The following-named members of the permanent commissioned teaching staff of the Coast Guard Academy for promotion to the grade of commander:

Harlan D. Hanson
Louis K. Bragaw, Jr.
John S. Mahon
Frank S. Kapral
Thomas D. Combs, Jr.

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grades indicated:

Lieutenant commander

Hugh J. Milloy

Commander

Charles A. Biondo

Lieutenant

Arthur D. Hoppe
Harold C. Messenheimer

The following-named officer to be a permanent commissioned officer of the Coast Guard in the grade of commander, having been recalled to active duty from the temporary disability retired list:

Hugh J. LeBlanc

The following-named officer to be a permanent commissioned warrant officer in the Coast Guard in the grade of chief warrant officer, W4, having been recalled to active duty from the temporary disability retired list:

Merle L. Cochran

DISTRICT OF COLUMBIA COMMISSIONER NOMINATION

Nomination received by the Senate March 18, 1970, from the Commissioner of the District of Columbia:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Stephen S. Davis for reappointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1970, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

HOUSE OF REPRESENTATIVES—*Wednesday, March 18, 1970*

The House met at 12 o'clock noon.

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

Behold, God is my salvation; I will trust and not be afraid—Isaiah 12: 2.

Eternal Spirit, who art the hope of the world and the help of all who put their trust in Thee, be Thou our hope and our help as we come to Thee in this our morning prayer. Lead us to the rock that is higher than we, and there may we find strength for each day, courage for each hour, confidence for each minute, and faith for each second. Thus may we defeat the foes that would conquer our spirits by being strong in Thee.

Our prayer leaps across the boundaries of color, creed, and culture to include the world in which we live. In spite of differences, bind us together in a common obedience to the moral law and make our faith real enough and strong enough to unite mankind in a fellowship of kindred minds. While it is yet day may we choose light and not darkness, love and not hate, truth and not falsehood, peace and not war—to the glory of Thy holy name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 3786. An act to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

The message also announced that the Vice President, pursuant to Public Law 84–372, appointed Mr. GOODELL to the Franklin Delano Roosevelt Memorial Commission in lieu of Mr. BROOKE, resigned.

The message also announced that the Vice President, pursuant to Public Law 91–129, appointed Mr. JACKSON and Mr. GURNEY as members on the part of the Senate and Mr. Richard E. Horner as a member from outside of the Federal Government to the Commission on Government Procurement.

ORT DAY—WOMEN'S ORGANIZATION FOR VOCATIONAL REHABILITATION THROUGH TRAINING

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

Mr. ADDABBO. Mr. Speaker, today marks the observance of ORT day across the country by chapters of Women's American ORT—Organization for Rehabilitation Through Training. This is the vocational training program for Jewish people which has helped more than 1 million persons of the Jewish faith since it was established in 1880.

During the month of March ORT chapters across the Nation will sponsor rallies, telethons, and other activities to publicize and bring public attention to these important civic programs.

Mr. Speaker, this membership drive by ORT deserves special recognition which is why I am raising this subject for discussion in the House at this time. I wish Women's American ORT every success in recruiting new members to strengthen the organization and enable it to continue the fine community work which has earned it an outstanding reputation.

I especially commend all the dedicated members of ORT in my district.

JAPAN REJECTS TEXTILE AGREEMENT

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

Mr. DORN. Mr. Speaker, the time has come when the Congress should pass legislation to save our textile industry from excessive low-wage imports. Such legislation will be introduced, and I predict its early consideration and passage. Time has indeed run out and action will be taken by the Congress. Thirteen months of discussions and negotiations with our Japanese friends have proven to be fruitless. No concrete proposal to relieve the unfair pressure of imports on our industry has been advanced by Japan. The situation is growing daily worse with unemployment, curtailment, and part-time employment. We much preferred a voluntary comprehensive agreement with Japan covering all categories of imports including manmade fiber, staple, and filament yarn.

In view of Japan's favorable trade balance of more than $1 billion and the injurious effects of skyrocketing textile imports on the future of our industry, we believed that Japan would be receptive to an agreement holding her imports to the present level plus a fair share of our annual market growth. This type of agreement would not cause Japan to lose one single textile job but, on the other hand, would guarantee the health of her textile industry and guarantee its reasonable growth. This fair, honest, and sincere proposal has been rejected by Japan.

The leaders of our informal textile committee met here in Washington with the Members of the Japanese Diet. We welcomed Mr. Sato to the United States. We did not press textile issues while elections were underway in Japan. We did not insist that relief for our industry be tied to the Okinawa question. We have waited patiently and long—still no agreement or definite proposal from Japan to help preserve our industry and the jobs of its employees. Now, we must proceed with the legislation which would save our textile industry, the jobs of its more than 2 million employees, and preserve its vital role in the defense and security of our Nation and the free world.

JETS FOR ISRAEL

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

Mr. FARBSTEIN. Mr. Speaker, I am shocked and concerned at what I believe are authentic radio reports this morning that the President has decided not to make jet aircraft available to Israel at this critical time in the life of that small, brave country.

I know that the President has said on a number of occasions that he would help Israel when needed and that Israel must and will survive as a nation. These are mere words. Unfortunately, actions speak louder than words.

Mr. Speaker, Israel needs those airplanes. She needs them to survive. And irrespective of pious phrases and good intentions, the fact remains that unless the Soviet Union agrees to suspend the shipment of defense articles and services to the Arab States, the military balance in the Middle East will tilt in favor of the Arab States. The result will be the destruction of Israel and, most of all, the

genocidal eradication of its Jewish population.

The world stood by in the 1930's and permitted Hitler to murder 6 million Jews. Does the United States intend to stand by again and wash its hands of the whole thing?

The President has led us to believe that he would support Israel—that he would not permit its destruction. Now this refusal to provide needed military equipment. Is this an example of concern for the territorial integrity and independence of Israel? Or is it another example where the President has sacrificed principle for politics or shall I say material gain.

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

Mr. FARBSTEIN. I am happy to yield to the gentleman from New York.

Mr. RYAN. I join the gentleman from New York in expressing dismay at the anticipated action of the President of the United States in rejecting Israel's request to purchase planes which are necessary for the security and defense of Israel. This will be a signal to the Arab States to continue their war of attrition and their refusal to enter into direct negotiations. Since the 6-day war Egypt has been resupplied—and then some—by the Soviet Union. The United States has an obligation to help Israel defend herself.

Mr. FARBSTEIN. Let me also suggest to the gentleman that the refusal to furnish jets to Israel will put the United States in a position where there may be lost the entire Middle East, to the West because Israel has been the bulwark of democracy in that area.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I missed two rollcall votes on Monday because of a prior commitment. Had I been present and voting, I would have voted "aye" on rollcall No. 48 and "aye" on rollcall No. 49. Previously, also due to a conflict, I missed rollcall No. 31. Had I been present and voting I would have voted "nay" on rollcall No. 31.

RE-REFERRAL OF H.R. 13217 FROM COMMITTEE ON GOVERNMENT OPERATIONS TO COMMITTEE ON BANKING AND CURRENCY

Mr. PATMAN. I ask unanimous consent that the bill (H.R. 13217) to provide for the balanced urban development and growth of the United States be re-referred from the Committee on Government Operations to the Committee on Banking and Currency.

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman of the Committee on Banking and Currency if a representative, the chairman, or some other member, from the Committee on Government Operations is in accord with the request.

Mr. PATMAN. I have a letter from the gentleman from Illinois (Mr. DAWSON), the chairman, that he is in agreement with it. The gentleman from California (Mr. HOLIFIELD) is present, as is also the gentleman from North Carolina (Mr. FOUNTAIN) who is chairman of the Intergovernmental Relations Committee. He is in agreement with it, and also the author of the bill.

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

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. HOLIFIELD. I would like to affirm what the chairman has said. We feel that this re-referral is proper. We feel that it is a substantive matter which ought to be considered by the Committee on Banking and Currency.

Mr. GERALD R. FORD. Will the chairman of the Committee on Banking and Currency read the title of the bill again, please.

Mr. PATMAN. Yes. The title of the bill is "to provide for the balanced urban development and growth of the United States."

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PREVENTING ACCESS BY PASSENGERS TO PILOT'S COCKPIT

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

Mr. WYMAN. Mr. Speaker, precisely what I have warned about for the last 6 years took place last night on an Eastern Airlines jet bound for Boston, Mass. A passenger with a gun got into the pilot's compartment, killed the copilot and almost killed the pilot. If he had, the plane would have crashed and 73 passengers killed.

Fortunately the wounded pilot was able to land the plane. He deserves public commendation for this heroic action.

But, Mr. Speaker, I have had a bill pending in the House Committee on Interstate and Foreign Commerce for 6 years now—currently H.R. 721—that had it been law would have made it impossible for criminals to get into the pilot's compartment. This would not have happened nor could many other similar instances of the hijacking or attempted hijacking of commercial aircraft have taken place.

Some one of these days—any time now for that matter—we are going to lose an airplane in this way with all its passengers. Last night was too near a miss.

This is an inexcusable situation of continuing great danger to millions of traveling Americans for which the chairman of the House Committee on Interstate and Foreign Commerce cannot avoid public responsibility. Action should be taken to implement this legislation on a crash basis—even before the Easter recess.

If we do not there is going to be a terrible tragedy in the air—and who knows, Mr. Speaker, it might be you or me or the friend across the street who is in that position of helpless peril as a passenger. I urge action now before there's a terrible tragedy in the air.

CALIFORNIA PRODUCES FINEST OF EVERYTHING

(Mr. BELL of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and inclule extraneous matter.)

Mr. BELL of California. Mr. Speaker, I would like to ask my colleagues to join me in welcoming to Washington the Firehouse West Coast Johnny Wooden basketball team—and to call to their attention an event of great moment occuring tomorrow night at Cole Field House.

I am sure that my distinguished colleagues from New Mexico will forgive me if I point out that the UCLA basketball team is about to prove again that my home State of California produces the finest of everything.

I do not underestimate the power of New Mexico State's Amazin' Aggies. It is just that, as a Washington Post columnist put it:

> The main reason the Aggies have not been more amazin' the last two years is that they kept bumping into UCLA in the regionals.

UCLA, which I am delighted to represent in this body, is the only school in the history of college basketball to win the NCAA championship five times.

It is the only one ever to win it three times in a row.

And it will be the first team in history to win it four times, breaking its own record.

Coach Johnny Wooden, not one to relinquish his leadership example, has been named coach of the year three times and looks like he has a good shot at a fourth.

He already has the title in the view of UPI and AP.

I do want to advise my colleagues that the Government will not be home tomorrow night. Everyone including top White House officials, Cabinet members and agency heads will be at the game.

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

Mr. BELL of California. I yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Speaker, has the gentleman in the well ever heard of the Jacksonville Dolphins?

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 52]

Alexander	Cramer	Fish
Ashley	Davis, Ga.	Fulton, Pa.
Baring	Dawson	Galifianakis
Biaggi	de la Garza	Gaydos
Brock	Dent	Green, Oreg.
Brooks	Diggs	Hansen, Wash.
Brown, Calif.	Dingell	Hébert
Carey	Edwards, Calif.	Heckler, Mass.
Cederberg	Erlenborn	Helstoski
Chisholm	Evans, Colo.	Kirwan
Clark	Fascell	Leggett
Clay	Feighan	McEwen
Conyers	Findley	Meeds

Meskill	Ottinger	St Germain
Michel	Patman	Shipley
Mills	Powell	Steiger, Wis.
Minshall	Pucinski	Stephens
Moorhead	Rees	Stratton
Murphy, Ill.	Reid, Ill.	Stubblefield
Nichols	Reid, N.Y.	Stuckey
O'Neal, Ga.	Rooney, N.Y.	Taft
O'Neill, Mass.	Rosenthal	Tunney

The SPEAKER. On this rollcall, 364 Members have answered to their names, a quorum.

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

INTRODUCING BILL ON SECRETARY OF TRANSPORTATION BECOMING MEMBER OF NATIONAL AERONAUTICS AND SPACE COUNCIL

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

Mr. MILLER of California. Mr. Speaker, today I am introducing a bill to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. The gentleman from Pennsylvania (Mr. FULTON), and the gentleman from West Virginia (Mr. HECHLER), join with me as cosponsors.

The National Aeronautics and Space Council, which is chaired by the Vice President, presently includes as members the Secretary of State, the Secretary of Defense, and Administrator of NASA, and the Chairman of the AEC. During hearings held by the Committee on Science and Astronautics in both 1968 and 1969, evidence was provided that the National Aeronautics and Space Council is increasingly involved with aeronautics and aviation policies and problems. It has been recognized that the Council is in an excellent position to provide a forum for dealing with national aviation problems—both for military and civil purposes.

Because the Council will be increasingly involved in civil aviation, the Department of Transportation obviously will be affected by the Council's deliberations and recommendations to the President. It has been made clear that the Council will become actively involved in aeronautics far beyond aircraft alone. It will be deeply engaged in considering the environment in which the aircraft operates. Such areas are also the operating province of the Department of Transportation.

While it is true that the Department of Transportation sits with the Council as an observer on occasion, I believe that a defect in Government organization is the exclusion from the Council of the Department of Transportation—the agency in Government which has principal responsiblity for civil aviation. All available resources for formulating national policy and determining major courses of action in solving critical aviation problems should be used. It is, therefore, considered logical and essential that the Secretary of Transportation be made a statutory member of the National Aeronautics and Space Council.

RELEASING OF CONSTRUCTION FUNDS

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

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has taken the first step toward easing the economic pressure on the Nation that was designed to cut inflation. His releasing of construction funds was a prudent move to help that sector of the economy most affected by the administration anti-inflation efforts.

But more important was his urging that those who control the interest rates in this country ease up a little. The effects of high interest rates fall directly on those who can least afford the pinch—the average wage earner, those living on fixed incomes and the poor.

Business can pass on to the consumer the cost of higher capital financing through raising prices. Likewise banks receive their income through keeping the interest rates they charge borrowers higher than the rates they must pay for money. These groups cannot be denied their rights to make a profit. This is how the American system of free enterprise operates.

However, the only one who cannot recoup his costs is the average wage earner and the consumer. And, of course, this group gets doubly hit when Uncle Sam wants an increase in taxes to cover his increased costs.

There are better ways of spreading the burden, and many of these ways have been proposed in this body. However, perhaps our economic situation was so critical last year that there was no chance for experimentation. And many of those tools needed for experimentation were not available to the Executive.

But now that the situation is easing, let us give the average American, who has been bearing the greatest share of the anti-inflation burden, the first break. If private institutions and their regulatory agencies fail to respond to the President's timely urging, Congress may have to step in to insure that every American gets a fair shake. The time for that fair shake is now.

CONFERENCE REPORT ON H.R. 11959, VETERANS EDUCATION AND TRAINING AMENDMENTS ACT OF 1970

Mr. TEAGUE of Texas submitted the following conference report and statement on the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters:

CONFERENCE REPORT (H. REPT. 91-918)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Veterans Education and Training Amendments Act of 1970".

