually voted against the high interest rates that voted for the school loans and the FHA and veteran loan bills. I know on the school loans there were only 10, so obviously there were a number who voted for high interest, and they are decrying high interest now.

Mr. GROSS. If the gentleman will yield further, 3 percent of that 10-percent interest rate is subsidized by the Federal Government.

The SPEAKER pro tempore. The gentleman from Georgia has consumed 1 minute.

Mr. ALEXANDER. Mr. Speaker, I thank my colleagues for their concern in this matter, and in taking some of their valuable time in order to address themselves to this very serious problem.

As I said before this is not an attempt to legislate, but merely to advise. It is my hope that the voices of the people of this country will be heard in the inner sanctums of the Federal Reserve as a result of this debate—and I think they have been.

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

Mr. CORMAN. Mr. Speaker, most people realize that the strength of our economic system comes from the diversity provided by our small business sector. This diversity exists because the openness of our business structure allows almost anyone with a salable idea, and a willingness to back it with hard work and a little money, to become an independent businessman. As a result, the wealth of our economy is shared more broadly than in any other country in the world. Not only do hundreds of thousands of businessmen have a stake in this system, but wage earners as well, who are able to select from such a great array of goods and services provided by the small business sector that their earnings can buy value unknown to wage earners in the rest of the world.

With a sound instinct to protect the diversity of our system, we have erected barriers over the years against excessive bigness that could damage small business by enacting antitrust laws, and by vigorously prosecuting violators. Legislation pending before this Congress to restrain the growth of one bank holding companies and conglomerates is a part of this continuing effort to maintain an economy in which small business may play its vital role.

Yet in 1 year, the Nixon administration's economic policies are doing more damage to the health of the small business sector than all the activities of big businesses that may yet have robber-baron instincts.

The highest interest rates since the Civil War have dried up profits—and more vitally, operating capital—for small business. The small business sector is running out of money. With no reserves to cushion them, small businesses are caught in a self-destruct cycle that can cascade with disastrous consequences: Most customers of small businesses are themselves small businessmen. Not only are they having trouble making business payments, they are in turn having trouble collecting payments. A business attorney from California attested in a recent letter to me that high interest rates are compounding the problems of small businessmen in another manner: Large, moneyed customers are also delaying payments because the longer they can keep money in their possession the more profit they can reap.

The only solution for many small business firms is to sell out to larger corporations. Like tenant farmers, small businessmen are being forced to become corporate employees, and business is becoming more and more concentrated in the hands of the few.

After a year of the highest interest rates since the Civil War and the highest inflation rate since the Korean war, the Nixon administration should have learned by now that high interest rates do not cure inflation, but rather feed it. If President Nixon's economic advisers feel that today's steadily rising prices can be shrugged off as a painful but temporary consequence all of us must pay in order to prove the correctness of their theories, do these theorists believe that the consequences to our small business sector can also be shrugged off? Since 80 percent of the businesses in this country have taxable incomes of less than $25,000 a year, and 94 percent less than $100,000, they would be shrugging their shoulders at peril to the biggest and most vital part of our economy.

Mr. ANDERSON of California. Mr. Speaker, I would like to associate myself with the remarks by the gentlemen from Texas and Arkansas.

The administration's policy of high interest and tight money has been a failure in holding down prices and curbing the rate of inflation.

Record high interest rates—at the highest level since the Civil War—have increased the cost of borrowing money by 41 percent since last year. This additional cost is passed on to the consumer. As a consequence, this past year, 1969, was the most inflationary 12 months since the Korean war.

In December 1968 the Consumer Price Index was at a level of 123.6. In January 1970 the Consumer Price Index had risen to 131.8. In other words, In January 1970 it took $131 to purchase the same goods and services that $123 bought in December 1968.

Food is more expensive this year. The demand for food is constant—yet, the prices for food are up 5.5 percent above a year ago. Meat, poultry, and fish prices have increased by over 12 percent. As a result, the housewife either spends 5½ percent more money at the grocery store this year or the family eats 5½ percent less food than last year.

Perhaps the industry which is bearing the major brunt of the high interest rate policy is the housing industry. Most families cannot afford to buy a home at this time. A home that sold for $20,910 in 1968 now sells for $22,000. The U.S. News & World Report states that monthly payments on a typical new house now run more than $290 per month. If a family spends one-fourth of its income on housing, then a family must make $14,000 a year to purchase this home. Yet, less than one family in five makes that much money.

New housing construction is at low level of production. The administration, by continuing high interest rates, seems to presume that housing construction can be postponed. This premise must be rejected and the housing of our people must be a top priority. A reduction in interest rates will be a positive step in putting the housing industry back on its feet.

Consequently, I am joining with 83 of my colleagues in urging the administration to make every effort to alter its policy of high interest rates.

Mr. FASCELL. Mr. Speaker, last week I was happy to once again express the Congress' concern over high interest rates. Today's discussion underscores the need for congressional action on this proposal. It is my understanding that the distinguished chairman of the Banking and Currency Committee has indicated his willingness to hold hearings on the resolution in the near future. Chairman PATMAN, Congressman ALEXANDER, and Congressman WRIGHT are to be commended for their leadership on this timely and important issue.

For the last 14 months this Government has pursued a policy of high inter-

est rates in an effort to combat inflation. The results have been anything but successful. Prices are at an all time high; unemployment is rising; the housing industry has almost collapsed at a time when millions of Americans need and cannot find better housing.

High interest rates are not halting inflation. Instead, they are contributing to it. The high interest rates paid by manufacturers, distributors, and retailers are being passed on to you and me—the consumer. It is the consumer and small businessman that is being hurt by this Federal policy.

With our growth rate slowing and unemployment rising, I certainly hope that the administration will carefully review its policy on the interest rate and urge the Federal Reserve Board to take steps necessary to gradually reduce the prime interest rate.

Mrs. MINK. Mr. Speaker, the average American does not realize the extent to which he is being victimized by the Nixon administration policy of excessively high-interest rates.

This fiscal policy has siphoned off from the average American billions of dollars. Banks have reaped fantastic profits during the past 14 months.

For example, on a 30-year, $20,000 house mortgage, the workingman buying a home for his family is forced to pay an additional $5,000 for each 1 percentage point boost in the interest rate and prime interest rates have gone up more than 2 percentage points since President Nixon was elected.

The Nixon administration has added $10,000 in interest charges to the cost of a $20,000 home. This is half the price of the house itself.

How many people have suffered under this policy of the Nixon administration? Every American who has bought a home in the last year and 2 months has lost heavily because of the high-interest rate policy.

Even more shocking, an interest boost of 1 percentage point—which is a 13.3-percent increase in the cost of money—costs the workingman more than the entire on-site labor cost of building his house—the total wages and fringe benefits of all the workers who built the house. Who is to blame for the housing depression? Certainly not American labor, for their wages are less than half of the additional cost added to the price of a house during the period of the Nixon administration so far.

When the President was elected the prime interest rate was 6¼ percent. Commercial banks raised the prime rate five times during the past year—a rate of increase unmatched in the history of this country.

The prime rate now stands at 8½ percent. This is the rate the commercial banks charge to their most favored customers, such as large corporations. The average taxpayer buying a home pays much more. In some areas interest rates on home mortgages are upward of 10 percent.

Let us look at how much the home buyer pays at 10 percent. When you obtain a 30-year mortgage on a $30,000 house you will pay $97,000 for it. The interest paid to the banks is $67,000, more than twice the cost of the house.

Higher interest costs, of course, are not reflected only in the cost of housing. This is only the most dramatic and painful manifestation of the high interest rate policy of the Nixon administration. These interest rates increase the cost of groceries and everything else on the shelves of all the stores in America. They are like gasoline being poured on the fires of inflation.

All across America, working people are being laid off, small businesses are closing down, people are getting nervous about the economic health of their Nation. This is because of the blind dogmatic adherence of the administration to this simplistic solution to inflation—high-interest rates.

As a cosponsor of the concurrent resolution on high-interest rates, I am delighted to join in urging a change in the Nixon administration policy. I urge that the House Committee on Banking and Currency hold hearings on this matter so that the American people can be told the full story of exactly how this administration is hurting the average family and its pocketbook.

GENERAL LEAVE

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

WITNESS IMMUNITY, GRAND JURY REFORM, AND ORGANIZED CRIME

The SPEAKER pro tempore (Mr. GETTYS). Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, on January 20, 1970, the supreme court of New Jersey, speaking unanimously through Chief Justice Weintraub, handed down its decision in *Zicarelli* v. *The New Jersey State Commission of Investigations* (N.J. Sup. Ct. 1–20–70). This was an appeal from an order incarcerating the defendants until they answered, under immunity, certain questions asked them by the commission. This decision contains excellent analyses of the issues in title I, grand jury, and title II, immunity, of S. 30, the Organized Crime Control Act of 1970, now pending before the House Judiciary Committee.