TITLE I—INCREASE IN EDUCATIONAL AND VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES

SEC. 101. Section 1504(b) of title 38, United States Code, is amended to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full-time	$135	$181	$210
Three-quarter-time	98	133	156
Half-time	67	91	102
Institutional on-farm, apprentice, or other on-job training: Full-time	118	153	181".

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional $6 per month for each dependent in excess of two."

SEC. 102. The last sentence of section 1677 (b) of title 38, United States Code, is amended by striking out in the last sentence thereof "$130" and inserting in lieu thereof "$175".

SEC. 103. (a) The table (prescribing educational assistance allowance rates for eligible veterans pursuing educational programs on half-time or more basis) contained in paragraph (1) of section 1682(a) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$175	$205	$230	$13
Three-quarter time	128	152	177	10
Half-time	81	100	114	7
Cooperative	141	167	192	10".

(b) Section 1682(b) of such title is amended by striking out "$130" and inserting in lieu thereof "$175".

(c) Section 1682(c)(2) of such title is amended by striking out "$130" and inserting in lieu thereof "$175".

(d) The table (prescribing educational assistance allowance rates for eligible veterans pursuing a farm cooperative program) contained in section 1682(d)(2) of such title is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$141	$165	$190	$10
Three-quarter-time	101	119	138	7
Half-time	67	79	92	4".

(e) The table (prescribing educational assistance allowance rates for eligible veterans pursuing an apprenticeship or other on-job training) contained in section 1683(b) of such title is amended to read as follows:

"Periods of training	No dependents	One dependent	Two or more dependents
1st 6 months	$108	$120	$133
2d 6 months	81	92	105
3d 6 months	54	66	79
4th and any succeeding 6-month periods	27	39	52".

SEC. 104. (a) Section 1732(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $175 per month if pursued on a full-time basis, (B) $128 per month if pursued on a three-quarter-time basis, and (C) $81 per month if pursued on a half-time basis.

"(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B) $175 per month for a full-time course, whichever is the lesser."

(b) Section 1732(b) of such title is amended by striking out "$105" and inserting in lieu thereof "$141".

(c) Section 1742(a) of such title is amended to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of $175 per month. If the charges for tuition and fees applicable to any such course are more than $55 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed $55 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each $6.80 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—MISCELLANEOUS AMENDMENTS TO VETERANS' AND DEPENDENTS' EDUCATION PROGRAMS

SEC. 201. (a) Subsection (b) of section 1652 of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field."

(b) Subsection (c) of section 1652 of such title is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

SEC. 202. (a) Section 1673(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible veteran in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible veteran or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

"(3) any type of course which the Administrator finds to be avocational or recreational in character unless the veteran submits justification showing that the course will be of a bona fide use in the pursuit of his present or contemplated business or occupation."

(b) Section 1673 of such title is further amended by adding at the end thereof a new subsection as follows:

"(e) The Administrator shall not approve the enrollment of any eligible veteran in an apprentice, or other on-job training program where he finds that by reason of prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

SEC. 203. (a) Subsection (a) of section 1677 of title 38, United States Code, is amended by striking out the material preceding clause (1) and inserting in lieu thereof the following:

"(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:".

(b) Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

SEC. 204. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678;

(3) inserting immediately after the period at the end of section 1682(b) the following: "Notwithstanding provisions of section 1681 of this title, payment of the educational assistance allowance provided by this subsection may, and the educational assistance allowance provided by section 1696(b) shall, be made to an eligible veteran in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at such institution."; and

(4) adding at the end of chapter 34 the following new subchapters:

"Subchapter V—Special Assistance for the Educationally Disadvantaged

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue post-secondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

"§ 1691. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran not on active duty who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is 'already qualified', approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title.

"§ 1692. Special supplementary assistance

"(a) In the case of any eligible veteran who—

"(1) is enrolled in and pursuing a post-secondary course of education on a half-time or more basis at an educational institution; and

"(2) has a marked deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education,

the Administrator may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

"(b) The Administrator shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 1682 of this title, the cost of such tutorial assistance in an amount not to exceed $50 per month for a maximum of nine months, upon certification by the educational institution that—

"(1) the individualized tutorial assistance is essential to correct a marked deficiency

of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(2) the tutor chosen to perform such assistance is qualified; and

"(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"§ 1693. Effect on educational entitlement

"The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title.

"Subchapter VI—Predischarge Education Program

"§ 1695. Purpose: definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who has completed more than 180 consecutive days of such active duty service as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of educational assistance allowance

"(a) The Administrator shall, under such regulations as he shall prescribe after consultation with the Secretary of Defense, pay the educational assistance allowance as computed in section 1682(b) of this title to an eligible person enrolled in and pursuing (1) a course or courses offered by an educational institution (other than by correspondence) and required to receive a secondary school diploma, or (2) any deficiency, remedial, or refresher course or courses offered by an educational institution and required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment.

"(b) The educational assistance allowance of an eligible person pursuing education or training under this subchapter shall be computed at the rate of (1) the established charges for tuition and fees which the educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which such educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to have, or (2) $175 per month for a full-time course, whichever is the lesser.

"(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement earned pursuant to section 1661(a) of this title.

"§ 1697. Educational and vocational guidance

"The Administrator shall, to the extent that professional counselors are available, provide, by contract or otherwise, educational and vocational guidance to persons eligible for educational assistance under this subchapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Effect on educational entitlement.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose: definition.
"1696. Payment of educational assistance allowance.
"1697. Educational and vocational guidance."

SEC. 205. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following: "Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

SEC. 206. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year; and

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.

Notwithstanding the provisions of clause (4), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (4), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course or other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

SEC. 207. (a) Chapter 35 of title 38, United States Code, is amended by adding at the end of subchapter VI thereof a new section as follows:

"§ 1763. Notification of eligibility

"The Administrator shall notify the parent or guardian of each eligible person defined in section 1701(a)(1)(A) of this chapter of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains his thirteenth birthday or as soon thereafter as feasible."

(b) The table of sections at the beginning of chapter 35 of such title is amended by inserting immediately below

"1762. Nonduplication of benefits."

the following:

"1763, Notification of eligibility.".

SEC. 208. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature whichever is more advantageous to the eligible person.

SEC. 209. Section 1723(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible person in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible person or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

"(3) any type of course which the Administrator finds to be avocational or recreational in character unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."

SEC. 210. Section 1732(c) of title 38, United States Code, is amended to read as follows:

"(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar."

SEC. 211. Section 1772 of title 38, United States Code, is amended by adding at the end thereof a new subsection (c) as follows:

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

SEC. 212. Section 1777(a) of title 38, United States Code, is amended by inserting "and supervised" immediately after "organized".

SEC. 213. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 181. Limitations on educational assistance

"No educational assistance allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training."; and

(2) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

SEC. 214. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"Subchapter IV—Veterans Outreach Services Program

"§ 240. Purpose: definitions

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) For the purposes of this subchapter, (1) the term 'other governmental programs' shall include all programs under State and local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' means an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Outreach services

"The Administrator shall provide the following outreach services:

"(1) by letter advise each veteran at the time of his discharge or release from active military, naval, or air service, or as soon as possible thereafter, of all benefits and services under laws administered by the Veterans' Administration for which the veteran may be eligible and, in carrying out this paragraph, the Administrator shall give priority to so advising those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release;

"(2) distribute full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which he determines would be beneficial to veterans; and

"(3) provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents in respect to clauses (1) and (2) above and in the preparation and presentation of claims under laws administered by the Veterans' Administration.

"§ 242. Veterans assistance offices

"(a) The Administrator shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and the Commonwealth of Puerto Rico, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographical distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans (including their accessibility of outreach services), and the necessity of providing appropriate outreach services in less populated areas.

"(b) The Administrator may implement such special telephone service as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

"§ 243. Utilization of other agencies

"In carrying out the purposes of this subchapter, the Administrator may—

"(1) arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, to include where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Veterans' Administration;

"(2) cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services; and

"(5) conduct studies in consultation with appropriate Federal departments and agencies to determine the most effective program design to carry out the purposes of this subchapter.

"§ 214. Report to Congress

"(a) The Administrator shall include in the annual report to the Congress required by section 214 of this title a report on the activities carried out under this subchapter, each report to include an appraisal of the effectiveness of the programs authorized herein and recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"240. Purpose: definitions.
"241. Outreach services.
"242. Veterans assistance offices.
"243. Utilization of other agencies.
"244. Report to Congress."

SEC. 215. (a) Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

TITLE III—EFFECTIVE DATE

SEC. 301. Title I of this Act takes effect February 1, 1970.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill.

Mr. TEAGUE of Texas,
Mr. DORN,
Mr. HALEY,
Mr. BARING,
Mr. BROWN of California,
Mr. TEAGUE of California,
Mr. AYRES,
Mr. ADAIR,
Mr. SAYLOR,
Managers on the Part of the House.

Mr. CRANSTON,
Mr. YARBOROUGH,
Mr. RANDOLPH,
Mr. KENNEDY,
Mr. MONDALE,
Mr. HUGHES,
Mr. SCHWEIKER,
Mr. JAVITS,
Mr. DOMINICK,
Mr. SAXBE,
Mr. SMITH of Illinois,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance and special training allowance paid to eligible veterans and persons under such chapters, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment to the text of the bill struck out all after the enacting clause and inserted a substitute text. The House agreed to the amendment of the Senate to the text of the bill with an amendment which was a substitute for both the text of the Senate amendment and the House bill, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for the text of the House amendment, the text of the Senate amendment, and the text of the House bill.

The differences between the substitute agreed to in conference and the House amendment to the Senate amendment to the text of the House bill, and between the substitute and the House bill are noted below, except for clerical corrections, incidental changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SUBCHAPTER IV.—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

This subchapter provides for special supplementary assistance to a veteran enrolled in a post secondary course in education on a half-time or more basis where that veteran has a marked deficiency in a subject which is a part of or prerequisite to the particular pursuit and completion of an approved program of education. When this condition is found, the Administrator of Veterans Affairs may pay to an eligible veteran an amount not to exceed $50 a month for a maximum of nine months in order that the veteran may obtain needed tutorial assistance. The language of the law makes it clear that this tutorial assistance is to be individualized, that the tutor is to be qualified, charges for such tutoring service do not exceed customary charges. This section provides that the educational institution in which the veteran is enrolled must make certification as to these facts and circumstances in the individual veteran's case. It is the intent of this section to provide for the courses of academic deficiencies which threaten to prevent the the cost of tuition, fees, books and supplies. veteran from successfully pursuing a course. It is intended that a distinction be made between veterans who must be tutored to avoid failure and those veterans who might desire tutoring simply to improve their academic standing. It is expected that the Veterans Administration will surround this section with specific regulations and monitor it carefully to determine whether the program is functioning satisfactorily. The provision as modified in conference would require certification by the educational institution of the essentiality of the tutorial assistance, the qualification of the tutor selected, and the reasonableness of the charges. Supplementary assistance would be available for a veteran needing tutoring in a subject prerequisite to taking a college credit course needed for graduation; needing tutoring in such a credit course itself; or needing tutoring in language skills, such as for a veteran of Mexican-American descent, in order to pursue satisfactorily any college level work taught in the English language.

SUBCHAPTER VI. PRE-DISCHARGE EDUCATION PROGRAM

It is the purpose of this new program to assist active duty servicemen in preparing for their future education and training by providing certain remedial and refresher type training prior to the servicemen's discharge from service. This program permits the Administrator of Veterans Affairs to make necessary payments directly to the serviceman, these payments being intended for reimbursement to the educational institution for The educational institution is not permitted to make charges of the serviceman in excess of established and customary charges for similarly circumstanced non-veterans. On the other hand, the program contemplates that participating educational institutions will be able to recoup the full, reasonable costs entailed in providing predischarge education or training. Although it is recognized that some institutions may not generally charge tuition or fees for regular courses, it seems unreasonable that such institutions would be expected to provide special programs, such as PREP, without charging enrolled students appropriately.

SUBCHAPTER IV. VETERANS OUTREACH SERVICES PROGRAM

The veterans outreach services program which would be established by this subchapter represents a clear Congressional determination that a more extensive and intensive program of veterans benefits counseling, contact and outreach effort is badly needed. Such a program can be of great service, not only to the educationally disadvantaged veteran, but also to any veteran who is unclear about the extent of his entitlement and where his future lies. This subchapter provides clear authority for the use of special telephone tielines to provide outreach services to cities and communities removed from Veterans Administration offices and contact centers. This subchapter also encourages the expansion of Veterans Administration contact offices into major communities and population centers where Veterans Administration offices and services are not readily available or where there are large concentrations of veterans, such as disadvantaged veterans with specialized problems. It is expected that the Veterans Administration will immediately proceed to survey its contact and outreach facilities and develop plans for expanding these services in line with the provisions of this subchapter. It is expected that Veterans Administration will develop these plans promptly for submission to appropriate Committees of Congress in order that this expanded program may receive appropriate budgetary support in Fiscal Year 1971 budget.

The agreed-on Conference language eliminated the provisions for a relocation assistance allowance for veterans in need of job assistance. The removal of this provision by the Conferees should not be construed to imply a lack of interest on the part of the Conferees in job placement assistance for returning veterans. It may be that some of these provisions are appropriate for insertion in general manpower and training legislation. On the other hand, the veterans' employment service is presently operated on a very modest scale and should be supported to the extent necessary to give effective assistance to returning veterans in need of job placement assistance. Additional support of the veterans employment service and identification of the veterans special needs through general manpower and training legislation could greatly improve the prospects for returning servicemen obtaining jobs.

A more detailed description of the provisions in this proposal at the various stages of its legislative consideration are shown in the chart which follows:

COMPARATIVE PRINT OF H.R. 11959 AS PASSED HOUSE; AS PASSED SENATE; HOUSE SUBSTITUTE AMENDMENT; CONFERENCE AGREEMENT; AND CURRENT LAW

Provision	Present law			House-passed version			Senate-passed version			House substitute amendment			Conference agreement		
Vocational rehabilitation subsistence rates:															
Col. I: Type of training	Col. II: No dependents	Col. III: 1 dependent	Col. IV: 2 or more dependents	Col. II: No dependents	Col. III: 1 dependent	Col. IV: 2 or more dependents	Col. II: No dependents	Col. III: 1 dependent	Col. IV: 2 or more dependents	Col. II: No dependents	Col. III: 1 dependent	Col. IV: 2 or more dependents	Col. II: No dependents	Col. III: 1 dependent	Col. IV: 2 or more dependents
Institutional:															
Full-time	$110	$150	$175	$127	$173	$201	$160	$219	$255	$130	$176	$205	$135	$181	$210
Three-quarter-time	80	110	130	92	127	150	116	160	189	95	130	153	98	133	156
Half-time	55	75	85	63	86	98	80	109	124	65	89	100	67	91	102
Institutional on-farm, apprenticeship or other on-job training:															
Full-time	95	125	150	109	144	173	138	182	219	113	148	176	118	153	181
Additional amount for dependents in excess of 2	$5			$6			$7.30			$6			$6.		
Flight training program:															
Ancillary flight training	No provision			No provision			Provision made			Provision made			Senate provision.		
Monthly rate of charge against entitlement.	$130			$165			$190			$170			$175.		
Loans for pursuit of private pilot's license.	No provision			No provision			Provision made			No provision			No provision.		
Repeat of equivalency alternative	Alternative presently contained in current law.			Identical to provision of H.R. 6808			do			Provision made			Provision made.		