Mr. Chief Justice Weintraub carefully considered the issue of use-restriction immunity, and concluded, as did the other body, that this type of immunity is both constitutional, and a valuable law-enforcement tool. His analysis of the nature of the New Jersey State Commission of Investigation is informative and valuable as the function of the commission's power is similar to the grand jury report provisions of title I of S. 30. Chief Justice Weintraub concluded that the commssion plays a legitimate and valuable role in New Jersey's fight against organized crime, without trampling the rights of the citizens of New Jersey.

The language of the New Jersey immunity statute (N.J.S.A. 52: 9 M–1(b) before the court is as follows:

(One who complies with a Commission order to answer) shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty to a forfeiture of his estate.

The comparable language of title II of S. 30 is as follows:

No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case . . .

The New Jersey Supreme Court joined the States of New York (*People* v. *La Bello*, 249 NE 2d 412 (1969), and California (*Byers* v. *People* (Sup. Ct. Calif. 9–16–69)) in holding that prosecution immunity is not required by the fifth amendment. All of these cases relied on *Murphy* v. *Waterfront Com.*, 378 U.S. 52 (1964) as authority for the proposition that only use-restriction immunity is required. Chief Justice Weintraub stated:

Murphy held and *Gardner* [v. *Broderick*, 392 U.S. 273 (1968)] repeated that the Fifth Amendment requires protection only from the use of the compelled testimony and the leads it furnishes, and that protection our statute expressly provides. (p. 20)

Chief Justice Weintraub earlier stated that use-restriction immunity was not only constitutional, it was needed for effective law enforcement:

We are satisfied that the Fifth Amendment does not require immunity from prosecution. An immunity of that breadth exceeds the protection the Fifth Amendment accords. More importantly, to find that demand in the Fifth Amendment would in practical terms deny state government access to facts it must have to meet its duty to secure the well-being of all its citizens. We heretofore deemed the Constitution to require immunity against use of testimony rather than immunity from prosecution, see *State* v. *Spindel*, 24 N.J. 395, 404–405 (1957), and recently our Legislature, in adopting the Model State Witness Immunity Act, substituted an immunity from use for an immunity from prosecution. See In Re Addonizio, 53 N.J. 107, 114–115 (1968). (pp. 19–20)

Mr. Speaker, during the debates with the other body on S. 30, there was an attempt to amend title I to prohibit the naming of individuals. That amendment was defeated. The Washington Post, of January 30, 1970, page A18, column 2, concurring with the opposition to title I, suggested that investigations would be better conducted by commissions. The difference between these commissions and a title I grand jury is not obvious to me. Indeed, insofar as these commissions are appointed, the main distinction is apparently that it would be easier to influence a commission investigation through the appointing process than a grand jury with its impartial selection procedures. However that may be, the function of the New Jersey State Commission of Investigation—SCI—and the function of the title I grand jury as regards the report power are very similar. The SCI is empowered to investigate and

report on law enforcement, with particular emphasis on organized crime, the conduct of public officials and general matters concerning the public welfare and to recommend changes in law or law enforcement. Title I grand juries are authorized to report on organized crime conditions and the conduct of public officials, and make recommendations with respect to laws or law enforcement.

Although the SCI is directed to inform the public of its findings, it is not required to make findings as to the guilt of individuals. Title I of S. 30, of course, limits the reporting power to situations where they have found no grounds for indictment and thus guilt of the individual cannot be an issue. The hearings in this instance before the SCI were private, as are grand jury hearings.

The New Jersey Supreme Court relied heavily on *Hannah* v. *Larche*, 363 U.S. 420 (1960) in its approval of the SCI functions. Hannah concerned the procedures of the U.S. Civil Rights Commission. This, of course, involved public hearings, nondisclosure of complainants, and limitations on the right to confront and cross-examine witnesses. The U.S. Supreme Court there stated:

[I]ts function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative and executive action. 363 U.S. at 441, 4 L.Ed. 2d at 1320.

The Court noted that any adverse consequences to those being investigated, such as subjecting them to public opprobrium, were purely conjectural, and, in any case, were merely collateral and "not the result of any affirmative determinations made by the Commission." 363 U.S. at 443, 4 L. Ed. 2d at 1322.

Thus the U.S. Supreme Court would limit the right of a commission to make a comment on the guilt of a person, but was not particularly concerned by public opprobrium of those persons subject to investigation.

The Court also used the analogy between different investigatory bodies:

Although we do not suggest that the grand jury and the Congressional investigating committee are identical in all respects to the Civil Rights Commission, we mention them, in addition to the executive agencies and commissions created by Congress, to show that the rules of this Commission are not alien to those which have historically governed the procedure of investigations conducted by agencies in the three major branches of our Government. *Ibid.*

Some opposition to title I reports was founded on the principle of separation of powers. Under New Jersey law, as the court so aptly analyzed the problem, this argument is specious. Their analysis is, I think, applicable to that same power-separation principle in the Federal Government. They stated:

(1) "The power to investigate reposes in all three branches." *Zicarelli* at 11. See also *Hannah* v. *Larche*, 363 U.S. 420, 449 (1960).

(2) "A separation-of-powers issue would arise only if the Legislature authorized the S.C.I. to go beyond investigation and to take action which invades an area committed exclusively to another branch." *Zicarelli* at 12.

As the title I grand jury has no power to act, there is no derogation from the power-separation principle.

Mr. Speaker, I commend the legislature, the courts, and the State commission of investigation in New Jersey for their efforts to rid their State of evil influence of organized crime. The Federal Government has the authority and the obligation to do all it can to aid in this effort. S. 30, passed by the other body, gives this body the opportunity to act. I sincerely hope that we do not pass up the opportunity. If we fail to act, then we will properly be condemned by both the ghetto dweller enslaved by narcotics and the legitimate businessman victimized by the predatory tactics of the mob.

The opinion follows:

[Supreme Court of New Jersey, A–57/58/59, September Term 1969]

IN THE MATTERS OF JOSEPH ARTHUR ZICARELLI, ROBERT BASILE OCCHIPINITI, AND ANTHONY RUSSO, CHARGED WITH CIVIL CONTEMPT OF THE STATE COMMISSION OF INVESTIGATION

(*Joseph Arthur Zicarelli, Robert Basile Occhipinti, and Anthony Russo, Appellants,* v. *The New Jersey State Commision of Investigation, Respondent.*)

Argued December 15, 1969. Decided January 20, 1970. On appeal from the Superior Court, Law Division, Mercer County.

Mr. Michael A. Querques argued the cause for appellant Zicarelli; Mr. Samuel D. Bozza argued the cause for appellant Occhipinti (Mr. Daniel E. Isles and Mr. Harvey Weissbard, of counsel and on the brief; Messrs. Querques Isles & Weissbard, attorneys for appellant Zicarelli).

Mr. William Pollack argued the cause for appellant Russo.

Mr. Wilbur H. Mathesius and Mr. Kenneth P. Zauber argued the cause for respondent.

The opinion of the Court was delivered by Weintraub, C. J.

Appellants refused to answer questions before the State Commission of Investigation (herein S.C.I.) and persisted in that refusal notwithstanding a grant of immunity. Upon the S.C.I.'s application to the Superior Court, eacn was ordered to be incarcerated until he answered. We certified their appeals before argument in the Appellate Division.

II

Appellants contend the statute creating the S.C.I. denies due process of law in violation of the Fourteenth Amendment because individuals summoned before the Commission are denied the protections accorded an accused by the Bill of Rights.[1] The argument rests upon the false premise that the role of the S.C.I. is to decide whether an individual has committed a crime and to publicize the verdict. That is not its mission.

For this reason, appellants' reliance upon *Jenkins* v. *McKeithen*, — U.S. —, 23 L. ed. 2d 404 (1969), is misplaced. That case involved a Louisiana statute which created a body called the Labor-Management Commission of Inquiry. The Commission consisted of nine members appointed by the Governor. The Commission could act only upon referral by the Governor when, in his opinion, there was substantial indication of "widespread or continuing violations of existing criminal laws' affecting labor-management relations. Upon such referral the Commission was to proceed by public hearing to ascertain the facts, and was required to determine whether there was probable cause to believe such criminal violation had occurred. Such findings were to be sent to appropriate federal or state law enforcement officials, and although not evidential in any trial, the findings were to be made public and could include conclusions as to specific individuals.

In *Jenkins* the trial court dismissed the complaint on motion. Four members of the Court, in an opinion by Mr. Justice Marshall, thought there was enough to warrant a hearing upon the complaint and hence reversed the judgment; two members of the Court thought the statute was invalid on its face; and the remaining three voted to affirm the trial court's judgment upholding the statute.

Mr. Justice Marshall stressed that the Commission had no role whatever in the legislative process. He pointed to the Commission's power to make public findings with respect to individual guilt of crime and cited the allegations in the complaint that the power was so used "to brand them as criminals in public" (— U.S. at —, 23 L. ed. 2d at 420). He continued that "In the present context, where the Commission allegedly makes an actual finding that a specific individual is guilty of a crime, we think that due process requires the Commission to afford a person being investigated the right to confront and cross-examine the witnesses against him, subject only to traditional limitations on those rights," and as well the right to call witnesses, subject to reasonable restrictions. (— U.S. at —, 23 L. ed. 2d at 421.) Finally the opinion emphasized that it did not hold that appellant was entitled to declaratory or injunctive relief but only that he was entitled to a chance "to prove at trial that the Commission is designed to and does indeed act in the manner alleged in his complaint, and that its procedures fail to meet the requirements of due process." (— U.S. at —, 23 L. ed. 2d at 422.)

It should be stressed that both the plurality opinion and the dissenting opinion unreservedly reaffirmed *Hannah* v. *Larche*, 363 U.S. 420, 4 L. ed. 2d 1307 (1960), which had rejected a similar attack upon the statute creating the Civil Rights Commission. Distinguishing Hannah, Mr. Justice Marshall in Jenkins said (——— U.S. at ———, 23 *L. ed.* 2d at 419–420):

"The appellants in Hannah were persons subpoenaed to appear before the Civil Rights Commission in connection with complaints about deprivations of voting rights. They objected to the Civil Rights Commission's rules about nondisclosure of the complainants and about limitations on the right to confront and cross-examine witnesses. This Court ruled that the Commission's rules were consistent with the Due Process Clause of the Fifth Amendment. The Court noted that '"[d]ue process" is an elusive concept. Its exact boundaries are undefinable, and its contents varies according to specific factual contexts. . . . Whether the Constitution requires that a particular right obtained in a specific proceeding depends upon a complexity of factors. The nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding, are all considerations which must be taken into account.' 363 U.S., 442, 4 L. Ed. 2d at 1321.

"In rejecting appellants' challenge to the Civil Rights Commission's procedures, the Court placed great emphasis on the investigatory function of the Commission:

"'[I]ts function is purely investigative and fact-finding. It does not adjudicate. It does

[1] The S.C.I. contends that appellant Zicarelli is estopped to argue the constitutionality of the statute in its entirety or of the immunity provision because he was defeated on both scores in a proceeding in the United States District Court for the District of New Jersey and withdrew his appeal from the judgment there entered. We pass this objection since the issue must be met at the behest of the other appellants, and even as to Zicarelli "collateral estoppel" would not be a satisfying basis for decision.

not hold trials or determine anyone's civil or criminal liabilty. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative and executive action.' 363 U.S. at 441, 4 L. Ed. 2d at 1320.

"The Court noted that any adverse consequences to those being investigated, such as subjecting them to public opprobrium, were purely conjectural, and, in any case, were merely collateral and 'not . . . the result of any affirmative determinations made by the Commission. . . .' 363 U.S., at 443, 4 L. 2d at 1322."

The S.C.I. is in no sense an "accusatory" body within the meaning of *Jenkins*. Rather, in words which *Jenkins* repeated from *Hannah*, the purpose of the S.C.I. is "to find facts which may subsequently be used as the basis for legislative and executive action." This plainly appears from a review of the statute.

The S.C.I. consists of four members, two appointed by the Governor and one each by the President of the Senate and the Speaker of the General Assembly. *N.J.S.A.* 52:9M–1. Section 2 of the statute reads:

"The commission shall have the duty and power to conduct investgiations in connection with:

a. The faithful execution and effective enforcement of the laws of the State, with particular reference but not limited to organized crime and racketeering.

b. The conduct of public officers and public employees, and of officers and employees of public corporations and authorities;

C. Any matter concerning the public peace, public safety and public justice."

Section 2 provides:

"At the direction of the Governor or by concurrent resolution of the Legislature the commission shall conduct investigations and otherwise assist in connection with:

a. The removal of public officers by the Governor;

b. The making of recommendations by the Governor to any other person or body, with respect to the removal of public officers;

c. The making of recommendations by the Governor to the Legislature with respect to changes in or additions to existing provisions of law required for the more effective enforcement of the law."

Section 4 requires the S.C.I. to investigate any department or State agency at the direction or request of the Legislature or the Governor or such department or agency. Upon the request of the Attorney General, a county prosecutor or any other law enforcement official, the S.C.I. shall cooperate with, advise and assist them in the performance of their official powers and duties. Section 5. The S.C.I. shall cooperate with federal officials in the investigation of violations of federal laws within the State, section 6, and may consult and exchange information with officers of other States, section 7, and whenever it shall appear to the Commission that there is cause for the prosecution for a crime, or for the removal of a public officer for misconduct, the Commission shall refer the evidence to the officials authorized to conduct the prosecution or to remove the public officer. Section 8.

The legislative mission of the S.C.I., evident in section 3 quoted above, is emphasized by section 10 which reads:

"The commission shall make an annual report to the Governor and Legislature which shall include its recommendations. The commission shall make such further interim reports to the Governor and Legislature, or either thereof, as it shall deem advisable, or as shall be required by the Governor or by concurrent resolution of the Legislature."

Section 11 does provide that—

"By such means and to such extent as it shall deem appropriate, the commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the State and other activities of the commission."

But section 11 does not require the S.C.I. to make and publicize findings with respect to the guilt of specific individuals and thus does not invite the problem involved in *Jenkins*. In other words, the S.C.I. can respect the demands of due process without disobeying the letter or the spirit of the statute. Nor does the discretion given by section 12 to hold public hearings in any way mandate an infraction of any constitutional right. Under the statute the S.C.I. may, and under the Constitution it must, work within basic limits.

We add that nothing occurred in the present matter which suggests the S.C.I. intends to transgress those limits. The S.C.I. met the provisions of the Code of Fair Procedure (*L.* 1968, *c.* 376, *N.J.S.A.* 52:13E–1 to 10. A copy of that statute was served upon each appellant with the subpoena, and the subpoena contained a sufficient statement of the subject of the investigation.[2] *N.J.S.A.* 52:13E–2. The right to have counsel present and to receive his advice, *N.J.S.A.* 52:13E–3, was respected. The hearing was private. There has been no trace of a purpose to deny due process.

In sum, then, we have a typical commission created to discover and to publicize the state of affairs in a criminal area, to the end that helpful legislation may be proposed and receive needed public support. That the commission may also aid law enforcement by gathering evidence of crime and transmitting it to the appropriate agency for evaluation or prosecution does not militate against the power of the Legislature to seek the facts for its own purposes through such a commission. We do not suggest that a commission whose role was solely to aid the executive branch by ferreting out evidence of guilt for transmittal to the executive officers would be barred by the Federal Constitution. No provision of that instrument stands in the way. Nor do we understand appellants to say there is. The federal attack under the present point is based on the due process clause, and the result does not turn upon whether the agency is characterized as "legislative" or "executive" or both. Rather the question is whether the agency, whatever its classic nature in the context of separation of powers, has an accusatory role, and if so, whether individual rights pertinent to an accusatory function have been denied. As to this, the answer is that the role of the S.C.I. is not accusatory and the rights accorded the individuals concerned are appropriate and adequate in the light of the agency's mission and powers.

We add that the United States District Court for the District of New Jersey rejected the same attack in *Sinatra* v. *New Jersey State Commission of Investigation*, decided January 9, 1970.

Appellants contend the statute violates Article III, ¶ 1, which reads:

"The powers of the government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution."

The gist of the complaint seems to be that the statute's division of the power of appointment between the legislative and executive branches offends the provisions of the State Constitution dealing with appointments to office.