COMPARATIVE PRINT OF H.R. 11959 AS PASSED HOUSE; AS PASSED SENATE; HOUSE SUBSTITUTE AMENDMENT; CONFERENCE AGREEMENT; AND CURRENT LAW—Continued

Provision	Present law	House-passed version	Senate-passed version	House substitute amendment	Conference agreement
Educational assistance allowance rates					
Col. I: Type of program	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents
	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:
Institutional:					
Full-time	$130; $155; $175; $10	$165; $197; $222; $13	$190; $218; $240; $15	$170; $200; $225; $13	$175; $205; $230; $13
Three-quarter-time	95; 115; 135; 7	121; 147; 170; 9	140; 162; 184; 70	125; 149; 174; 10	128; 152; 177; 10
Half-time	60; 75; 85; 5	78; 96; 109; 7	90; 107; 119; 7	79; 97; 110; 7	81; 100; 114; 7
Cooperative	105; 125; 145; 7	133; 150; 184; 9	155; 177; 199; 10	138; 162; 187; 10	141; 167; 192; 10
Active duty; less than half-time	Tuition cost, not to exceed full-time rate of $130.	Tuition cost, not to exceed full-time rate of $165.	Tuition cost, not to exceed full-time rate of $190.	Tuition cost, not to exceed full-time rate of $170.	Tuition cost, not to exceed full-time rate of $175.
Correspondence course monthly entitlement charge.	$130	$165	$190	$170	$175.
Farm cooperative training:					
Col. I: Basis	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Eliminates existing program with savings clause.	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col. V: More than 2 dependents	Col. II: No dependents; Col. III: 1 dependent; Col. IV: 2 dependents; Col V: More than 2 dependents
	The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:		The amount in col. IV, plus the following for each dependent in excess of 2:	The amount in col. IV, plus the following for each dependent in excess of 2:
Full-time	$105; $125; $145; $7	$133; $159; $184; $9		$138; $162; $187; $10	$141; $165; $190; $10
Three-quarter-time	75; 90; 105; 5	96; 116; 134; 6		99; 117; 136; 7	101; 119; 138; 7
Half-time	50; 60; 70; 3	64; 77; 90; 4		66; 78; 91; 4	67; 79; 92; 4
Korean conflict type on-farm program.	No provision	No provision	Provision made (rates): $153, no dependents; $182, 1 dependent; $211, 2 dependents; $10 each dependent in excess of 2.	No provision	No provision.
Apprenticeship and other on-job training:					
Periods of training	No dependents; 1 dependent; 2 or more dependents	No dependents; 1 dependent; 2 or more dependents	No dependents; 1 dependent; 2 or more dependents	No dependents; 1 dependent; 2 or more dependents	No dependents; 1 dependent; 2 or more dependents
1st 6 months	$80; $90; $100	$102; $114; $127	$116; $131; $146	$105; $117; $129	$108; $120; $133
2d 6 months	60; 70; 80	76; 89; 102	87; 102; 116	79; 91; 103	81; 92; 105
3d 6 months	40; 50; 60	51; 64; 76	58; 73; 87	53; 65; 78	54; 66; 79
4th and any succeeding 6-month periods	20; 30; 40	25; 38; 51	29; 43; 58	27; 39; 52	27; 39; 52
War orphans, widows, and wives education rates:					
Institutional:					
Full-time	$130	$165	$190	$170	$175.
Three-quarter-time	$95	$121	$140	$125	$128.
Half-time	$60	$76	$90	$79	$81.
Less than half-time	No provision	No provision	No provision	Tuition cost not to exceed full-time rate of $170.	Tuition cost not to exceed full-time rate of $175.
Cooperative	$105	$133	$155	$138	$141.
Special restorative training	$130	$165	$190	$170	$175.
Increased allowances with reduction in entitlement.	Reduced 1 day for each $4.25 on tuition amount over $41 per month.	Reduced 1 day for each $5.30 on tuition amount over $50 per month.	Reduced 1 day for each $6.20 on tuition amount over $59 per month.	Reduced 1 day for each $5.60 on tuition amount over $54 per month.	Reduced 1 day for each $5.80 on tuition amount over $55 per month.
Permits dual educational-vocational objectives.	No provision	No provision	Provision made	Provision made	Provision made.
Elementary level education	do	do	do	do	Do.
Special assistance for educationally disadvantaged veterans.	More limited program (358 U.S.C. 1678)	do	do	No provision	Modification of Senate provisions.
Predischarge education program	No provision	do	do	do	Do.
Veterans outreach services program	Limited program under authority of sec. 231 and 3311 of title 38, U.S.C.	do	do	do	Do.

Footnotes at end of table.

COMPARATIVE PRINT OF H.R. 11959 AS PASSED HOUSE; AS PASSED SENATE; HOUSE SUBSTITUTE AMENDMENT; CONFERENCE AGREEMENT; AND CURRENT LAW—Continued

Provision	Present law	House-passed version	Senate-passed version	House substitute amendment	Conference agreement
Full-time academic high school course defined.	Measured on clock-hour basis (38 U.S.C. 1684).	Provision made	do	Provision made	Provision.
Measurement of full-time college undergraduate course under chs. 34 and 35.	Requires 14-hour minimum	No provision	Liberalizes 14-hour requirement	No provision	Liberalizes 14-hour requirement.
Notwithstanding clause—Non-credit-deficiency course counted toward full-time pursuit.	No provision	do	Provision made	Provision made	Provision made.
Earlier initial payment for below college training.	do	Provision made in H.R. 6808	do	do	Do.
Liberalization of periods of eligibility for children under ch. 35 and certain widows and wives.	do	Provision made in H.R. 6808	Provision made	Provision made	Provision made.
Notification of eligibility of children under ch. 35.	do	No provision	do	No provision	Do.
Approval of interstate transportation apprenticeship programs.	do	Provision made in H.R. 6808	do	Provision made	Do.
Modification of nonduplication of Federal benefits bar.	More stringent requirements (38 U.S.C. 1781).	do	do	do	Do.
Avocational-Recreational Curb: [1]					
Applicable to veterans	Provides certain limitations	Provided only in H.R. 6808	No provision	do	Do.
Applicable to dependents	do	do	do	do	Do.
Apprenticeship limitation [1]	More liberal provision	do	do	do	Do.
Philippine Education Payment: [1]					
Applicable to veterans	do	do	do	do	No provision.
Applicable to dependents	do	do	do	do	Provision made.
Nonduplication law repeals: [1]					
Public Health Service	Not applicable	do	do	do	Do.
Higher Education Act	do	do	do	do	Do.
Effective dates:					
Rates	do	1st day of 2d calendar month beginning after date of enactment.	Sept. 1, 1969	1st day of 2d calendar month beginning after date of enactment.	Feb. 1, 1970.
Notification of children's eligibility.	do	Not applicable	July 1, 1970	No provision	1st day of 2d calendar month beginning after date of enactment.
All other provisions	do	1st day of 2d calendar month beginning after date of enactment.	1st day of 2d calendar month beginning after date of enactment.	1st day of 2d calendar month beginning after date of enactment.	Do.
Farm cooperative: Savings	do	Not applicable	Provision made	No provision	No provision.
Total 1st year cost		($208 million)	($400 million)	($226.25 million)	($275.5 million).

[1] These provisions were contained only in H.R. 6808 as passed by the House and were not included in either the House or Senate passed version of H.R. 11959. The savings which would result from inclusion of the Philippine "peso rate" formula are not reflected in the total 1st-year cost figures on H.R. 11959, except in the House substitute amendment and conference agreement.

Note.—(1) H.R. 6808 was passed by the House of Representatives May 19, 1969. (2) The costs of all items (except conference agreement column) through the War orphans, widows, and wives education rates column are costed on a 1st-year basis and therefore are not identical with those shown for fiscal year 1970 on page 69 of Senate Report No. 91-487. All items below that category are for fiscal year 1970 except the nonduplication provision which reflects an effective date of Jan. 1 1970. (3) The cost of all items in the Conference agreement column are based upon a full year cost for fiscal year 1971.

CHANGES IN EXISTING LAW MADE BY H.R. 11959 AS AGREED TO IN CONFERENCE

For the information of the Members of the House of Representatives, changes in existing law made by the bill (H.R. 11959) as agreed to in conference, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

CHAPTER 3—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

SUBCHAPTER I—VETERANS' ADMINISTRATION

Sec.
201. Veterans' Administration an independent agency.
202. Seal of the Veterans' Administration.

SUBCHAPTER II—ADMINISTRATOR OF VETERANS' AFFAIRS

210. Appointment and general authority of Administrator; Deputy Administrator.
211. Decisions by Administrator; opinions of Attorney General.
212. Delegation of authority and assignment of duties.
213. Contracts and personal services.
214. Reports to the Congress.
215. Publication of laws relating to veterans.
216. Research by Administrator; indemnification of contractors.
217. Studies of rehabilitation of disabled persons.

SUBCHAPTER III—VETERANS' ADMINISTRATION REGIONAL OFFICES; EMPLOYEES

230. Central and regional offices.
231. Placement of employees in military installations.
232. Employment of translators.
233. Employees' apparel; school transportation; recreational equipment; visual exhibits; personal property; emergency transportation of employees.
234. Telephone service for medical officers.
235. Benefits to employees at oversea offices who are United States citizens.
236. Administrative settlement of tort claims arising in foreign countries.

Subchapter IV—Veterans Outreach Services Program

240. Purpose; definitions.
241. Outreach services.
242. Veterans assistance offices.
243. Utilization of other agencies.
244. Report to Congress.

* * * * *

SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

§ 240. Purpose; definitions

(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

(b) For the purposes of this subchapter, (1) the term "other governmental programs" shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term "eligible dependent" means an "eligible person" as defined in section 1701(a)(1) of this title.

§ 241. Outreach services

The Administrator shall provide the following outreach services:

(1) by letter advise each veteran at the time of his discharge or release from active military, naval, or air service, or as soon as possible thereafter, of all benefits and services under laws administered by the Veterans' Administration for which the veteran may be eligible and, in carrying out this paragraph, the Administrator shall give priority to so advising those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release;

(2) distribute full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which he determines would be beneficial to veterans; and

(3) provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents in respect to clauses (1) and (2) above and in the preparation and presentation of claims under laws administered by the Veterans' Administration.

§ 242. Veterans assistance offices

(a) The Administrator shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and the Commonwealth of Puerto Rico, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographical distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans (including their accessibility of outreach services), and the necessity of providing appropriate outreach services in less populated areas.

(b) The Administrator may implement such special telephone service as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

§243. Utilization of other agencies

In carrying out the purposes of this subchapter, the Administrator may—

(1) arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, to include where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Veterans' Administration;

(2) cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization;

(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

(4) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services; and

(5) conduct studies in consultation with appropriate Federal departments and agencies to determine the most effective program design to carry out the purposes of this subchapter.

§ 244. Report to Congress

(a) The Administrator shall include in the annual report to the Congress required by section 214 of this title a report on the activities carried out under this subchapter, each report to include an appraisal of the effectiveness of the programs authorized herein and recommendations for the improvement or more effective administration of such programs.

CHAPTER 31—VOCATIONAL REHABILITATION

* * * * *

§ 1504. Subsistence allowances

(a) While pursuing a course of vocational rehabilitation training and for two months after his employability is determined, each veteran shall be paid a subsistence allowance as prescribed in this section.

(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, or IV (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

[

Col. I Type of training	Col.II No dependents	Col.III 1 dependent	Col. IV 2 or more dependents
Institutional:			
Full-time	$110	$150	$175
Three-quarters-time	80	110	130
Half-time	55	75	85
Institutional on-farm, apprentice or other on-job training: Full-time	95	125	150

]

Col. I Type of training	*Col. II No dependents*	*Col. III 1 dependent*	*Col. IV 2 or more dependents*
Institutional:			
Full-time	*$135*	*$181*	*$210*
Three-quarter-time	*98*	*133*	*156*
Half-time	*67*	*91*	*102*
Institutional on-farm, apprentice, or other on-job training: Full-time	*118*	*153*	*181*

Where any full-time trainee has more than two dependents and is not eligible to receive additional compensation as provided by section 315 or section 335 (whichever is applicable) of this title, the subsistence allowance prescribed in column IV of the foregoing table shall be increased by an additional [$5] *$6* per month for each dependent in excess of two.

* * * * *

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER I—PURPOSE—DEFINITIONS

Sec.
1651. Purpose.
1652. Definitions.

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

1661. Eligibility entitlement; duration.
1662. Time limitations for completing a program of education.
1663. Educational and vocational counseling.

SUBCHAPTER III—ENROLLMENT

1670. Selection of program.
1671. Applications; approval.
1672. Change of program.
1673. Disapproval of enrollment in certain courses.
1674. Discontinuance for unsatisfactory conduct or progress.
1675. Period of operation for approval.
1676. Education outside the United States.
1677. Flight training.
[1678. Special training for the educationally disadvantaged.]

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

1681. Educational assistance allowance.
1682. Computation of educational assistance allowances.
1683. Apprenticeship or other on-job training.
1684. Measurement of courses.
1685. Overcharges by educational institutions.
1686. Approval of courses.
1687. Discontinuance of allowances.

Subchapter V—Special Assistance for the Educationally Disadvantaged

1690. Purpose.
1691. Elementary and secondary education and preparatory educational assistance.
1692. Special supplementary assistance.
1693. Effect on educational entitlement.

Subchapter VI—Prediscbarge Education Program

1695. Purposes; definition.
1696. Payment of educational assistance allowance.
1697. Educational and vocational guidance.

SUBCHAPTER I—PURPOSE—DEFINITIONS

* * * * *

§ 1652. Definitions

For the purposes of this chapter—

* * * * *

(b) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. *Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field.*

(c) The term "educational institution" means any public or private *elementary school,* secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or [any other institution if it furnishes education at the secondary school level or above] *other institution furnishing education for adults.*

* * * * *

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

§ 1661. Eligibility; entitlement; duration

Entitlement

(a) Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month or fraction thereof of his service on active duty after January 31, 1955. If an eligible veteran has served a period of 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy his active duty obligation, he shall be entitled to educational assistance under this chapter for a period of 36 months (or the equivalent thereof in part-time educational assistance).

(b) Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not operated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the end of the course or for twelve weeks, whichever is the lesser period.

(c) Except as provided in subsection (b) and in [section 1678 of this title] *subchapters V and VI of this chapter,* no eligible veteran shall receive educational assistance

under this chapter in excess of thirty-six months.

* * * * *

SUBCHAPTER III—ENROLLMENT

* * * * *

§ 1673. Disapproval of enrollment in certain courses

[(a) The Administrator shall not approve the enrollment of an eligible veteran in any type of course which the Administrator finds to be avocational or recreational in character unless the eligible veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.]

(a) The Administrator shall not approve the enrollment of an eligible veteran in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible veteran or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

(3) any type of course which the Administrator finds to be avocational or recreational in character unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

(b) Except as provided in section 1677 of this title, the Administrator shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

(c) The Administrator shall not approve the enrollment of an eligible veteran in any course to be pursued by open circuit television (except as herein provided) or radio. The Administrator may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit television, if the major portion of the course requires conventional classroom or laboratory attendance.

(d) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this chapter or chapter 31 or 35 of this title.

(e) The Administrator shall not approve the enrollment of any eligible veteran in an apprentice or other on-job training program where he finds that by reason of prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation.

* * * * *

§ 1677. Flight training

[(a) The Administrator may approve the pursuit by an eligible veteran of flight training generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation, subject to the following conditions:]

(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:

(1) the eligible veteran must possess a valid private pilot's license [or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,] and meet the medical requirements necessary for a commercial pilot's license; and

(2) the flight school courses must meet the Federal Aviation Administration standards and be approved both by that Agency and the appropriate State approving agency.

(b) Each eligible veteran who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of subsection (a) hereof, shall be paid an educational assistance allowance to be computed at the rate of 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay. Such allowance shall be paid monthly upon receipt of a certification from the eligible veteran and the institution as to the actual flight training received by, and the cost hereof to, the veteran during such month. In each such case the eligible veteran's period of entitlement shall be charged with one month for each [$130] *$175* which is paid to the veteran as an educational assistance allowance for such course.

[§ 1678. Special training for the educationally disadvantaged

[(a) In the case of any eligible veteran who—

[(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge from active duty, or

[(2) in order to pursue a program of education for which he would otherwise be eligible, needs additional secondary school training, either refresher courses or deficiency courses, to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is "already qualified", approve the enrollment of such veteran in an appropriate course or courses; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title.

[(b) The Administrator shall pay to an eligible veteran pursuing a course or courses pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 of this chapter.

[(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this chapter.]

SUBCOMMITTEE IV—PAYMENTS TO ELIGIBLE VETERANS

§ 1681. Educational assistance allowance

* * * * *

(d) No educational assistance allowance shall be paid to an eligible veteran enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

(1) from the eligible veteran a certification as to his actual attendance during such period or where the progarm is pursued by correspondence a certificate as to the number of lessons actually completed by the veteran and serviced by the institution; and

(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment.

* * * * *

§ 1682. Computation of educational assistance allowances

(a)(1) Except as provided in subsection (b), (c)(1), or (d) of this section, or section 1677 or 1683 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid the monthly educational assistance allowance set forth in column I, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

[

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$130	$155	$175	$10
Three-quarter-time	95	115	135	7
Half-time	60	75	85	5
Cooperative	105	125	145	7

]

Column I	*Column II*	*Column III*	*Column IV*	*Column V*
Type of program	*No dependents*	*One dependent*	*Two dependents*	*More than two dependents*
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	*$175*	*$205*	*$230*	*$13*
Three-quarter-time	*128*	*152*	*177*	*10*
Half-time	*81*	*100*	*114*	*7*
Cooperative	*141*	*167*	*192*	*10*

(2) A "cooperative" program, other than a "farm cooperative" programs, means a full-time program of education which consists of institutional courses and alternate phases of training in the business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

(b) The educational assistance allowance of an individual pursuing a program of education—

(1) while on active duty, or

(2) on less than a half-time basis,

shall be computed at the rate of (A) the es-

tablished charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) [$130] *$175* per month for a full-time course, whichever is the lesser, *Notwithstanding provisions of section 1681 of this title, payment of the educational assistance allowance provided by this subsection may, and the educational assistance allowance provided by section 1696(b) shall, be made to an eligible veteran in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at such institution.*

(c)(1) The educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veterans. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veterans and serviced by the institution, as certified by the institution.

(2) The period of entitlement of any eligible veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each [$130] *$175* which is paid to the veteran as an educational assistance allowance for such course.

(d)(1) An eligible veteran who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

(A) a full-time basis (a minimum of 12 clock hours a week),

(B) a three-quarter-time basis (a minimum of 9 clock hours per week), or

(C) a half-time basis (a minimum of 6 clock hours per week) shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator.

(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependecy status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full-time	$105	$125	$145	$7
Three-quarter-time	75	90	105	5
Half-time	50	60	70	3

Column I	*Column II*	*Column III*	*Column IV*	*Column V*
Basis	*No dependents*	*One dependent*	*Two dependents*	*More than two dependents*
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	*$141*	*$165*	*$190*	*$10*
Three-quarter-time	*101*	*119*	*138*	*7*
Half-time	*67*	*79*	*92*	*4*

§ 1683. Apprenticeship or other on-job training

(a) Any eligible veteran may receive the benefits of this chapter while pursuing a full-time—

(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, United States Code, or

(2) program of other training on the job approved under the provisions of section 1777 of this title,

subject to the conditions and limitations of this chapter with respect to educational assistance.

(b) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

Periods of training	No dependents	One dependent	Two or more dependents
First 6 months	$80	$90	$100
Second 6 months	60	70	80
Third 6 months	40	50	60
Fourth and any succeeding 6-month periods	20	30	40

Periods of training	*No dependents*	*One dependent*	*Two or more dependents*
First 6 months	*$108*	*$120*	*$135*
Second 6 months	*81*	*92*	*105*
Third 6 months	*54*	*66*	*79*
Fourth and any succeeding 6-month periods	*27*	*39*	*52*

§ 1684. Measurement of courses

(a) For the purposes of this chapter—

(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required; [and]

(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year; and

[(3)] *(4)* an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; *except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-item course.*

Notwithstanding the provisions of clause (4), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (4), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education.

* * * * *

Subchapter V—Special assistance for the educationally disadvantaged

§ 1690. Purpose

It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue post-secondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

§ 1691. Elementary and secondary education and preparatory educational assistance

(a) In the case of any eligible veteran not on active duty who—

(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is "already qualified", approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title; except that no en-

rollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title.

§ 1692. Special supplementary assistance

(a) In the case of any eligible veteran who—

(1) is enrolled in and pursuing a post-secondary course of education on a half-time or more basis at an educational institution; and

(2) has a marked deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education,

the Administrator may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

(b) The Administrator shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 1682 of this title, the cost of such tutorial assistance in an amount not to exceed $50 per month for a maximum of nine months, upon certification by the educational institution that—

(1) the individualized tutorial assistance is essential to correct a marked deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

(2) the tutor chosen to perform such assistance is qualified; and

(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

§ 1693. Effect on educational entitlement

The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title.

SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

§ 1695. Purpose; definition

(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

(b) For the purposes of this subchapter, the term "eligible person" means any person serving on active duty with the Armed Forces who has completed more than 180 consecutive days of such active duty service as certified to the Administrator by the Secretary concerned.

§ 1696. Payment of educational assistance allowance

(a) The Administrator shall, under such regulations as he shall prescribe after consultation with the Secretary of Defense, pay the educational assistance allowance as computed in section 1682(b) of this title to an eligible person enrolled in and pursuing (1) a course or courses offered by an educational institution (other than by correspondence) and required to receive a secondary school diploma, or (2) any deficiency, remedial, or refresher course or courses offered by an educational institution and required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment.

(b) The educational assistance allowance of an eligible person pursuing education or training under this subchapter shall be computed at the rate of (1) the established charges for tuition and fees which the educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which such educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to have, or (2) $175 per month for a full-time course, whichever is the lesser.

(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement earned pursuant to section 1661(a) of this title.

§ 1697. Educational and vocational guidance

The Administrator shall, to the extent that professional counselors are available, provide, by contract or otherwise, educational and vocational guidance to persons eligible for educational assistance under this subchapter.

CHAPTER 35—WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE ACT

SUBCHAPTER I—DEFINITIONS

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

SUBCHAPTER III—PROGRAM OF EDUCATION

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

SUBCHAPTER V—SPECIAL RESTORATIVE TRAINING

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

SUBCHAPTER VII—PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

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SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

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§ 1712. Periods of eligibility

(a) The educational assistance to which an eligible person (within the meaning of section 1701(a)(1)(A)) is entitled under section 1711 of this title or subchapter V of this chapter may be afforded him during the period beginning on his eighteenth birthday, or on the successful completion of his secondary schooling, whichever first occurs, and ending on his twenty-sixth birthday, except that—

(1) if he is above the age of compulsory school attendance under applicable State law, and the Administrator determines that his best interests will be served thereby, such period may begin before his eighteenth birthday;

(2) if he has a mental or physical handicap, and the Administrator determines that his best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 1737 of this title, such period may begin before his eighteenth birthday, but not before his fourteenth birthday;

(3) if the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before his twenty-sixth birthday, then (unless paragraph (4) applies) such period shall end five years after, whichever date [first] *last* occurs (A) the date on which the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived;

(4) if he serves on duty with the Armed Forces as an eligible person after his eighteenth birthday but before his twenty-sixth birthday, then such period shall end five years after his first discharge or release from such duty with the Armed Forces (excluding from such five years all periods during which the eligible person served on active duty before August 1, 1962, pursuant to (A) a call or order thereto issued to him as a Reserve after July 30, 1961, or (B) an extension of an enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 87–117); however, in no event shall such period be extended beyond his thirty-first birthday by reason of this paragraph; and

(5)(A) if he is enrolled in an educational institution regularly operated on a quarter or semester system and such period ends during the last half of a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if he is enrolled in an educational institution operated other than on a quarter or semester system and such period ends during the last half of the course, such period shall be extended to the end of the course, or until nine weeks have expired, whichever first occurs.

(b) No person made eligible by section 1701(a)(1)(B) or (C) of this chapter may be afforded educational assistance under this chapter beyond eight years after whichever last occurs:

(1) The date on which the Administrator first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature, or

(2) The date of death of the spouse from whom eligibility is derived.

(c) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection if (1) he suspends pursuit of his program of education after having enrolled in such program within the time period applicable to him under such subsection, (2) he is unable to complete such program after the period of suspension and before attaining the age limitation applicable to him under such subsection, and (3) the Administrator finds that the suspension was due to conditions beyond the control of such person; but in no event shall educational assistance be afforded such person by reason of this subsection beyond the age limitation applicable to him under subsection (a) of this section plus a period of time equal to the period he was required to suspend the pursuit of his program, or beyond his thirty-first birthday, whichever is earlier.

(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance be-

yond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection.

(e) The term "first finds" as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person.

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SUBCHAPTER III—PROGRAM OF EDUCATION

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§ 1723. Disapproval of enrollment in certain courses

[(a) (1) The Administrator shall not approve the enrollment of an eligible person in any bartending course, dancing course, or personality development course.

[(2) The Administrator shall not approve the enrollment of an eligible person—

[(A) in any photography course or entertainment course; or

[(B) in any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective; or

[(C) in any other type of course which the Administrator finds to be avocational or recreational in character;

unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.]

(a) The administrator shall not approve the enrollment of an eligible person in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible person or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

(3) any type of course which the Administrator finds to be avocational or recreational in character unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

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SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

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§ 1732. Computation of educational assistance allowance

[(a) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (1) $130 per month if pursued on a full-time basis, (2) $95 per month if pursued on a three-quarters time basis, and (3) $60 per month if pursued on a half-time basis.]

(a) (1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) $175 per month if pursued on a full-time basis, (B) $128 per month if pursued on a three-quarter-time basis, and (C) $81 per month if pursued on a half-time basis.

(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B) $175 per month for a full-time course, whichever is the lesser.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of [$105] *$141* per month.

[(c) No educational assistance allowance shall be paid on behalf of an eligible person for any period during which he is enrolled in and pursuing an institutional course on a less than half-time basis, or any course described in subsection (b), on a less than full-time basis.]

(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar.

§ 1733. Measurement of Courses

(a) For the purposes of this chapter, (1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed, (2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required, and (3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; *except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.*

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SUBCHAPTER V—SPECIAL RESTORATIVE TRAINING

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§ 1742. Special training allowance

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of [$130] *$175* per month. If the charges for tuition and fees applicable to any such course are more than [$41] *$55* per calendar month the basic monthly allowance may be increased by the amount that such charges exceed [$41] *$55* a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each [$4.25] *$5.80* that the special training allowance paid exceeds the basic monthly allowance.

(b) No payments of a special training allowance shall be made for the same period for which the payment of an educational assistance allowance is made or for any period during which the training is pursued on less than a full-time basis.

(c) Full-time training for the purpose of this section shall be determined by the Administrator with respect to the capacities of the individual trainee.

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SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

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§ 1763. Notification of eligibility

The Administrator shall notify the parent or guardian of each eligible person defined in section 1701(a)(1)(A) of this chapter of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains his thirteenth birthday or as soon thereafter as feasible.

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CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

SUBCHAPTER I—STATE APPROVING AGENCIES

Sec.
1770. Scope of approval.
1771. Designation.
1772. Approval of courses.
1773. Cooperation.
1774. Reimbursement of expenses.
1775. Approval of accredited courses.
1776. Approval of nonaccredited courses.
1777. Approval of training on the job.
1778. Notice of approval of courses.
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SUBCHAPTER II—MISCELLANEOUS PROVISIONS

[1781. Nonduplication of benefits.]
1781. Limitations on educational assistance.
1782. Control by agencies of the United States.
1783. Conflicting interests.
1784. Reports by institutions; reporting fee.
1785. Overpayments to eligible persons or veterans.
1786. Examination of records.
1787. False or misleading statements.
1788. Advisory committee.
1789. Institutions listed by Attorney General.
1790. Use of other Federal agencies.
1791. Limitation on period of assistance under two or more programs.

SUBCHAPTER I—STATE APPROVING AGENCIES

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§ 1772. Approval of courses

(a) An eligible person or veteran shall receive the benefits of chapters 34 and 35 while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in chapters 34 and 35 by the State approving agency for the State where such educational institution is located, or by the Administrator, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 1737 of this title or (B) for special restorative training under subchapter V of chapter 35 of this title. Approval of courses by State approving agencies shall be in accordance with the provisions of chapters 34 and 35 and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administrator with a cur-

rent list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of chapters 34 and 35. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b) The Administrator shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Administrator may approve any course in any other educational institution in accordance with the provisions of chapters 34 and 35.

(c) In the case of programs of apprenticeship where—

(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a "State approving agency" as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs.

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§ 1777. Approval of training on the job

(a) Any State approving agency may approve a program of training on the job (other than a program of apprenticeship) only when it finds that the job which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized and supervised training on the job and not on such factors as length of service and normal turnover, and that the provisions of subsections (b) and (c) of this section are met.

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SUBCHAPTER II—MISCELLANEOUS PROVISIONS

[*§ 1781. Nonduplication of benefits*

[No educational assistance allowance or special training allowance shall be paid on behalf of any eligible person or veteran under chapter 34 or 35 of this title for any period during which such person or veteran is enrolled in and pursuing a program of education or course paid for by the United States under any provision of law other than such chapters, where the payment of an allowance would constitute a duplication of benefits paid from the Federal Treasury to the eligible person or veteran or to his parent or guardian in his behalf.]

§ 1781. Limitations on educational assistance

No educational assistance allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training.