Appellants say that if the S.C.I. is a legislative agency, the statute must fall because the power of appointment of two of the commissioners is allocated to the Governor. The power to appoint, as such, is not the special power of any one branch. *Ross* v. *Board of Chosen Freeholders of the County of Essex*, 69 *N.J.L.* 291, 294–296 (E. & A. 1903). The question then is whether there is something in the facts of this case which nonetheless requires the appointments to be made by the Legislature itself. We see no fundamental incongruity within the broad principle of *Article* III, ¶ 1, quoted above, in permitting the Governor to appoint to a legislative agency. The Governor is a party to the legislative process. He is required to address the Legislature upon "the condition of the State" and to "recommend such measures as he may deem desirable." *Art.* V. § I, ¶ 12. All bills must be presented to him for his approval or disapproval. *Art.* V, § I, ¶ 14. Hence it cannot offend the policy of *Art.* III, ¶ 1, to authorize the Governor to appoint to a "legislative" commission.

Nor does any constitutional provision dealing with the specific subject of appointments forbid that course. On the contrary, the stated restriction with respect to appointments is upon the legislative branch alone. *Art.* IV, § V, ¶ 5, provides that "Neither the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officer except the State Auditor." See *Richman* v. *Neuberger*, 22 N.J. 28 (1956); *Richman* v. *Ligham*, 22 N.J. 40 (1956). Hence, if the S.C.I. is a legislative commission within the meaning of our State Constitution, no difficulty resides in the circumstance that the Governor shares the appointing power.

The alternative argument is that the S.C.I. must be deemed to be an executive agency and therefore the Legislature may not appoint because of the affirmative restriction upon a legislative appointment of any executive or administrative officer contained in *Art.* IV, § V, ¶ 5, referred to above. In contending the S.C.I. is "executive" appellants stress the authority given the S.C.I. by the statutory provisions quoted in Point I to investigate at the request and in aid of the Governor or officers within his branch of government.

The power to investigate reposes in all three branches. *Eggers* v. *Kenny*, 15 N.J. 107, 114–115 (1954). And, absent a threat to the essential integrity of the executive branch, see *David* v. *Vesta Co.*, 45 N.J. 301, 326 (1965), the Legislature may investigate official performance within the executive branch, for it is the responsibility of the Legislature to legislate with respect to executive offices and their powers and duties. This being an appropriate area for legislative inquiry, it is of no significance that *Art.* V, § IV, ¶ 5, also empowers the Governor to investigate official performance within his department.

A separation-of-powers issue would arise only if the Legislature authorized the S.C.I. to go beyond investigation and to take action which invades an area committed exclusively to another branch. So, for example, if the S.C.I. were empowered to indict or to adjudicate charges of violation of our criminal laws, there would be an encroachment upon the judicial branch, *David* v. *Vesta Co., supra*, 45 N.J. at 326–327, and if the S.C.I. were au-

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[2] It read:

"Whether the laws of New Jersey are being faithfully executed and effectively enforced in the City of Long Branch, New Jersey, with particular reference to organized crime and racketeering; whether public officers and public employees in the City of Long Branch and in Monmouth County where it is located, have been properly discharging their duties with particular reference to law enforcement and relations to criminal elements; and whether and to what extent criminal elements have infiltrated the political, economic and business life of those areas."

thorized itself to prosecute criminal charges, the executive power would be involved. But the S.C.I. does none of this. Its investigations will at most yield material which may also be of interest to executive officials and be referred to them for handling. This being so, the S.C.I. is not vested with authority peculiarly executive in the sense of the separation-of-powers doctrine. Hence it cannot be said that the S.C.I. is an executive agency within the meaning of the provision barring legislative appointments of executive or administrative officers.

Nor does the statute offend *Art.* IV, § V, ¶2, which reads:

"The Legislature may appoint any commission, committee or other body whose main purpose is to aid or assist it in performing its functions. * * *"

This provision appears to focus upon the power of appointment, and authorizes the Legislature to exercise that power if the "main purpose" is to aid or assist that branch of government and inferentially to deny that power if the "main purpose" is to aid or assist another branch.

We must assume the Legislature intended to abide by the Constitution and that the "main purpose" was to aid the legislative branch. That the S.C.I. is directed to investigate at the request of the Governor or agencies within his department does not point the other way. Notwithstanding the executive aid which may ensue, the legislative interest persists, for the legislative power touches all things, subject only to restraints the Constitution imposes. It being within the power of the Legislature to appoint to a commission to inquire into performance in public office, to trace the tentacles of crime in the public and the private sectors, and to inform the Legislature and the public to the end that the sufficiency of existing legislation or the need for remedial measures may be known, the legislative purpose remains dominant notwithstanding that the product of investigations will be available to the executive branch. The separation-of-powers doctrine contemplates that the several branches will cooperate to the end that government will succeed in its mission. It is consistent with the legislative responsibility to provide that a legislative agency shall investigate an area of legitimate legislative interest upon an executive request or shall alert law enforcement agencies, state and federal, with respect to criminal events it uncovers. Hence the assistance to the executive branch, state and federal, does not dispute the premise that the "main purpose" of the S.C.I. is legislative.

III

Appellants contend the immunity provision of the statute violates the Fifth Amendment guarantee that no person "shall be compelled in any criminal case to be a witness against himself."

N.J.S.A. 52: 9M–17(b) provides that a person complying with the S.C.I.'s order to answer "shall be immune from having such responsive answer given by him or such responsive evidence produced by him, or evidence derived therefrom used to expose him to criminal prosecution or penalty or to a forfeiture of his estate." Several objections are raised to the constitutional sufficiency of this immunity.

The first is that the statute does not grant a "transactional" immunity, *i.e.*, from prosecution for the offense to which the compelled testimony relates, but rather grants only a "testimonial" immunity, *i.e.*, protection against the use of the compelled testimony and the fruits thereof leaving the witness subject to trial upon the basis of other evidence the State acquires independently of that testimony. We believe the statute need go no further.

Appellants rely upon *Counselman* v. *Hitchcock*, 142 U.S. 547, 35 L. ed. 1110 (1892). There the statute protected the witness from the use of the evidence obtained from him but did not forbid the use of other evidence to which the witness's testimony might lead. The Court made it plain that the Fifth Amendment would not be satisfied unless the witness were also shielded from the evidence the prosecution uncovered by reason of the leads obtained from the witness, but in its final statement the Court spoke in terms which could be found to be more demanding. It said (142 U.S. at 585–586, 35 L. ed. at 1122):

"We are clearly of opinion that no statute which leaves the party or witness subject to prosecution after he answers the criminating questions put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard, and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecution for the offense to which the question relates. In this respect, we give our assent rather to the doctrine of *Emery's Case*, in Massachusetts, than to that of *People* v. *Kelly*, in New York; and we consider that the ruling of this court in *Boyd* v. *United States*, 116 U.S. 616, supports the view we take. Section 860, moreover, affords no protection against that use of compelled testimony which consists in gaining therefrom a knowledge of the details of a crime, and of sources of information which may supply other means of convicting the witness or party."

The last sentence in this quotation observes that the statute did not protect against the use of the fruit of the compelled testimony, and thus states a narrower basis for decision than the opening proposition that a statute will not suffice unless it grants an absolute immunity from prosecution.

The application of the self-incrimination clause to a *defendant* in a criminal proceeding is evident and simple, but the Constitution is read to protect as well a *witness* in every proceeding, and here difficulties arise. When the private interests of a witness are served by his silence, it is at the expense of litigants who need his testimony or at the expense of the State if the witness thereby withholds what the public needs to know in a judicial or legislative inquiry. Discordant values are involved, and the task is to reconcile their demands.

One approach could be to require the witness to answer and then to shield him from the use of the testimony thus compelled. We did that in a setting in which the good faith of the asserted fear of incrimination could not be tested. *State* v. *Cola*, 33 N.J. 335 (1960). In general, however, the courts chose to permit the witness to refuse to answer, but since, if that right were absolute, the State could be denied evidence it needed for public prosecutions or investigations, the competing values were adjusted by requiring the witness to testify if the State conferred an immunity which would leave him no worse off than if his claim to silence had been allowed. On the face of things, an immunity against prosecution would exceed what the Fifth Amendment protects, for the Fifth Amendment protects the witness only with respect to what the witness himself can furnish and not from evidence from other sources.

At the time *Counselman* was decided, the immunity question concerned only the jurisdiction which sought to compel testimony. *Counselman* dealt with a federal statute and with the restraint the Fifth Amendment imposed upon the federal government. Since then the Fifth Amendment has been found to apply to the States as well, and in addition the view has taken hold that evidence the federal government or a State obtains by forbidden compulsion may not be used by either jurisdiction. In that setting, the scope of the required immunity assumes new significance. If the immunity must protect against prosecution with respect to any offense, both state and federal, to which the testimony relates, the States would be unable to compel testimony no matter how urgent the public need since they could not immunize a witness from federal prosecution. And although the Congress can, in furtherance of federal investigations, bar state prosecutions, still, the State's responsibility and interest in criminal matters being usually more pervasive and demanding, it might be too high a price to pay. See *Knapp* v. *Schweitzer*, 357 U.S. 371, 378–379, 2 L. ed. 2d 1393, 1400 (1958). In this new setting, the more acceptable solvent is to protect the witness against the use of his compelled testimony by both jurisdictions but with each remaining free to prosecute on the basis of evidence independently obtained.