* * * * *

Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes".

[DUPLICATION OF BENEFITS

[SEC. 504. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.]

Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts".

[DUPLICATION OF BENEFITS

[SEC. 506. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.]

Mr. TEAGUE of Texas,
Mr. DORN,
Mr. HALEY,
Mr. BARING,
Mr. BROWN of California,
Mr. TEAGUE of California,
Mr. AYRES,
Mr. ADAIR,
Mr. SAYLOR,
Managers on the Part of the House.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the conference version of the bill (H.R. 11959) is, as is true of most bills sent to conference, a compromise between the versions presented by the two Chambers. In this instance, I believe that we have a bill that we can all support, and which I hope the President will approve. It seems to me that on balance most of the House provisions prevailed.

This bill, H.R. 11959, was the subject of hearings before our Subcommittee on Education and was reported to the House on July 10, 1969, thereafter it passed the House on August 4, was reported in the Senate on October 21, and passed the other body on October 23. On December 18, the House concurred in the Senate amendments with amendments. The Senate thereafter, on the same date, disagreed to the House amendments and requested a conference.

Three sessions of the conference committee were held; February 5, 1970, March 10, and the final one on March 17, at which time agreement was reached.

The bill that originally passed the House authorized a 27-percent increase in the basic rates of educational assistance. The Senate-approved increase was approximately 46 percent. The counteroffer which the House made on December 18 was 32 percent, and the conference agreement is approximately 35 percent.

The fiscal year 1970 cost of this bill is estimated by the Veterans' Administration to be $132.4 million; for fiscal year 1971 the estimate is $275,500,000.

The flight loan provisions included in the Senate bill, as well as the proposal for an institutional on-the-farm training similar to that provided during the Korean conflict, were rejected by the conferees, but I have agreed, as chairman of the Committee on Veterans' Affairs, to hold hearings on the latter subject.

With regard to the Outreach and PREP programs, included in the Senate bill a modified version of both of these proposals was agreed upon by the conferees. An expanded Veterans' Administration contact service was authorized, as well as tutorial assistance program of $50 a month for a 9-month period. This is to be paid to a student at an institution of higher learning who is experiencing severe difficulty in meeting the minimum academic standards set by the school, and is payable only in those cases where the student is in danger of failing a course if he does not receive such added assurance. The House conferees agreed to this provision with misgivings and expect this section to be administered in a very "tight" manner so that abuse may be kept to the barest minimum.

The bill is effective February 1, 1970; the House bill had provided for an effective date of the first day of the second calendar month following the date of enactment. The Senate had a date of September 1, 1969.

I want to take this opportunity, Mr. Speaker, to express my appreciation to the managers on the part of the House who were diligent in the performance of their duties and who have spent long hours and engaged in considerable tedious discussions to arrive at this compromise version. In each instance, our managers strove to obtain the House provisions and only compromised as a last resort. The members of the conference committee were the gentleman from South Carolina (Mr. DORN), the gentleman from Florida (Mr. HALEY), the gentleman from Nevada (Mr. BARING), the gentleman from California (Mr. BROWN), the gentleman from California (Mr. CHARLES TEAGUE), the gentleman from Ohio (Mr. AYRES), the gentleman from Indiana (Mr. ADAIR), and the gentleman from Pennsylvania (Mr. SAYLOR). My thanks and appreciation go to each one of them.

I have heard it said, Mr. Speaker, that in the Legislative Counsels' Offices in the two Houses of Congress there is the greatest concentration of legal talent on technical subjects of any place in the United States. I can readily believe this to be true, which leads me to a word of thanks to Roger Young, of the House Legislative Counsel's Office, and his counterpart in the Senate, Hugh Evans. These

individuals performed in their usual quiet and efficient manner which does great credit to their offices and to the Congress.

I would be derelict if I did not express my thanks, too, to individuals in the Veterans' Administration who have worked so diligently and so closely on this legislation. I refer to Mr. A. T. Brouaugh, Assistant General Counsel of the Veterans' Administration, and his associates, Mr. Charles Johnston and Robert Dysland, and Mr. Louis A. Townsend of the Compensation and Pension Service. The latter individual has been particularly helpful in the estimates field.

I would also like to express appreciation for the cooperation extended by Senator CRANSTON, chairman of the Veterans' Subcommittee, and Jonathan Steinberg, the subcommittee counsel.

The chart which appears in the conference report on pages H1895–H1897 shows the summary and legislative history of the measure.

Mr. ADAIR. Mr. Speaker, I am pleased to support the conference report on H.R. 11959, a bill to increase the monthly rates of educational assistance allowances paid to veterans, widows, and war orphans attending school or participating in other training programs under the GI bill and related legislation. Because tuition costs have increased at an even more rapid rate than the increased cost of living, the increases provided by this legislation are merited.

The conference report agreed to by both House and Senate conferees and before you today authorizes a 34.6-percent increase in the monthly allowances provided under existing law for veterans participating in education and training programs under the GI bill. The same percentage increase is provided for widows and children of men who were killed in action or died from service-connected disabilities. The wives and children of totally disabled service connected veterans will also receive this increase if they are enrolled in programs of education or training.

A disabled veteran participating in programs of education and training under the veterans' vocational rehabilitation training program will also receive a substantial increase under the terms of the bill as agreed to by the conferees.

Mr. Speaker, I am proud to have participated in the consideration of this legislation, both as a member of the House Committee on Veterans' Affairs and as a House conferee. I believe that the report before you today contains a well-deserved and justifiable increase in monthly allowances for veterans on college campuses throughout the Nation as well as the widows and orphans of their departed comrades who are also participating in these programs.

I urge that the conference report be adopted.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on H.R. 11959. This report represents an effective compromise on the differences between the House and Senate passed versions of the bill. The bill, as recommended by the conferees, authorizes a 34.6-percent increase in the monthly educational allowances for veterans participating in education or training programs under the GI bill and for widows, wives, and children attending school under the War Orphans' Educational Assistance Act. Under the proposal, a veteran without dependents attending school full time will receive $175 monthly compared with his present payment of $130 monthly. The disabled veteran attending school or training under the vocational rehabilitation program for veterans would also receive a substantial increase in monthly benefits.

Mr. Speaker, when the conferees first met to resolve differences in the House and Senate versions, there was a sizable gulf in the position of the two bodies. After much time and effort and productive negotiation, the gulf has been eliminated and the conferees have reached an accord which approaches the original House position as nearly as possible. We have eliminated the new and novel experiments which the other body had added to the bill and upon which the House committee had never held hearings. Proposals such as placing the Veterans' Administration in the employment business in competition with the Veterans' Employment Service of the Department of Labor; paying the transportation expenses for veterans seeking employment in other parts of the country and then paying the family relocation expenses if he was successful in obtaining such employment, were some of the controversial proposals that were eliminated from the bill in the true spirit of compromise by conferees from both bodies.

Mr. Speaker, I believe this compromise provides a fair and reasonable increase to those veterans and survivors of veterans who are participating in the education and training programs of the GI bill and related legislation. It reflects a high degree of fiscal responsibility and I hope it will be approved. I am pleased that the impasse which has delayed this legislation has been resolved, and I will support it.

Mr. TEAGUE of California. Mr. Speaker, it was my good fortune to be one of the House conferees in ironing out the differences in the House and Senate versions of this important piece of legislation, H.R. 11959. The conferees worked long and hard to resolve what appeared to be irreconcilable differences in the bill. I want to extend my personal congratulations to the conferees of both bodies for the diligent manner in which they applied themselves in the true spirit of compromise to the task before them.

The conference report before you today represents a compromise that reflects our fiscal responsibility to the Nation's taxpayer and at the same time provides an equitable increase in monthly benefits for the veteran participating in a program of education or training under the GI bill.

I support the conference report and urge that it be adopted.

Mr. CARTER. Mr. Speaker, with prices escalating as they are, it is very difficult for our Vietnam veterans to pay their way to colleges or technical schools.

The minimum monthly stipend of $130 is only 67 percent of what it costs to get a college education in this country. Korean veterans received $110 minimum monthly, which represented 98 percent of the prevailing cost of education.

World War II veterans' benefits paid 100 percent of educational or technical training costs.

So it seems that the amount allocated to our Vietnam veterans should be increased. It is my feeling that the men who have served in Vietnam deserve our unwavering support. It is true that they are sons of the less affluent.

I have always supported the men in Vietnam, but never the policies which put them there.

Mr. LOWENSTEIN. Mr. Speaker, men will differ on the justice and wisdom of war and of particular wars, and in this country differences on these questions have never been so pronounced as they are now. What we do not differ about, however, is the debt incurred by the Government to the men whose lives and limbs it risks in pursuit of the military and political objectives that led it to go to war.

The United States has recognized its responsibility to its military veterans since the Second Continental Congress passed the first national pension law on August 26, 1776. The history of Government policy toward veterans since the Revolution has been a gradual and proper enlargement of that responsibility. Since 1925, when the first Government-sponsored veterans hospital was established, we have accepted the obligation of providing medical care for wounded war veterans. After World War II, at the same time we began to provide financial and educational benefits for returning GI's, Congress appropriated more than a billion dollars to construct the largest public hospital system in history. By 1962, there were 120,945 beds in veterans hospitals around the country.

But since 1962, despite our deepening involvement in Vietnam, the number of beds in VA hospitals has decreased by over 7 percent, while there has been a 19-percent increase in the number of patients in them. The ratio of hospital personnel to patients in veterans hospitals is 1.5 to 1 compared to 3.5 to 1 in university hospitals. There is roughly one psychiatrist for every 250 patients in a veterans hospital, resulting, among other things, in an inordinate use of chemical tranquilizers. A UCLA psychiatrist testified before Senator CRANSTON'S Subcommittee on Veterans' Affairs that we are putting mentally disturbed veterans in "chemical cocoons" because we are not spending the money necessary to give them adequate psychiatric care.

As Chairman TEAGUE has pointed out, over $20 million in new equipment already installed in VA hospitals stands idle for lack of personnel, a state of affairs that has resulted in unnecessary deaths, according to VA hospital officials who have testified before the Cranston subcommittee. These officials have also testified that conditions in our veterans hospitals are continuing to deteriorate and may soon drop to a level that will disgrace the country and leave many helpless and disabled veterans without even minimum standards of medical attention.

Army Capt. Max Cleland, a triple amputee, told Senator CRANSTON'S subcommittee that he did not receive a wheelchair for 1 year after he returned from Vietnam without his legs and with one arm. He went without a paycheck for 2 months because of bureaucratic snarls, and received virtually no advice about his future therapeutic care.

Is it any wonder that many wounded war veterans feel that, in Captain Cleland's words:

The war may have been a cruel hoax, an American tragedy, that left a small minority of young American's holding the bag.

It is incomprehensible that the administration continues the war and discontinue funds and programs to help those who must fight it.

Because of medical advances and improvements in evacuation techniques, more wounded servicemen are surviving in Vietnam than in any other war. Technology makes it possible now to provide immediate medical aid for seriously wounded soldiers and then to fly them for special care to hospitals in Japan and even in the United States, within 16 hours, if necessary. These remarkable achievements save thousands of lives, and we are grateful for that.

But our obligation to brave men like Captain Cleland does not end with evacuation and quick medical care. It is wrong to consign men like these to veterans hospitals that are understaffed, overcrowded, and poorly equipped, or to ignore their needs if they are to find a suitable place in society when they are able to leave the hospital. As an urgent beginning, new medical facilities must be constructed and old ones modernized. They must be staffed with however many top-flight personnel are necessary to accommodate the thousands of disabled veterans who are coming back from Vietnam.

The administration has been trying to obscure the fact that it is callously and senselessly cutting back on veterans programs at precisely the time they are needed most. Last June, the President announced that "veterans benefits programs have become more than a recognition for services performed in the past. They have become an investment in the future of the veteran and his country." One could only wonder how seriously the President regarded this "investment" when he then proceeded to slash the 1970 VA budget by nearly $90 million, $78.5 million of it for hospital construction and operating expenses. Perhaps even more astonishing was the President's request that Congress restore funds for the same 4,000 new VA personnel that he had earlier cut out of President Johnson's 1970 budget—a request he followed in quick order with a decision to drop the jobs again after signing the supplemental appropriations bill for 1969.

Furthermore the administration's 1971 budget shows neither the intention nor the capacity to begin to correct the sorry conditions of the veterans hospitals, or even to boost educational benefits for returning veterans faced by skyrocketing costs. The requests in the new budget for most veterans programs will barely keep pace with inflation. For example, an additional $69 million requested for VA hospitals will largely go to defray an estimated $40 million salary hike for blue-collar workers. And cost-of-living and other salary increases, together with rises in general medical costs, will consume the balance of the $69 million.

The President's action on the GI bill provides another example of performance failing to match promises. Despite numerous official statements urging discharged servicemen to return to school, and in the face of all the documentation that is available to show that the inadequate education allowance is the major obstacle discouraging or preventing servicemen from doing so, the President has said that a 13-percent increase in GI bill benefits is all he will countenance. He has threatened to veto the $40-a-month increase we are considering here today. I cannot believe that kind of threat will dissuade us from standing firm for the kind of program that justice and commonsense so clearly demand. Both Houses of Congress recognize the legitimate needs of veterans, and have supported necessary and good programs even when this administration has opposed or refused to implement them. In fact, a very curious situation is developing in which the President spends billions to pursue the war while he grows deafer to the needs of those who are fighting it.

That is a good example of what we mean when we talk about the mixed-up priorities that threaten America's balance and achievement, and that soon may threaten her survival. We must go on with the effort to set these things right, but meanwhile there can be no excuse for penalizing our veterans, of all people. They have already given more to America than most of their fellow citizens—more, in some cases, than should have been asked. It is wrong to ask them to give more now, when so little is being asked of so many others.

I include at this point in the RECORD the text of a letter from Mr. William F. Ward, the legislative officer of the Nassau County Council of the Veterans of Foreign Wars, and I commend it for study to Members of the House:

MERRICK, N.Y.

DEAR COMRADES: Your Legislative Committee has adopted the following program geared to the times and for the ever-changing needs of our veteran, his widow and dependents. Our program this year is divided into three parts: National, State, and County and Town levels:

NATIONAL PROGRAM

H.R. 693: Provide medical benefits to veterans of the Mexican Border Campaign.

H.R. 692: Extend from the present six months to nine months the period of time that seriously disabled veterans may be cared for in a private nursing home at VA's expense.

H.R. 693: Provide that VA furnish outpatient treatment and any medical services necessary for seriously disabled veterans who are in receipt of the special housebound or aid-and-attendance allowance for service connected or non-service causes.

H.R. 693: Eliminate the so-called "pauper's oath", or statement of inability to defray hospital expenses, for a veteran 72 years of age or older to be admitted to a VA hospital.

H.R. 693: Authorize VA to furnish drugs prescribed by a physician for all disabilities, service-connected or non-service connected, for seriously disabled veterans receiving the special house-bound disability rate.

H.R. 2768: Eliminate the six months' time limitation for veterans who are furnished nursing care for service connected disabilities.

H.R. 3130: Furnish outpatient treatment for nonservice connected disababilities as well as for service connected disabilities for war veterans rated as permanently and totally disabled for service connected disabilities.