The problem was accordingly resolved in those terms in *Murphy* v. *Waterfront Commission of New York Harbor*, 378 U.S. 52, 12 L. ed. 2d 678 (1964). The case involved a New Jersey statute which granted immunity from state prosecution but of course did not purport to protect the witness with respect to federal offenses. On the basis of the prior decisions of the United States Supreme Court, we held the statute was valid even though the witness remained subject to federal prosecution. *In re Application of Waterfront Commission of N. Y. Harbor*, 39 N.J. 436 (1963). The United States Supreme Court agreed that the statute should be upheld, but upon the ground that the witness would indeed be protected in a federal prosecution by virtue of the Fifth Amendment itself. This conclusion had to reject the thesis that the Fifth Amendment required an immunity from prosecution rather than an immunity from the use of the coerced testimony. Indeed, *Murphy* read *Counselman* v. *Hitchcock* to have denounced the statute there involved, not because it failed to provide for immunity against prosecution, but because it did not protect the witness from the use of the fruit of the compelled testimony (387 U.S. at 78–79, 12 L. ed. 2d at 694–695). *Murphy* concluded in these words (378 U.S. at 79, 12 L. ed. 2d at 695).

"* * * we hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him. We conclude, moreover, that in order to implement this constitutional rule and accommodate the interests of the State and Federal Governments in investigating and prosecuting crime, the Federal Government must be prohibited from making any such use of compelled testimony and its fruits. This exclusionary rule, while permitting the States to secure information necessary for effective law enforcement, leaves the witness and the Federal Government in substantially the same position as if the witness had claimed his privilege in the absence of a state grant of immunity."

That *Murphy* rejected the views that the Fifth Amendment require a grant of immunity from prosecution was emphasized in the concurring opinion of Mr. Justice White (378 U.S. at 93, 12 L ed 2d at 703).

In *Albertson* v. *Subversive Activties Control Board*, 382 U.S. 70, 15 L. ed. 2d 165 (1965), the Court, in summarizing *Counselman* v. *Hitchcock*, did include a reference in *Counselman* to "absolute immunity against future prosecution for the offence to which the question relates" but this issue was not in focus, and the opinion did not stop there, but rather pointed out that the immunity statute before it did not protect against the use of the compelled statement as evidence in all situations nor against the use of the leads it furnished (382 U.S. at 80, 15 L. ed. 2d

at 172). The question whether an immunity against compelled testimony and its fruits is enough was left open in *Stevens* v. *Marks*, 383 U.S. 234, 244, 15 L. ed. 2d 724, 732 (1966). But in *Gardner* v. *Broderick*, 392 U.S. 273, 20 L. ed. 2d 1082 (1968), the Court said that "Answers may be compelled regardless of the privilege if there is immunity from federal and state use of the compelled testimony or its fruit in connection with a criminal prosecution against the person testifying," citing both *Counselman* and *Murphy* (392 U.S. at 276, 20 L. ed. 2d at 1085). Thus the view of *Murphy* was reasserted.

We are satisfied that the Fifth Amendment does not require immunity from prosecution. An immunity of that breadth exceeds the protection the Fifth Amendment accords. More importantly, to find that demand in the Fifth Amendment would in practical terms deny state government access to facts it must have to meet its duty to secure the well-being of all the citizens. We heretofore deemed the Constitution to require immunity against use of testimony rather than immunity from prosecution, see *State* v. *Spindel*, 24 N.J. 395, 404–405 (1957), and recently our Legislature, in adopting the Model State Witness Immunity Act, substituted an immunity from use for an immunity from prosecution. See *In re Addonizio*, 53 N.J. 107, 114–115 (1968).

There is a difference in that *Murphy* dealt with a federal-state setting whereas we are here dealing with the claim that our statute does not protect a witness from prosecution under our state law. But the question in both is the same, *i.e.*, what immunity the Fifth Amendment requires in exchange for compulsion to answer. The values involved are the same. We see no sensible basis for a different answer. *Gardner* v. *Broderick* treated the issue as one and the same, citing both *Counselman* and *Murphy*. *Murphy* held and *Gardner* repeated that the Fifth Amendment requires protection only from the use of the compelled testimony and the leads it furnishes, and that protection our statute expressly provides. See *United States* v. *McClosky*, 273 F. Supp. 604 (S.D. N.Y. 1967); *Application of Longo*, 280 F. Supp. 185 (S.D. N.Y. 1967).

The remaining question concerning self-incrimination may be disposed of quickly. It is contended the statutory immunity is inadequate because it does not protect a witness with respect to a prosecution in a sister State or in a foreign land. As to a sister State, it seems clear that if the Fifth Amendment requires protection against the use of the testimony by a sister State, the Amendment itself will provide that protection. *Murphy* can mean no less. *United States* v. *McClosky, supra*, 273 *F. Supp.* at 606; *Application of Longo, supra*, 280 F. Supp. 186; cf. *In re Flanagan*, 350 *F. 2d* 746, 747 (D.C. Cir. 1965). As to a foreign land, even if *Murphy* means that liability under foreign law is now relevant, the danger in the case before us is too imaginary and unsubstantial to sustain a refusal to answer. See *Murphy*, 378 U.S. at 67–68, 12 L. ed. 2d at 688.

Nor do we see substance to the complaint that our statute protects the witness only with respect to "responsive" answers or evidence. The limitation is intended to prevent a witness from seeking undue protection by volunteering what the State already knows or will likely come upon without the witness's aid. The purpose is not to trap. Fairly construed, the statute protects the witness against answers and evidence he in good faith believed were demanded.

IV

The orders under review provide that appellants shall be incarcerated until they answer the questions they refused to answer. Appellants contend the statute authorizes only a penal prosecution for contempt of the Commission, for which a fixed sentence must be imposed.

With reference to "contempt" of court, we tried to distinguish sharply between (1) the public offense, *i.e.*, "contempt," for which the court may punish the offender and (2) the injured litigant's right to apply for relief to satisfy his private claim arising out of the same offending act or omisssion. *New Jersey Department of Health* v. *Roselle*, 34 *N.J.* 331 (1961); *In re Application of Waterfront Comm. of N.Y. Harbor, supra*, 39 *N.J.* at 466; *In re Carton*, 48 *N.J.* 9, 19–24 (1966); *In re Buehrer*, 50 *N.J.* 501 515–516 (1957). The procedure and rights of the person concerned depend very much upon the purpose of the proceeding, and hence our rule of court prescribes the processes carefully to the end that he may know at once whether he is to meet a penal charge or the civil claim of a litigant, and may be afforded the rights appropriate to the proceeding. *R.* 1:10–1 to 5.

It would be helpful if legislative draftsmen abided by our semantics, but we cannot insist that they shall. Our responsibility remains to find and enforce the legislative intent.

N.J.S.A. 52:9M–17b provides that a person given immunity "may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the commission. * * *" Appellants insist this language contemplates a penal prosecution and nothing else. But the sense of the situation goes strongly against that limitation, for the mission of the S.C.I. is to obtain facts for the Legislature and the mere punishment of a recalcitrant witness would not achieve that end.

We can think of no reason why the Legislature would want to permit a witness to block the inquiry if he is willing to accept a penalty. Mindful, as we are, that the expression "prosecution for contempt" has been used widely to describe a proceeding arising out of contumacy, whether the object of the proceeding is to compel compliance or to punish for noncompliance or both, we must seek the legislative design in that light, notwithstanding that the terms employed are not the ones we prefer. Here we have no doubt that the Legislature intended the S.C.I. to obtain the facts, whatever the wish of the person subpoenaed. The very provision for a grant of immunity repels the notion that a witness may choose to be silent for a price.

Nor is it critical whether the statutory language fits snugly within our rule of court relating to judicial proceedings in aid of subpoenas of a public officer of agency. *R.* 1:9–6. Subsection (a) deals with *ex parte* applications for compliance, subsection (b) with applications for compliance made on notice, and (c) with applications to "punish" where a statute authorizes that course. These provisions were intended to reflect statutory provisions of which the draftsmen of the rule were aware. Needless to say, the rule does not mean that the judiciary will withhold its hand unless the statute falls within the language of the rule. *R.* 1:1–2 provides that "in the absence of rule, the court may proceed in any manner compatible" with the purpose "to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay." Here appellants were plainly informed that the objective of the proceedings was to have them jailed until they complied with the order of the S.C.I. There can be and there is no complaint on that score.

We should add some further observations. The section of the statute here involved deals with defiance of the order of the SCI, itself rather than with the defiance of an order obtained by the agency from a court. We see no difficulty in the circumstance that the statue does not call for an intermediate order by a court to be followed by enforcement of the court's mandate, but we point out that the absence of such an intermediate step does not deny a witness the opportunity to have the court pass upon the validity of the agency's order to answer. There was no misunderstanding here in that regard. Appellants were heard fully upon the propriety of the questions. They do challenge the validity of certain questions but there is no charge that the hearing before the trial court upon those objections was inadequate.

V.

The remaining issues warrant little more than mention.

Zicarelli and Occhipinti charge that the questions put to them offended their freedom of association guaranteed by the First Amendment. *Sweezy v. New Hampshire*, 354 *U.S.* 234, 1 *L. ed.* 2*d* 1311 (1957), which they cite, dealt with a legislative inquiry into political associations. Here the questions relate to an allegedly massive criminal organization, and to the witness's associations in that context. The subject matter is incontestably criminal and the interest of the State is manifest. We see no affront to the values protected by the First Amendment.

Appellants complain that the questions "sought to probe into the most secret recesses of the witness' minds and to expose these private thoughts to public view," and this they say is barred by the Fourth Amendment, alone, or in conjunction with the First and Fifth Amendments. Granted the right of the Legislature to inquire, the pertinency of the questions and the sufficiency of the immunity with respect to self-incrimination, all of which must be accepted for the immediate purpose, the proposition advanced, simply stated, is that the Constitution prohibits a subpoena to a mere witness. It is plainly frivolous.

Appellants' reliance upon the Sixth Amendment appears to raise no issue beyond the due process question discussed in "I" above.

Their further claim that if the statute is valid, it nonetheless has been so applied or implemented as to violate the Constitution has no basis.

The trial court properly refused to permit an examination of the Executive Director of the S.C.I. as to whether the agency already had the information it sought from appellants or whether the S.C.I. was following a path revealed by illegal wire-taps or bugging. As to the first, it would be an unwarranted interference with the legislative branch thus to superintend its exercise of its constitutional authority to investigate. It is difficult to conceive of a showing which would justify that course. Surely nothing before us suggests a serious issue in that regard.

With respect to the effort to learn whether evidence illegally obtained prompted the legislative investigation or the questions put to appellants, they cite no authority for the extraordinary proposition that such illegality will taint the legislative process. The suppression of the truth because it was discovered by a violation of a constitutional guarantee is a judge-made sanction to deter insolence in office. It is invoked in penal proceedings, and then only at the behest of a defendant whose right was violated. *Farley* v. *$168,400.97*, 55 N.J. 31, 47 (1969). Even there, the wisdom of a suppression of the truth is not universally acknowledged. *Farley, supra*, 55 N.J. at 50. Appellants ask us to go further, and to suppress the truth on behalf of a mere witness, to the end that he may choose to be silent. Still more, appellants ask that we visit the sanction upon the legislative process, even though that process cannot result in a judgment against them. Pressed relentlessly and without regard to all other values, the sanction thesis could indeed deny the Legislature access to facts, and even taint a statute adopted in response to facts illegally

revealed, but we think such an extension would be absurd.

Finally, Russo asserts the questions put to him are improper because they allegedly enter an area in which he has been convicted of perjury. The conviction, as described in his brief, was for perjury in denying to a grand jury that he had said to a policeman that he, Russo, had the Mayor and some councilmen of the City of Long Branch "in his pocket." We do not see a problem. His testimony before the S.C.I. could not be used in a retrial of that perjury charge. Nor do the questions here involved include the one which led to the conviction, so as to raise the prospect that if Russo repeats his former testimony he will be indicted on a fresh charge of perjury. We need not anticipate issues such an indictment might raise.

The orders are reaffirmed.

COLONEL CASEY CITED AS CHAPLAIN OF YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, Msgr. George T. Casey, a colonel in the Army Corps of Chaplains and a former Scranton diocesan parish priest, was honored as Chaplain of the Year 1970 by the Reserve Officers Association at its midwinter conference February 27 in Washington.

Colonel Casey is a native of Pittston and a brother of the Reverend John W. Casey, pastor of Nativity of the Blessed Virgin Church, Tunkhannock, where Colonel Casey once served as assistant pastor.

He is now stationed at Fort George G. Meade, Md., where he is President of the U.S. Army Chaplain Board. His Army career dates back to World War II during which he served 18 months in the Pacific as a chaplain of the 25th Infantry Division.

He is a son of Mary O'Boyle Casey of New Jersey, formerly of 32 Norman Street, Pittston, and the late John Casey.

He was graduated from St. John's High School, Pittston; St. Thomas College, now the University of Scranton; and St. Mary's Seminary, Baltimore, Md. He was ordained May 22, 1937, in St. Peter's Cathedral by the late Bishop Bernard J. Mahoney of Sioux Falls, S. Dak.

After serving as assistant pastor at Nativity Parish, Tunkhannock; St. Ann's, Freeland, and St. Mary's Avoca, he entered the Army as a chaplain in 1945.

He returned to diocesan duty in 1947 and served as assistant pastor at St. Philomena's—now Blessed Virgin Mary Queen of Peace—Parish, Hawley, and Nativity of Our Lord, Scranton, Pa.

He was recalled to service December 20, 1950, and spent 13 months with combat troops in Korea. Subsequently he was chaplain of Joint Task Force 7 during the atomic and hydrogen bomb tests at Eniwetok.

After receiving a master's degree in business administration at Syracuse University, Colonel Casey was named chief of plans and operations of the Army Chaplain Division in Europe and later, director and comptroller of the Army Chaplain School at Fort Hamilton, N.Y.

Subsequently he served as director of plans, programs, and policies of the Corps of Chaplains in the Office Chief of Chaplains.

Colonel Casey was named president of the Army Chaplain Board in May 1969.

In 1961, during his European tour, he was appointed by the late Francis Cardinal Spellman an assistant military vicar with the authority of a vicar general in the Military Diocese of Europe.

In December 1962 the late Pope John XXIII elevated him to domestic prelate with the title of monsignor.

HIRING OF CENSUS PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I am compelled to call the attention of the House to the rather questionable method of hiring personnel in connection with the 1970 census. Persons desiring employment with the Bureau of Census must sign a statement that in future campaigns they will actively work for the GOP. At the conclusion of my remarks, I will place in the RECORD the Republican Party application form that is essential to taking the examination.

Mr. Speaker, you will note that the personal statement under question VII is required as follows:

In future campaigns you can count on me as: (List three most appropriate items from question IV.)

The appropriate items in question IV are: precinct worker, party official, candidate, headquarters worker, telephoner, speaker, office manager, money raiser, election day worker, contributor, precinct chairman, typist, poll watcher, other: describe.

Requiring census applicants to pledge future partisan political services is no different, in my opinion, than requiring a monetary kickback. It is no different from the actual selling of jobs, since a payment of services is a prerequisite to obtaining employment.

I queried the Bureau of the Census and was astonished to learn that the Director fully approved of the procedures being used in the employment of personnel. Even though these procedures are not illegal, I am firmly convinced that they are immoral and unethical.

Although newspaper articles stated that announcements of the examinations for census takers would appear in newspapers, no announcements appeared. Apparently, the examinations were held at a time and place known only to applicants recommended by the Republican Party. The general public, therefore, was excluded.

The taking of the census should not be a partisan matter. All qualified citizens should be given an opportunity, on a competitive basis, to obtain employment.

As a part of my remarks, I also include a copy of a letter and a telegram I sent to Mr. George H. Brown, Director of the Bureau of the Census, and his reply.

The material referred to follows:

[Headquarters copy]

LEADERSHIP INVENTORY

I

Name _____
Phone: Residence _____ Office _____
Address _____
County _____ Precinct _____
Occupation _____
Birth date _____ Sex _____
Marital status _____

II

Have you been active in GOP politics? _____
If so, how long? _____
III. What party position (if any) do you presently hold? _____
IV. What work have you done for the GOP in the past? _____
Precinct Worker ____;
Party Official ____;
Candidate ____;
Headquarters worker ____;
Telephoner ____;
Speaker ____;
Officer Manager ____;
Money Raiser ____;
Election Day Worker ____;
Contributor ____;
Precinct Chairman ____;
Typist ____;
Poll Watcher ____;
Other: (Describe) _____
V. How many hours a week do you estimate you can devote to the Republican party when called upon:
During campaigns _____
Year round _____
VI. Names of two friends you recommend as new Republican workers:
_____
_____
VII. Personal Statement: In future campaigns you can count on me as (List three most appropriate items from question IV.)
(1) _____
(2) _____
(3) _____
(Signed) _____
(Date) _____
NOTE.—It is essential that every question be answered completely.
Recommended for:
Position _____
Area _____
By: County Contact _____
Date _____
State Committeeman _____
Date _____
Appointed as _____
Comments: _____

WASHINGTON, D.C.,
February 25, 1970.