H.R. 9334: Increase the per diem rate to $7.50 where a veteran is receiving hospital care in a State home and liberalize the program generally

H.R. 11959: Amend the education provisions of the GI Bill to allow receipt of certain additional Federal educational assistance benefits for children and widows, of deceased veterans who died of service connected causes as well as children and wives of totally disabled service connected veterans.

It has come to our attention because of Personnel cutbacks, National Cemeteries, the final resting place of our comrades, are fast turning into slums for the want of possibly five or six maintenance personnel; we are told that cultivation of grave sites cannot be continued at Government expense and families of our deceased comrades must, when visiting these graves, perform menial clean-up details.

Under the existing G.I. Benefit Bills, the G.I. Home Loan program is a farce because of:

(a) Exorbitant interest rates.

(b) Continued apathy on the part of banks who enjoy tax exempt privileges in refusing and discouraging potential veteran home buyers to finance under the Veterans Administration. We find, too often, that banks push FHA mortgages and other types of conventional mortgages, thus increasing the cost to our newer veterans in closing payments, points, etc.

NEGATIVE ATTITUDE OF ADMINISTRATION

The Administration has recommended that action be deferred on the following legislation pending further study:

Increase dependency and indemnity compensation rates for service connected widows.

Provide additional monthly payments for each child for widows in receipt of DIC benefits.

Increase insurance for those serving in the Armed Forces from $10,000 to $15,000.

Provide double indemnity coverage for Armed Forces personnel assigned to duty in a combat zone or for extrahazardous duty.

Provide dismemberment indemnity coverage for loss of or loss of use of limbs and eyes.

Establish a Vietnam era Veterans Life Insurance Program for a permanent plan of insurance for those discharged from the Armed Forces.

Increase education and training allowance for all VA educational programs by a sufficient amount to offset the cost of living and cost of education since the latest increase in education training benefits.

STATE PROGRAM

1. Resolve that rumors emanating from study groups of the New York Legislature, have suggested the possible curtailing of N.Y. State Veterans Tax Exempt Benefits.

The Veterans of Foreign Wars, Nassau County, unanimously support opposition to any proposal that would deny veterans currently receiving monetary benefits based on service. The VFW further recommends that the current formulas be liberalized to include veterans of Viet Nam era and the later part of the Korean War Police Action. In the latter two categories, *no* muster out payments, insurance dividends and other monetary benefits were, and are available.

2. To amend the State Constitution so

as to provide the payment of a Korean and Viet Nam Bonus, similar to that paid to veterans of WW II.

3. To seek the establishment of a JOINT LEGISLATIVE COMMITTEE ON VETERANS AFFAIRS

4. With the establishment of the Oxford Home as the N.Y.S. Veterans Home, the current capacity of 80 beds be increased to a minimum of not less than 160.

5. Throughout the State of New York work load and rendered services to veterans, their survivors and dependents, have been increasing. The work efforts of the County Regional offices reduces much of the work load of the two existing V.A. regional offices. The service agencies, mandated by State Law, still receives minimal state subsidies established in 1946. Because it is apparent that State subsidies formulas have increased, the Welfare Department, hospitals, parks, roads, etc., we believe that, the formulas increasing state aid by amending Article 17, Section 359 of the Executive Law by substituting $10,000 for $5,000; to substitute $5,000 for the present $2,500 and to substitute 75% for the State's reimbursement share which is now 50%.

6. Under the guise of "Academic Freedom" we seem to be financing our own destruction. We seek to absolutely prohibit the utilization of any and all buildings, schools, colleges, or other facilities that receive subsidy in whole, or in part from the State of New York, by individual or organization who is known to advocate the overthrow of our government, or wilfully encourages acts akin to treason.

7. We urge the withdrawal of any and all forms of State Assistance granted to students who knowingly direct, lead or are involved in any manner in acts of violence against the administration or plant facility of public or private institutions of higher learning.

LOCAL LEVEL—COUNTY, TOWN

1. Resolve that rumors emanating from study groups of the New York Legislature, have suggested the possible curtailing of N.Y. State Veterans Tax Exempt Benefits.

The Veterans of Foreign Wars, Nassau County, unanimously support opposition of any proposal that would deny veterans currently receiving monetary benefits based on war service. The VFW further recommends that the current formulas be liberalized to include veterans of the Viet Nam era and the later part of the Korean War Police Action. In the latter two categories, no muster out payments, insurance dividends and other monetary benefits were, and are available. We urge our local officials to support our State representatives on this matter.

2. VFW (Nassau County) supports limited middle income housing program, financed through Federal Urban Renewal Program and that veterans and returning Viet Nam Veterans be given priority.

3. That the existing townships within the County of Nassau take immediate steps to increase partial subsidies paid to veterans organizations for the observance of Memorial Day; that the subsidies should conform to the authorized allowances paid to veterans groups in the Incorporated Villages.

Respectfully submitted.

WILLIAM F. WARD,
Legislative Officer.

Mr. TEAGUE of Texas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks and include extraneous matter on the conference report just agreed to.

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

There was no objection.

FEDERAL COURTS AND JUDGES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 880 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 880

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommenced by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 880 provides an open rule with 2 hours of general debate for consideration of S. 952 to provide for the appointment of additional district judges, and for other purposes. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of S. 952, as amended by the House Committee on the Judiciary, is to provide for the creation of additional district judgeships throughout the United States and to make amendments to the Judicial Code to enable the Federal courts to handle their business more efficiently and expeditiously.

The bill embodies recommendations of the Judicial Conference of the United States in September 1968 and reiterated in March and September 1969.

Fifty-four new permanent judgeships and three temporary judgeships would be created and four existing temporary judgeships would be made permanent.

The cost of establishing a new district judgeship, excluding the cost for space, furniture and furnishings is $112,000 the initial years, with an annual recurring cost of $102,000. GSA budgets approximately $14,000 to each district judge for furniture and furnishings. The Department of Justice estimates that the annual cost for additional U.S. attorneys and marshals for each new judge is approximately $117,000. This includes the ensuing clerical support, equipment, telephone, and supplies.

Thus, the approximate cost for 54 new permanent positions and three temporary judgeships would be $13,851,000 the first year and $13,281,000 in subsequent years.

The bill authorizes the court of claims to contract for the reporting of proceedings; it authorizes the holding of court in several additional locations; it redefines the western district of Tennessee and the eastern district of Texas.

Mr. Speaker, I urge the adoption of House Resolution 880 in order that S. 952 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from New York (Mr. DELANEY) House Resolution 880 does provide for 2 hours of general debate with an open rule for the consideration of S. 952, to provide for the appointment of additional district judges, and for other purposes. It makes it in order to consider the amendment in the nature of a substitute recommended by the committee as an original bill for the purpose of amendment under the 5-minute rule.

Mr. Speaker, the purpose of the bills is to provide for additional Federal district judges throughout the United States.

In 1968, after an extensive study of the caseload situation in our Federal district courts, the Judicial Conference recommended the creation of 62 judges throughout the United States.

The bill as reported authorizes the creation of 57 new permanent judgeships at the district court level. The original Senate-passed bill created 70 new judgeships; 13 were deleted by the Judiciary Committee after a study of the statistical information concerning caseload problems in each individual area. Of the 13 deleted, six had not been approved or recommended by the Judicial Conference and do not appear to be justified. Another five were deleted in districts where the bill still proposes that one or more new judgeships be created. The bill creates one new judgeship in the Virgin Islands district.

In addition to the Judicial Conference, the bill is supported by the American Bar Association and the Justice Department.

The bill contains other provisions. It authorizes Federal district courts to sit in six new locations throughout the country and redefines the boundary lines between the eastern and western divisions of the western district of the State of Tennessee and the Marshall and Tyler divisions of the eastern district of Texas.

The bill is a committee substitute.

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

Mr. DELANEY. Mr. Speaker, I yield 10 minutes to the chairman of the Committee on Rules, the distinguished

gentleman from Mississippi (Mr. COLMER).

(By unanimous consent, Mr. COLMER was allowed to speak out of order.)

ALL STATES SHOULD BE TREATED EQUAL UNDER THE LAW

Mr. COLMER. Mr. Speaker, I dislike very much to address the House upon the matter that I feel compelled to so do on this occasion. But I think it is very timely that I should call attention to this important matter, and I am sure there are many others who feel as I do about the necessity for all peoples and all States of this Union being treated equal under the law. And in this connection I would particularly like the attention of the conferees who are to be appointed on the voting rights extension bill as well as the conferees on the elementary and secondary education bill. These are very important matters and also very controversial bills. I want to emphasize again not only the desirability but the necessity for all of our people to be treated equally and fairly regardless of geographical residence. Remembering what happened to the so-called Whitten and Jonas amendments which were endorsed by this House on freedom-of-choice and busing in our schools, I am, I must confess, apprehensive about what will happen to the Stennis amendment adopted in the other body and the President's version of the voting rights bill as passed by this House.

Mr. Speaker, I am a southerner. I am a Democrat. Above all of that, Mr. Speaker, I am an American. I pride myself that I am a southerner and make no apologies for it. I want to be a part of this Congress. But above that I want to see my section of the country, which has contributed so much to the foundation and the preservation of those ideals of this young Republic, be recognized as equal States of the Union and not be treated as provinces or colonies.

Now, Mr. Speaker, I want to talk particularly and briefly about two bills, now in conference, of a punitive nature against my section of our great common country.

First, I want to touch briefly upon the bill sponsored by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and the President of these United States, the voting rights bill.

Mr. Speaker, there is a basic principle of law that all laws should be applicable to all of the people of these United States and to all 50 States of the Union; and all should be treated equally under the law. But in 1965 those who claimed to be great liberals, great friends of the minority races of this country, went back into the dark days of reconstruction following that unfortunate, fratricidal strife for precedents enacted the 1965 Voting Rights Act which was triggered by a device or gimmick that would make that law applicable to only seven States which happen to be a part of the original Confederacy.

Mr. Speaker, that 1965 act violates all the principles of law, equity and fairness. The President of the United States, Mr. Nixon, recognized this and sent a message to the Congress asking that the law be revised and made applicable to the 50 States of the Union, all of them—and not merely to seven. The distinguished minority leader, Mr. GERALD R. FORD, introduced the bill embodying the President's recommendations.

This House in its wisdom saw fit to follow the President's recommendation and passed the Ford bill, recognizing the justice of the principles that I have enunciated here by making it applicable to all States.

When it got over to the other body—which was set up as a conservative body originally, by the Founding Fathers, but which has now become of course the more liberal of the two bodies—they emasculated the Nixon-Ford bill and brought in their own version with a minor provision part of the House bill extending the abolition of literacy to all of the States but continuing all other provisions of the punitive measures against these Southern States.

I talked to at least 100 Members of this body privately, and I have not found the first one to disagree with the principle that all provisions should be applicable to all of the States if such a law is enacted.

It is going to be interesting to see how they vote on the conference report.

Now, concurrently with this, the House passed the elementary and secondary education bill. It went over to the other body and the other body enacted its version of that bill. During the debate over there the very able and distinguished and outstanding Senator from my State, the Honorable JOHN STENNIS, offered an amendment to that bill which was adopted. I would like to take the time to read it, because it is very brief. All it says is this—and follow me, now:

> It is the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applicable uniformly in all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any States without regard to the origin and the cause of such segregation.

As a matter of fact—and maybe my colleague, the author of this amendment, would not agree and would not appreciate my saying so—it has no power of enforcement, it has no teeth in it, it is simply a declaration of policy on the uniformity of administering the act, as I have tried to say about the other law, the voting rights law.

Now, I do not know what the conferees are going to do with that declaration. I do not know whether they are going to turn it down, even though the other and, as I said, more liberal body—and that is my opinion—approved the amendment.

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

Mr. DELANEY. Mr. Speaker, I yield 5 additional minutes to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I appreciate the gentleman from New York yielding me the additional 5 minutes.

But I say to you that regardless of whether it has teeth in it or not, it provides a policy of equity in the enforcement of the law.

Who is there sitting here now who would deny the fairness of that declaration—and that is what it is. Why should not the law apply to all the States of the Union? Oh, yes—there are those who say that the leadership of the minority groups do not want this. Well, I would like to say to the leadership of the minority groups that they are doing a disservice to their people by opposing this uniformity and fairness. Why should not a black man have the same protection under the law in the so-called North as he should in the South? Well, the argument is that they do not need it as badly up there—although the statistics do not bear that out. Well, whether they need it or not, why deny them that protection of the law. They want to be equal—I am sure they do. So, I say, it is a disservice.

Now I want to say something further in this instance and I am absolutely convinced from my knowledge of the thinking of the American people that they are way ahead of the politicians in this field. The great majority of the people of America, both black and white, are fair-minded. But they are misled in many instances by their own leadership and by the politicians.

Mr. Speaker, the other body put another little provision in the Voting Rights Act also as a kind of a palliative in which they said that in the North, they would use the 1968 election statistics as the triggering device—at the same time denying the right of the so-called Southern States to the 1968 figures in the 1968 election.

As was brought out here and as was brought out over in the other body, if the triggering device of the 1968 election were used, there would be practically no States in the South involved.

So, if in the 1965 act the purpose was to bring these seven States into line, and now that six of the Southern States have come into line with their theories, why should not they be brought under the 1968 provision like the other States? Is that not fair? Again we come back to the ugly word—discrimination—discrimination again, on a sectional basis.

Mr. Speaker, my people are a proud people. My people are a patriotic people. My people are a fair people. Again, I repeat, no section of the country has contributed more to the foundation and the preservation of the principles upon which this young Republic was founded. All I am asking here today—expressing the pious hope maybe it will be—is that these seven Southern States be taken back into the Union and given the same treatment at the hands of the Congress of the United States that all other sections of the country receive.

Mr. Speaker, I use this occasion, first, because it is an opportunity to get the time; second, I thought it was appropriate to make this statement on this occasion because the bill under consideration provides for 54 new judges, and

we are now going to get them. They would not be necessary if some of these laws had not been enacted; for example, if the courts had not taken the running of the schools upon themselves.

So what we are going to have, in effect, if I may say so, are 54 more school administrators.

AMENDMENT OFFERED BY MR. DELANEY

Mr. DELANEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELANEY: On page 1, line 12, strike out "recommenced" and insert "recommended".

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. DELANEY. Mr. Speaker, I have no further requests for time. I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 952, with Mr. OLSEN in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 1 hour and the gentleman from Ohio (Mr. MCCULLOCH) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, S. 952 embodies recommendations made by the Judicial Conference of the United States at its meeting September 20, 1968, pursuant to a quadrennial systematic review of the needs of the U.S. district courts. In preparing its recommendations, two committees of the Judicial Conference, the Committee on Judicial Statistics and the Committee on Court Administration, studied the nature and extent of case accumulation, the rate of attrition in case backlog, the trends in case filings, as well as a comparative weighted caseload per judgeship. In many districts, the statistics document delay and congestion. There has been a qualitative as well as a quantitative change in the business of many district courts. Not only is there a greater flow of litigation, but there has also been an increase in the number of cases raising complex issues which place heavier demands on the time of each trial judge. For example, motions and hearings have proliferated. As of June 30, 1969, approximately 5,000 criminal cases, excluding cases of fugitive defendants, had been pending longer than 6 months in the district courts. The median time interval from issue to trial of civil cases rose from 12 to 13 months in 1969. Delay has been particularly acute in several metropolitan district courts. For example, it rose to 41 months in the eastern district of Pennsylvania, 27 months in the eastern district of Michigan, and 23 months in the northern district of California. S. 952, as amended, would provide additional permanent judgeships in each of these districts.

S. 952, AS AMENDED, PROVIDES FOR ADDITIONAL JUDGESHIPS IN THE DISTRICT COURTS AS FOLLOWS

Circuit and district	Additional district judgeships	New total permanent authorized judgeships
1st circuit: Puerto Rico	1	3
2d circuit:		
New York eastern	1	9
New York southern	3	27
3d circuit:		
New Jersey	[1] 1	9
Pennsylvania eastern	[2] 6	19
Pennsylvania western	2	10
Pennsylvania middle	([3])	----------
Virgin Islands	[4] 1	2
4th circuit:		
Maryland	1	6
North Carolina, eastern	([3])	----------
South Carolina	1	5
Virginia, eastern	1	6
5th circuit:		
Alabama, northern	1	4
Alabama, middle	1	2
Alabama, southern	([5])	2
Florida, southern	2	7
Georgia, northern	3	6
Georgia, southern	1	2
Louisiana eastern	2	10
Louisiana western	1	4
Texas, northern	1	6
Texas, eastern	1	3
Texas, southern	1	8
Texas, western	1	5
6th circuit:		
Kentucky, eastern	1	2
Kentucky, western	1	3
Michigan, eastern	2	10
Ohio, northern	1	8
Ohio, southern	1	5
Tennessee, western	1	3
7th circuit:		
Illinois, northern	2	13
Wisconsin, eastern	([6])	3
8th circuit: Missouri, Eastern	1	3
9th circuit:		
Arizona	1	5
California, northern	2	11
California, central	3	16
California, southern	3	5
10th circuit:		
Colorado	1	4
New Mexico	1	3
Kansas	([4])	4
Permanent new judgeships		54
Temporary judgeships		3
Existing temporary judgeships to be made permanent		4

[1] 1 temporary judgeship also authorized.
[2] 2 temporary judgeships to be made permanent.
[3] 1 temporary judgeship authorized.
[4] 8-year term.
[5] The roving judgeship for Alabama, middle and southern, to be made a judgeship for the southern district only.
[6] 1 temporary judgeship to be made permanent.

We dare not, we cannot be deaf to the voices of justice. That voice demands more judges—more judges properly to man our courts and relieve our crowded dockets. It has been said, and I have repeated it on a number of occasions, that justice is the bread of the Nation because all people hunger for it. Do not therefore, withhold the bread of justice from the people by failure to create the necessary judgeships. A nation with insufficient judges is as helpless as a turtle on its back. Where there is a decided paucity of judges, justice is delayed and thus denied, and any boast of justice is hollow—hollow as a base drum. Jefferson said:

The most sacred of the duties of a government is to do equal and impartial justice to all its citizens.

This Nation shirks its duty when it fails to supply the means of dispensing equal and impartial justice.

We have the courts; there are just too few judges. Let us grace these courts; otherwise, we have but a scabbard without a sword.

Furthermore, crime is rampant, all sorts of crime, and criminal cases have outstripped the judicial personnel. Criminal dockets have grown far beyond the capacity and control of the present members of the courts. Thus punishment and deterrence of crime is not swift and decisive. Society suffers. The devil, very likely, laughs at our mischief, the mischief that we have created ourselves. More judges should help, indeed, in the drive against crime.

In 1961, we created 63 new judges; in 1966, we created 33 new judges—a total of 99 in those years. We now create 57 more judges in this year, 1970, making a total of new judges since 1963 of 153 new judges if this bill passes.

These additional judges are necessary to keep pace with the almost geometric acceleration of Federal, civil, and criminal cases. We pass an avalanche of bills. They set up wave upon wave of cases that inundate the courts, cases concerning the draft, civil rights, immigration, housing, labor, education, transportation, narcotics, auto thefts, and antitrust cases, criminal suits, plus prisoners' petitions.

The burst of population exacerbates the difficulties. The issues often are complex and are bedeviled with depositions, motions, cross-motions, pretrail hearings, appeals, and cross-appeals.

The committee amendment deletes authorization for 13 judgeships from the 67 new permanent positions authorized in the Senate bill. As amended, S. 952 would create 54 permanent additional district judgeships in 38 judicial districts throughout the United States. In addition, the bill would make the existing district judgeship for the middle and southern districts of Alabama a district judgeship for the southern district only. It would make permanent the existing temporary judgeships for the district of Kansas, one; the eastern district of Pennsylvania, two; and the eastern district of Wisconsin, one. The bill also creates one temporary judgeship for the district of New Jersey; one temporary judgeship for the middle district of Pennsylvania, and one temporary judgeship for the eastern district of North Carolina.

Other major changes made by the committee amendment can be summarized as follows:

First. The committee amendment deletes provisions authorizing the use of electronic sound recordings in the absence of a court reporter in the district courts.

Second. The committee amendment deletes provisions establishing the office of court executive at the circuit court level and in certain multijudge district courts. It also strikes a provision conferring subpena power on the judicial councils.

I should add that the committee's deletion of provisions creating court administrators or so-called executors in the circuit courts and in certain district courts does not reflect an insensitivity to the proposition that the Federal courts need or would profit from improved management techniques. Rather, the committee was persuaded that this omnibus judgeship bill, providing a substantial increase in the number of Federal judges, should not be permitted to become a vehicle for matters extraneous to its general purpose.

And data concerning the duties and functions and the nature of appointment of these "executives" were made manifest to enable the Judiciary Committee to formulate adequate judgment. Hence it was determined to consider the setting up of this new position as executive in separate legislation.

Third. The committee amendment authorizes the holding of Federal court at the following additional locations: Allentown, Pa., section 6; Coquille, Oreg., section 7; Rockville, Ill., section 8; Richmond, Ind., section 9; Fort Lauderdale, Fla., section 10; and Traverse City, Mich., section 11.

The committee amendment also redefines the eastern and western divisions of the western district of Tennessee, section 12, and the Marshall and Tyler divisions of the Eastern District of Texas, section 13.

Fourth. The committee amendment exempts the court reporter contracting authority section 13(b) from the general requirement of advertising for bids which is applicable to Government contracts. It also permits the U.S. court of claims to contract for its court reporter services.

Fifth. Finally, the committee amendment makes a technical amendment to the Revised Organic Act of the Virgin Islands to implement the provisions of the bill creating one additional judgeship for the district court of the Virgin Islands.

COST

The Administrative Office of the U.S. Courts advised the committee that the cost to the judiciary of establishing a new district judgeship, exclusive of the cost for providing space, furniture and furnishings, is $112,000 in the initial year, with an annual recurring cost of $102,000. The General Services Administration budgets approximately $14,000 to each district judge for furniture and furnishings. The Department of Justice estimates that the yearly cost to it for additional U.S. attorneys and marshals, clerical support, equipment, telephone, and supplies is approximately $117,000 for each new district judge.

Based on this data, the approximate cost for 54 new permanent positions and three temporary Federal court judgeships created by the bill, as amended, would be $13,851,000 for the first year and $13,281,000 in subsequent years.

Mr. Chairman, S. 952 provides a sizable increase in the number of U.S. district judgeships—54 permanent and three temporary positions. The committee believes that this increase should be adequate to assure reasonably prompt consideration of all cases filed in the district courts and enable steady progress toward reducing existing backlogs. In its evaluation of each new judgeship proposed, the committee considered the impact of the Federal Magistrates Act, Public Law 90–575, and the Federal Judicial Center Act, Public Law 90–219, in providing additional specialized manpower and expanded technical resources to assist the Federal courts to cope with the burgeoning caseload. In addition, the committee considered the individual calendar assignment system recently inaugurated in several metropolitan Federal courts. This method, the committee believes, promises to prove effective in substantially reducing the heavy caseload of protracted and complex legislation.

In summary, Mr. Chairman, the committee believes that S. 952, as amended, provides essential increases in the number of trial judges in the Federal courts to deal adequately and effectively with the growing and complex caseload.

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

Mr. Chairman, I am happy to join the chairman of the Judiciary Committee, the gentleman from New York, in support of S. 952, the omnibus district judgeship bill.

The bill received full and careful consideration in 5 days of public hearings before Subcommittee No. 5. At the hearings, the subcommittee heard testimony and received, for the record, statements and communications from approximately 60 interested parties, including Members of the House, representatives of the Judicial Conference, the Department of Justice, and the American Bar Association.

All agree that we must promptly meet the pressing needs of justice or the Federal judiciary will not long be one of the three coordinate branches of our Government. Our Federal district courts are the workhouses of justice and additional, qualified, dedicated judgepower is the most important ingredient to effectively establish and uphold justice in our country.

To be sure, the creation of additional judgeships alone will not solve the problems. However, these problems cannot begin to be solved unless our Federal courts have adequate judgepower to assure prompt, careful, and judicious consideration of all cases in such courts.

Prof. James William Moore, a noted American scholar and author of "Moore's Federal Practice" and "Moore's Commentary on the U.S. Judicial Code," wrote:

> As to judicial personnel, I venture to suggest that the number of Federal judges should be promptly increased whenever and wherever warranted. I respectfully submit . . . that the judicial plant must be enlarged to keep pace with an expanding nation; . . . .

Our Nation is expanding. The gross national product in 1954 when Congress created 30 new permanent judgeships was $364 billion. The gross national product in 1960, when Congress created 61 new judgeships had advanced to $503 billion. The gross national product in 1966, when Congress created 30 new permanent judgeships was approaching the $700 billion mark. Since 1966, we have developed in this country a gross national product that is now in excess of $900 billion; which is nearly triple that of 1954. We have large and ever larger growing corporations and Federal criminal offenses are increasing at an alarming rate. These are all sources of increasing litigation now and in the future.

Since the last increase in the number of Federal judges in 1966, Congress has passed 1,659 public laws. These laws give rise to new rights, involve new obligations, all of which create more diversities and differences of opinion and generate more controversy and create more litigation. These laws run the gamut. We have passed the Civil Rights Acts. Those acts have generated all kinds of controversies, both civil and criminal. We have passed antitrust laws, gun control legislation, laws affecting criminal procedure, organized crime, admiralty, patents, trademarks, immigration, foreign trade and shipping, oil, gas pipelines, radio, television, space, treaties and State compacts. There is the explosion of population, the shifting of population. All of these factors give rise to more and more litigation and, consequently, the need for more and more judges.

In fiscal year 1969, 110,778 civil and criminal cases were commenced in the district courts, an increase of 8.4 percent over the previous year. The number of civil and criminal cases pending in our Federal district courts in fiscal 1969 rose to 104,091, the highest pending case figure on record. The median time interval from issue to trial for civil cases was 13 months, an increase of one month over 1968. For non-jury trials the interval was 11 months, an increase of 1 month, and for jury trials it remained 15 months. The national weighted caseload per judgeship for fiscal 1969 was 289 compared to 265 for fiscal 1968.

S. 952 embodies, for the most part, the recommendations of the Judicial Conference of the United States. At its session in September 1968 and March 1969, the Conference recommended 61 permanent district judgeships and one temporary district judgeship. The Senate-passed bill, S. 952, provided for 67 permanent district judgeships and three temporary district judgeships. The House Judiciary Committee's version of S. 952 provides for 54 permanent district judgeships and three temporary district judgeships. The House Judiciary Committee deleted seven judgeships recommended by the Judicial Conference and the six additional judgeships recommended by the Senate for a total deletion of 13. I opposed the deletion in subcommittee and in the full committee of any judgeships recommended by the Judicial Conference.

The basis for the recommendation of the Conference was a systematic and comprehensive statistical study and review of the judicial business of the district courts undertaken by two Confer-

ence committees with the assistance of the Administrative Office of the U.S. Courts. The study was made in light of the policy adopted by the Conference in 1964 of making a quadrennial survey of the need for additional district and circuit judgeships. Under this policy, the committees of the Conference survey the needs of the district and circuit courts separately, and present requests for new district and circuit judgeships separately. It should be noted, however, that this request is not only to meet the pressing current needs but also the anticipated needs of the next 4 years ending at the end of 1972.

Before this new policy was adopted by the Conference, it made annual recommendations and numerous bills piled up until the committee was ready to act. Now the Judicial Conference makes the study every 4 years and in the interim, considers requests for recommending additional judgeships only on an emergency basis. Since 1966, the Conference, although reviewing numerous requests found none of the situations so critical as to require such emergency action. All requests were, therefore, deferred for considerations until 1968.

For these reasons, among others, I support the Judicial Conference's recommendations. These recommendations were arrived at after long and careful study and for the first time contain an element of projected need. No modern business would think of ignoring future needs. The impartially marshaled facts show that all these judgeships are clearly required, if the Federal courts are to do their work efficiently and with dispatch, and if the quality of process is to continue to be the hallmark of the Federal judicial system. I believe that the recommendations of the Judicial Conference is the best considered and certainly the least political. The need for all of the additional judges, as recommended by the Judicial Conference, was emphasized by Deputy Attorney General Kleindienst in these words:

> On the civil side, parties to litigation have become increasingly frustrated over their inability to secure prompt judicial determination of their rights and liabilities. On the crininal side, delays occurring between indictment and trial have had several undesirable effects: innocent persons must wait many painful months to clear their names; the general public is subjected to the risk of repeated criminal offenses committed by guilty persons free while awaiting adjudication of their cases.

In my opinion, a partial solution to the problem of persons out on bail committing additional crimes would be an adequately staffed judiciary. This would quicken the pace of justice without impairing the quality of judicial output.

In making its recommendation for judgeships to the Congress in September, the Judicial Conference projected its need through 1972. Eighteen months have elapsed since their request was made. Final enactment of this legislation still lies in the future.

There will also be some time expended in the filling of these judgeships. The failure to fill with reasonable promptness the new judgeships which Congress has created, or to fill vacancies that have existed by reason of retirement or death of judges, has long been of serious concern to all of us. In hearings before the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, Judge Biggs testified that from July 1, 1958, to March 31, 1969, the delays in filling vacancies in U.S. district courts, the trial courts of this country, if you please, exceeded 143 judge-years. The record shows that it takes from 6 to 18 months to nominate and have confirmed a judge for the Federal trial court. I am of the opinion that such delay in many cases is inexcusable. I said as much in committee at hearings on S. 952 and that a much shorter time is expected to be used in the future, if we are to have swift justice. I must caution that such a delay in filling these judgeships will effectively thwart the intent and purpose of this legislation.

Finally, Mr. Chairman, I must strenuously urge that appointments to the Federal judiciary be removed from the category of pure party politics.

I recognize that, in the past, many able Presidents of both parties have been extremely partisan in their appointments. Those of you who have been here for any length of time will recall when President Eisenhower asked, in 1959, the Congress for 35 additional judges he stated his intention to fill them in a bipartisan manner. It is to his credit that the late President Kennedy made at least a small start in this direction: 11 out of the 91 district judges he appointed were Republicans.