HON. GEORGE HAY BROWN,
Director, Bureau of the Census, Department of Commerce, Suitland, Md.

DEAR MR. BROWN: Attached is a newspaper article which was rather intriguing to me.

You will note that the County chairman of the Republican Party is the "primary referral source for all Census positions in Claiborne County". Obviously, this has been interpreted that only Republicans will be hired as Census workers during the take of the 1970 Census.

After rereading the Constitution of the United States, I do not discern that the taking of the Census is a partisan matter. On the contrary, I would think that the elucidation of information on the 1970 Census should be a bipartisan effort.

You may have noticed an article in the *Evening Star* of February 23, 1970, written by Paul Hope. The tenor of that article was that Republican County Chairmen throughout the Country will screen applicants for employment and make sure that those approved are Republicans who have had to "sign in blood".

Please inform me, over your signature, of the following:

1. Is membership in the Republican Party a prerequisite to employment by the Census Bureau?

2. Which is more important, the gathering of information on a partisan basis, or the gathering of useful information on a nonpartisan basis?

3. Will Democrats and Independents be prohibited from employment opportunities because of their political affiliations?

4. Do you personally believe that Federal employment to satisfy a Constitutional requirement should be screened by a political party official?

5. Do you believe that only Republicans are capable of carrying out the Constitutional requirement of taking a Census?

6. Is there any appeal from the discriminatory action of a Republican County Chairman which does not refer to your office an applicant solely based on the fact that he or she is not a Republican?

7. Why do you think a screening process by the Republican County Chairman is necessary to fulfill the Constitutional requirement that a decennial census be taken?

Your immediate response to the above would be greatly appreciated.

Sincerely yours,

CHARLES H. GRIFFIN.

MARCH 2, 1970.

Hon. GEORGE HAY BROWN,
Director, Bureau of the Census, Department of Commerce, Suitland, Md.

I am informed the Republican Party officials are initially screening applicants for census positions. I am further informed that only those providing a history of working for the Republican Party and promising so to do in the future will be allowed to take the census examination. Is this being done with your permission?

I respectfully request an immediate response to my letter to you of February 25, 1970, on this subject.

Regards,

CHARLES H. GRIFFIN,
Member of Congress.

BUREAU OF THE CENSUS,
Washington, D.C., March 6, 1970.

Hon. CHARLES H. GRIFFIN,
House of Representatives,
Washington, D.C.

DEAR MR. GRIFFIN: In answer to your telegram, you are correct that Republican Party officials are called on to recommend candidates for temporary positions in connection with the 1970 Census.

As to your letter:

1. Membership in the Republican Party is not a prerequisite to employment by the Census Bureau. Applicants recommended by Republican Party referral sources are given initial preference, if they pass the census examination, but many thousands of persons are hired who are not referred by the Republican Party.

2. Although, for 1970, a Republican Administration will be responsible for conduct of the census, it will by law perform this task to the best of its ability by methods developed without regard to partisanship.

3. Democrats and Independents will find employment in the Census.

4. My answer to question 2 deals with this item.

5. No. Democratic Administrations administered successful censuses in 1940 and 1950, and most recently, the 1964 Census of Agriculture. Republican Administrations administered a successful census in 1960, and censuses of agriculture for 1954 and 1959. The guidelines for staffing the census are not new for 1970.

6. Yes. The applicant may apply directly to the Census District Manager for the area.

7. The referral system, which utilizes the local structure of the Republican party in 1970, is an effective way of mobilizing the enormous manpower resources needed for a few weeks to take the census. The vast bulk of these jobs are paid $2.00 to $2.50 per hour and involve intensive work. A service motivation is essential. Calling on the political structure of the Administration Party, whether it be Republican or Democratic, has been shown to evoke this service motivation successfully.

The requirement for a written test for all positions and the open application and examination process guarantee that the final decision for employment rests with the Bureau of the Census.

Persons interested in applying for census positions in your Congressional District may make direct application to the Census District Office in Jackson. The office is located at 216 South Lamar Street and the District Manager is Mr. Herbert H. Touchton.

While Mr. Touchton will be expected to give preference in hiring to qualified candidates supplied by the Republican organization, he is responsible for fully staffing his office whether or not the local sources produce a sufficient number of qualified candidates.

We will be pleased to answer any further questions you may have about this matter.

Sincerely,

GEORGE H. BROWN,
Director.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ (at the request of Mr. PREYER of North Carolina), for 10 minutes, today; to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. FOREMAN); to revise and extend their remarks and include extraneous matter to:

Mr. POFF, for 10 minutes, today.

Mr. RYAN, for 30 minutes, on March 18; to revise and extend his remarks and include extraneous matter.

Mr. RYAN, for 45 minutes, on April 14; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. JONES of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. FLOOD, for 10 minutes, today.

Mr. GRIFFIN, for 10 minutes, today.

Mr. HARRINGTON, for 30 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GONZALEZ (at the request of Mr. WRIGHT).

(The following Members (at the request of Mr. FOREMAN) and to include extraneous matter:)

Mr. MCDADE.

Mr. BURTON of Utah in five instances.

Mr. HALPERN.

Mr. ROUDEBUSH in four instances.

Mr. MIZE in three instances.

Mr. ROTH.

Mr. WYMAN in three instances.

Mr. CRAMER.

Mr. ASHBROOK.

Mr. FOREMAN.

Mr. THOMPSON of Georgia.

Mr. HAMMERSCHMIDT.

Mr. SCHNEEBELI in two instances.

Mr. BOW.

Mr. BUTTON in two instances.

Mr. CARTER.

Mr. BYRNES of Wisconsin.

Mr. HOGAN.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. O'NEILL of Massachusetts in six instances.

Mr. MONAGAN in two instances.

Mr. MCFALL.

Mr. WOLFF in three instances.

Mr. PICKLE in two instances.

Mr. RARICK in three instances.

Mr. REES in three instances.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous material:)

Mr. RYAN in two instances.

Mr. GONZALEZ in two instances.

Mr. MIKVA in six instances.

Mrs. SULLIVAN in two instances.

Mr. RODINO.

Mr. TUNNEY in two instances.

Mr. ANDERSON of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table, and under the rule, referred as follows:

S. 3339. An act to authorize the Public Printer to fix the subscription price of the daily Congressional Record; to the Committee on House Administration.

S. Con. Res. 55. Concurent resolution authorizing the printing of additional copies of Senate Report 91–617, entitled "Organized Crime Control Act of 1969", to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes;

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 5, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1740. A Letter from the Secretary of the Air Force, transmitting a report of the facts and the justification for the proposed closure of a military installation in the United States, pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1741. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to structures which provide less than 4,000 acre-feet of total capacity, pursuant to the provisions of section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005); to the Committee on Agriculture.

1742. A letter from the Assistant Secretary of Defense, transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrat for the first two quarters of fiscal year 1970, pursuant to the provisions of section 620, Public Law 91–171; to the Committee on Appropriations.

1743. A letter from the Secretary of the Army transmitting a report of the facts and the justification for the proposed closure of certain military installations in the United States and one in Puerto Rico, pursuant to the provisions of section 613 of Public Law 89–568; to the Committee on Armed Services.

1744. A letter from the Secretary of the Navy, transmitting a report of the facts and justification for the proposed closure of four naval activities in the United States, pursuant to section 613, Public Law 89–568; to the Committee on Armed Services.

1745. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of proposed legislation to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages; to the Committee on Banking and Currency.

1746. A letter from the Chairman, Federal Home Loan Bank Board, transmitting draft of proposed legislation which is designed to establish a Federal Home Loan Mortgage Corporation as an important means of attacking our housing shortage and attaining the housing goals set forth in the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

1747. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Virgin Island Corporation (in final liquidation), for the fiscal year 1969, Department of the Interior (H. Doc. No. 91–269); to the Committee on Government Operations and ordered to be printed.

1748. A letter from the Acting Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed grant agreement with the University of Idaho for a research project relating to improved ventilation for noncoal mines and other underground excavations, pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

In 1749. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18, United States Code to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

1750. A letter from the Attorney General transmitting a draft of proposed legislation to amend the Federal Youth Corrections Act, 18 U.S.C. 5005 et seq., to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

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. HALEY: Committee on Interior and Insular Affairs. H.R. 4145. A bill to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs, with amendments (Rept. No. 91–880). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 12858. A bill to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States (Rept. No. 91–881). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 12878. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona, with amendments (Rept. No. 91–882). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14855. A bill to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project, with amendments (Rept. No. 91–883). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; with amendments (Rept. No. 91–884). Referred to the Committee on the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; with amendments (Rept. No. 91–885). Referred to the Committee on 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. BENNETT:

H.R. 16343. A bill to make it a Federal crime to possess a firearm or dangerous or deadly weapon during the commission of certain crimes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. FISHER, Mr. HANSEN, of Idaho, Mr. HOSMER, Mr. MCKNEALLY, Mr. O'NEILL of Massachusetts, Mr. ROE, and Mr. TAFT):

H.R. 16344. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BUTTON:

H.R. 16345. A bill to create a bureau within the Department of Commerce responsible for the assessment of the environmental impact, and the regulation, prior to the offering for sale across State lines, or the export, and import, of any article, device or substance which is patented; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 16346. 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. 16347. 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 fuels 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. 16348. 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. 16349. 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. 16350. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16351. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16352. 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.

By Mr. MCCULLOCH (for himself, Mr. POFF, Mr. MACGREGOR, Mr. HUTCHINSON, Mr. MCCLORY, Mr. MESKILL, Mr. SANDMAN, Mr. WIGGINS, Mr. DENNIS, Mr. FISH, and Mr. MAYNE):

H.R. 16353. A bill to amend the Federal Youth Corrections Act, 18 U.S.C. 5005, et seq., to permit examiners to conduct interviews with youth offenders; to the Committee on Judiciary.

By McCULLOCH (for himself, Mr. POFF, Mr. MACGREGOR, Mr. HUTCHINSON, Mr. MESKILL, Mr. SANDMAN, Mr. WIGGINS, Mr. FISH, and Mr. MAYNE):

H.R. 16354. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial idenfication procedure, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 16355. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to issue regulations providing for a program for the disinsectization of aircraft arriving in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 16356. A bill to amend section 303(b) of the Interstate Commerce Act to permit common carriers by water to transport certain commodities in bulk concurrently with regulated commodities upon the filing of tariffs for the transportation of such commodities in bulk; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 16357. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to

the Committee on Interstate and Foreign Commerce.

Mr. RIVERS:

H.R. 16358. A bill to amend section 808 of title 10, United States Code, to clarify the application of that section to prisoners and members who are absent without leave from the Armed Forces; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania (for himself, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. BIAGGI, Mr. BRASCO, Mr. BROWN of California, Mr. BUTTON, Mr. CARTER, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. CONYERS, Mr. DANIELS of New Jersey, Mr. DERWINSKI, Mr. EDWARDS of California, Mr. FRIEDEL, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. GAYDOS, Mr. GUBSER, Mr. HANLEY, Mr. HALPERN, Mr. HASTINGS, Mr. HATHAWAY, Mr. HAWKINS, and Mr. HECHLER of West Virginia):

H.R. 16359. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself and Mr. HELSTOSKI, Mr. HOWARD, Mr. HUNGATE, Mr. KUYKENDALL, Mr. KYL, Mr. MATSUNAGA, Mr. MCEWEN, Mr. MIKVA, Mrs. MINK, Mr. MOORHEAD, Mr. MURPHY of New York, Mr. NIX, Mr. OLSEN, Mr. PEPPER, Mr. PODELL, Mr. POLLOCK, Mr. REES, Mr. ROYBAL, Mr. ST GERMAIN, Mr. STANTON, Mr. TUNNEY, and Mr. WHITEHURST):

H.R. 16360. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUDEBUSH (for himself and Mr. DEVINE):

H.R. 16361. A bill to establish an educational assistance program for the children of police officers who died as a result of a disability or disease incurred in line of duty; to the Committee on Education and Labor.

By Mr. WYATT:

H.R. 16362. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 16363. A bill to establish a Department of Environmental Affairs, to transfer certain existing agencies and programs concerned with environmental quality to such department, and for other purposes; to the Committee on Government Operations.

By Mr. ALBERT (for himself, Mr. GERALD R. FORD, Mr. BOGGS, Mr. POAGE, Mr. PATMAN, Mr. STAGGERS, Mr. ASPINALL, Mr. PERKINS, Mr. FALLON, Mr. HOLIFIELD, Mr. MILLER of California, Mr. GARMATZ, Mrs. DWYER, Mr. HOSMER, Mr. FULTON of Pennsylvania, Mr. MAILLIARD, Mr. BLATNIK, Mr. DINGELL, Mr. REUSS, Mr. PRICE of Illinois, and Mr. PICKLE):

H.J. Res. 1117. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDERSON of Tennessee, Mr. ASHLEY, Mr. BENNETT, Mr. BINGHAM, Mr. BRADEMAS, Mr. BRASCO, Mr. BROWN of California, Mr. BURTON of California, Mr. CASEY, Mr. CHAPPELL, Mr. DADDARIO, Mr. DANIEL of Virginia, Mr. DELANEY, Mr. DONOHUE, Mr. DULSKI, Mr. EVINS of Tennessee, Mr. FASCELL, Mr. FLOWERS, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, and Mr. GIBBONS):

H.J. Res. 1118. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. GILBERT, Mr. GRAY, Mr. HANNA, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HELSTOCKI, Mr. HOWARD, Mr. HUNGATE, Mr. JACOBS, Mr. JOHNSON of California, Mr. KEE, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LENNON, Mr. MCFALL, Mr. MATSUNAGA, Mr. MELCHER, Mrs. MINK, Mr. MOORHEAD, Mr. MOSS, Mr. MURPHY of New York, Mr. NEDZI, and Mr. MIKVA):

H.J. Res. 1119. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. OBEY, Mr. O'HARA, Mr. OLSEN, Mr. OTTINGER, Mr. PEPPER, Mr. PODELL, Mr. RANDALL, Mr. ROBERTS, Mr. RODINO, Mr. ROGERS of Florida, Mr ROSTENKOWSKI, Mr. ROYBAL, Mr. ST. ONGE, Mr. SCHEUER, Mr. STOKES, Mr. STRATTON, Mrs. SULLIVAN, Mr. TIERNAN, Mr. TUNNEY, Mr. ULLMAN, Mr. VANIK, Mr. VIGORITO, Mr. WALDIE, and Mr. WRIGHT):

H.J. Res. 1120. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. YATES, Mr. ADAIR, Mr. BEALL of Maryland, Mr. BROYHILL of Virginia, Mr. BUTTON, Mr. CAMP, Mr. CLEVELAND, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. HALPERN, Mr. HOGAN, Mr. KYL, Mr. LATTA, Mr. LUJAN, Mr. MOSHER, Mr. PELLY, Mr. STANTON, Mr. WYATT, Mr. WYDLER, Mr. HANLEY, Mr. DANIELS of New Jersey, Mr. MURPHY of Illinois, Mr. DIGGS, and Mr. HALEY):

H.J. Res. 1121. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. ROUDEBUSH (for himself and Mr. DEVINE):

H.J. Res. 1122. Joint resolution providing for the addition to the uniform of the U.S. Capitol Police of a special insignia constituting an exact reproduction of the flag of the United States of America, and for other purposes; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Con. Res. 532. Concurrent resolution relating to an Atlantic Union Delegation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GUDE introduced a bill (H.R. 16364) for the relief of Ruben Crisolo, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

321. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the Emergency Detention Act of 1950; to the Committee on Internal Security.

322. Also, a memorial of the General Assembly of the State of Rhode Island and Providence Plantations, relative to increasing income tax deductions for mentally retarded and physically handicapped children; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

411. By the SPEAKER: Petition of the common council of the city of Buffalo, N.Y., relative to Federal and State aid for Cazenovia Creek flood relief; to the Committee on Public Works.

412. Also, petition of Henry Stoner, York, Pa., relative to improving the tax system; to the Committee on Ways and Means.

SENATE—*Monday, March 9, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we come to Thee not by our merit but in our need. Enable us to heed Thy written word, "He that hath ears to hear, let him hear." Instill within us the high discipline of hearing with understanding.

Help us to hear the words of others instructing our judgments.

Help us to hear the voice of conscience monitoring our souls.

Help us to hear the "still small voice" of Thy transcendent wisdom.

And hearing may we know and do Thy will.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 9, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of