However, on the other hand, President Johnson appointed to lifetime judgeships 111 Democrats and six Republicans. In 1969, President Nixon appointed 15 Republicans and one Democrat as Federal judges. As I have said over and over, an appointment to the Federal bench should be recognition of merit and achievement, of legal scholarship, ability and excellence, not merely reward for the party faithful.

I earnestly urge President Nixon, as I did former Presidents Eisenhower, Kennedy, and Johnson, to take the opportunity afforded by the passage of S. 952 to make a real effort to advance the ideal of a balanced, truly nonpolitical judiciary. Thus the image of the Federal courts and the public confidence in them will be accordingy brightened and the preamble to our Constitution will again be as meaningful as in the early days of our great country.

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

Mr. McCULLOCH. I yield for one question to the gentleman from Iowa.

Mr. GROSS. Only one question?

Mr. McCULLOCH. I yield for one question to the gentleman from Iowa. We have only 1 hour on our side.

Mr. GROSS. Mr. Chairman, I will get my time later if I have to move to strike the enacting clause in order to ask more than one question.

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

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Texas (Mr. PRICE) such time as he may consume.

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 53]

Ashley	Evans, Colo.	Murphy, Ill.
Baring	Fallon	Murphy, N.Y.
Biaggi	Fascell	Nichols
Blatnik	Fish	Ottinger
Brock	Fulton, Pa.	Reid, Ill.
Brown, Calif.	Gaydos	Reid, N.Y.
Carey	Gibbons	St. Onge
Cederberg	Goldwater	Sikes
Chamberlain	Green, Oreg.	Smith, Calif.
Clark	Gude	Steiger, Wis.
Conyers	Harsha	Stratton
Corbett	Hébert	Stubblefield
Cramer	Kirwan	Stuckey
Davis, Ga.	Kluczynski	Taft
Dawson	Long, La.	Teague, Tex.
de la Garza	McEwen	Thompson, N.J.
Diggs	Meeds	Tunney
Dingell	Meskill	Wiggins
Dwyer	Michel	Young
Erlenborn	Mills	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. OLSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, S. 952, and finding itself without a quorum, he had directed the roll to be called, when 371 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair has recognized the gentleman from Texas for such time as he may consume.

Mr. PRICE of Texas. Mr. Chairman, we are all acutely aware of the fact that crime of all types constitutes a problem of major proportions. All of us have dedicated ourselves to the task of reducing this crime and stamping out the causes of criminality insofar as is humanly possible.

One way in which crime can be reduced is through improving the effectiveness of the judicial process. There is agreement among experts and laymen alike on this point.

When S. 952 passed the Senate it contained two judgeships for the northern district of Texas, both of which were recommended by the Judicial Conference of the United States.

In the opinion of the individuals charged with administering justice in the northern district of Texas, their task would be facilitated by the establishment of two additional judgeships. They are closest to the problem of the northern district and they are more informed on our needs than anyone in Congress and anyone on the House Judiciary Committee.

In my judgment, their considered views should be controlling on this issue; I urge my colleagues to comply with their request in conference to create two, rather than one, additional judgeships for the northern district of Texas.

In my judgment there are some very compelling reasons why the increase should be granted. Some of the most notable reasons are:

The northern district of Texas en-

compasses an area of 95,000 square miles—three times the size of the State of Indiana—and includes 100 counties. Its seven divisions in which court is held—Dallas, Fort Worth, Amarillo, Lubbock, Wichita Falls, Abilene, and San Angelo—are situated hundreds of miles apart.

Population of the district is now approximately 5,000,000, increasing approximately 60,000 a year. The Dallas metropolitan area alone has a population of approximately 1,480,000. The Fort Worth metropolitan area alone has a population of approximately 668,000.

The district has only five judgeships. The last two were created in 1960. Since that time, the 1966 amendment to 28 U.S.C. 2241 gave this district jurisdiction of writs of habeas corpus by State prisoners. This district ranks among the top in the Nation in number of prisoner petitions handled; 163 such cases were docketed during the past fiscal year, and a unique system has been used in this district which enabled the judges to handle approximately 600 additional cases without a formal docketing of each case and without a judicial statistical record. Of all State prisoners incarcerated in Texas in 1968, 40.3 percent were convicted in the northern district of Texas, 28.7 percent in the southern district, 21 percent in the western district, and 10 percent in the eastern district.

Since 1960, when the last judgeships for the district were created, the civil caseload has increased from 739 to 1,261, aside from the nondocketed prisoner petitions.

The bankruptcy caseload has increased from 212 to 583. Criminal cases have increased from 396 to 553.

Since our latest judicial appointee, Judge Halbert O. Woodward, succeeded the late Judge Joe B. Dooley, on June 28, 1968, there has been a marked increase in the judicial activity in the Amarillo and Lubbock divisions. Prior to his appointment, there was a lengthy period when, due to Judge Dooley's illness and death, we had no resident judge in those divisions.

From the rapid increase in population, business, industry, and so forth, the chief justice's statement that litigation in Federal court has become much more sophisticated is especially applicable in this district, which is a business, finance, insurance, and industrial complex, and which is a leading oil and gas, farming and ranching area, having the largest airport in the world now under construction, the Dallas-Fort Worth International Airport, to provide air transportation for 16,000,000 people annually by 1975.

As examples, as of October 1969 there were pending in the district 39 antitrust cases, 440 civil cases involving multiple parties, 91 cases for injunctive relief, 45 patent, trademark, and copyright cases, 30 common disaster cases, 10 stockholders suits, 25 products liability cases, 21 class actions, 57 criminal multiple-party cases, 84 complicated multiple-issue mail fraud, conspiracy, fraudulent claims and racketeering cases.

Indexed crimes in the city of Dallas alone reported for the month of September 1969, "show a 70-percent jump" over the same month in 1968.

It is submitted that there is no district in the United States of comparable judicial responsibility with as few judges as the northern district of Texas will have even with the two additional judgeships provided for in the omnibus bill. The five judges we have simply cannot carry this burden.

If we are to achieve the just, speedy and inexpensive determination of cases coming before our judges, two additional judgeships must be created for the northern district of Texas immediately.

This increase has been requested by those closest to the problems of administering justice in the northern district, the district judges themselves. Chief District Judge Joe E. Estes, and District Judges Sarah T. Hughes, Leo Brewster, William M. Taylor, Jr., and Halbert O. Woodward, have all joined in petitioning Congress for judicial assistance. I believe the cause of justice demands we respond to this petition.

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

Mr. PRICE of Texas. I yield to the gentleman from Texas.

Mr. PURCELL. Mr. Chairman, I compliment the gentleman from Texas (Mr. PRICE) on the statement he is making and associate myself with the remarks he is making.

I will not take all the time I would like, but I do wish to point out especially in regard to the increased crime rate that we find it difficult to handle the cases expeditiously, and that only with the additional judgeships mentioned by the gentleman from Texas will we have adequate judgeships with which we hope to curtail this alarming increase in the rate of crime.

Again I compliment the gentleman for the study he has given this and for the very meaningful statement he has made.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I would first point out in response to my colleague from Texas I have received the same suggestion from the distinguished chief judge of the northern district of Texas, the Honorable Joe Ewing Estes. I wrote him as follows on March 10, 1970:

DEAR JUDGE ESTES: I have your recent letter urging support for the creation of two additional permanent judgeships in the Northern District of Texas.

As you know, I serve as a member of Subcommittee No. 5 of the House Committee on the Judiciary which held hearings on October 29, 30; November 5, 12, 25, 1969, on S. 952, the Omnibus Judgeship Bill, and numerous other bills relating to the organization and administration of the Federal courts. Members of this Subcommittee, as well as the full Commitee on the Judiciary, painstakingly reviewed each and every new judgeship proposed in the Senate bill. In the case of the Northern District of Texas, the Subcommittee and the full Committee determined that on the basis of the judicial business of the Northern District of Texas only one additional permanent position was warranted.

Among other factors, the Committee examined the comparative weighted caseload per judgeship of those districts in which S. 952 proposed to add more than one judgeship. This table, which is set forth at page 411 of the hearings, indicated that two additional judgeships in the Northern District of Texas would reduce the weighted caseload to 240 as compared to a national average of 289 for 1969; whereas, one additional judgeship would reduce the weighted caseload to 280.

Perhaps more significantly, however, statistical data submitted to the Committee by the Administrative Office of the United States Courts show that the total number of criminal cases commenced in fiscal 1969 decreased to 552 from 603 the preceding year. Similarly, the number of criminal cases pending was down to 239 from a previous high of 302 in fiscal year 1968. The data also indicate that the median time interval from issue to trial of civil cases was five months in the Northern District, whereas, the national median interval was thirteen months. In summary, the decrease in the number of criminal filings in 1969 as well as the reduction in the number of pending criminal cases, and the fact that only one additional judgeship would be necessary to reduce the weighted caseload per judge in the district below the national average, all combined in the Committee's view to justify the creation of one new permanent position rather than two. Similar consideration led the Committee to authorize only one new position in the Eastern District of Texas, rather than the two positions provided for in the Senate bill.

The Committee report on S. 952 was filed with the House of Representatives, Tuesday, March 10. Rather than wait for a copy to be available, I have written you today. However, I shall be sending you under separate cover a copy of the Committee report as well as a copy of the Committee's hearings.

I do appreciate receiving your views and want you to know that I gave this matter deep and careful thought before supporting amendments to the bill which would decrease the number of judgeships in Texas.

With every good wish, I am

Sincerely yours,

JACK BROOKS,
Member of Congress.

The Congress has enacted the Federal Magistrates Act—Public Law 90–578—which will provide magistrates in the northern district of Texas.

It has been recommended that the northern district of Texas receive the following number of magistrates: One full-time in Dallas, $22,500; one part-time in Fort Worth, $4,000; one part-time in Amarillo, Lubbock, Wichita Falls, San Angelo, and Abilene.

These magistrates, are going to perform many functions to assist Federal judges in the exercise of their duties. The Magistrates Act which has already been enacted, will allow U.S. magistrates to be assigned duties by the judges of the U.S. district courts in addition to those normally undertaken by U.S. commissioners today. These additional duties may include but are not limited to service as special masters, supervision of pretrial or discovery proceedings, and preliminary consideration of petitions for post conviction relief.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, in fiscal year 1969 there was a drastic increase in the number of civil and criminal cases filed in the Federal court system. In 1968, for example, there were 102,162 cases filed in Federal courts, while in

1969 the number of cases rose to 110,778. This increased caseload has overburdened the Federal courts. Additional Federal judgeships are necessary now if expeditious handling of these cases is to be achieved.

S. 952, as amended, provides for the creation of 54 permanent and three temporary judgeships. With these additional Federal judgeships, all cases filed in the district courts will be assured of consideration within a reasonable amount of time and the existing backlog will eventually be exhausted.

Enactment of this bill is important to the city of Cleveland and to the State of Ohio. The bill would increase from seven to eight the number of permanent judgeships for the U.S. District Court for the Northern District of Ohio and increase from four to five the number of judgeships for the southern district of Ohio.

In the northern district of Ohio there has been a substantial increase in both the civil and criminal court caseload. At the end of 1962, there were 1,188 civil cases pending. By the end of fiscal year 1969, this number had increased to 1,734 cases. The median time interval from issue to trial in civil cases increased from 14 months in 1962 to 20 months in 1969. The national average for 1969 was 13 months.

At the end of 1966, 195 criminal cases were pending and by 1969 this number had increased to 437.

The appointment of additional judgeships is imperative to meet the growing demands of judicial business in northern and southern Ohio as well as the Nation as a whole.

I urge favorable action on S. 952, as amended.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I regret that S. 952, as reported by the Judiciary Committee, does not include the provision that the U.S. District Court for the District of Maryland shall sit at one additional place, at a suitable site not more than 5 miles from the boundary of Montgomery and Prince Georges Counties. Last May, I testified before the Subcommittee on Improvements in Judicial Machinery regarding the pressing need for an additional location to serve rapidly growing suburban Maryland. At present, attorneys and litigants are faced with a time-consuming trip to Baltimore or with the prospect of long delays in the congested courts of the District of Columbia. I proposed that several alternative sites merited consideration.

It is my understanding that the Judicial Conference recommended against the establishment of an additional location at Hyattsville, Md., because this site received a negative report from the judicial council of the fourth circuit. The rejection of the Hyattsville site did not mean, however, that the judges of the fourth circuit denied any need for an additional facility to serve suburban Maryland. As I pointed out in my letter to the committee in January, Judge Edward Northrup, representing the judges of the U.S. District Court for the District of Maryland, testified before the Judiciary Committee of the other body that the judges favored an additional facility, but were unwilling to endorse a particular site.

The need for a court facility in suburban Maryland is undeniable, and it is most unfortunate that this fact has been ignored in the midst of apparent confusion or disagreement on a site.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this is a good bill. Our Federal courts, like all of our courts, have a backlog of work; we rightly hear today, as we have down through the years, of "the law's delay," probably the one, out of all the common layman's complaints regarding the law, which is well justified by the facts. One obvious way to meet this complaint is to provide an adequate number of judges to do the work of our courts—and that is a prime objective of this bill.

This objective ought not to be approached in any sort of a partisan manner because it is too fundamental, and the appointment of judges is something to be approached on a long-term basis. Therefore, when a nonpartisan and professional body, such as the Judicial Conference of the United States recommends the creation of a certain number of judgeships, it would seem that the Congress ought to follow that recommendation, in the absence of most persuasive evidence to the contrary.

Our committee, unfortunately, has not entirely done this. We have eliminated from the bill some 13 judgeships, seven of which were recommended by the Judicial Conference, and we have done so without any persuasive testimony being offered before our committee which would justify the action. Among the judges which were recommended by the Judicial Conference and which were so improvidently eliminated were two from my own State of Indiana.

In these courts the caseload has been gradually increasing and, for example, in the southern district of Indiana—with which I am most familiar—the number of pending civil cases has increased from 596 at the end of 1967 to 810 at the end of 1969. The number of criminal cases filed is also increasing; in 1969, 325 criminal cases were filed in the southern district, the highest number during the period 1959–69. In 1969 the weighted caseload per judge in the southern district was, as I understand it, well ahead of the national averages, both as to civil cases and as to total cases, including both civil and criminal. The situation in the northern district is generally similar. The Indiana State Bar Association and the present Federal judges in Indiana, both Democrats and Republicans, favor the two proposed additional judgeships.

For these reasons I have given serious consideration to offering a floor amendment seeking to restore the judgeships eliminated in committee, and particularly those originally provided for Indiana. An appraisal of the parliamentary situation has, however, led me to decide, on balance, not to offer such a motion. It is my desire to cooperate in the securing of the expeditious passage of what is, basically, a meritorious and an important bill. I remain of the opinion that at least the judges recommended by the Judicial Conference—and particularly those from Indiana—certainly ought, from any point of view, to be restored to the bill; and I express the strong hope that during the course of the parliamentary process, this may yet be done.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Thank you very much, Mr. Chairman, for your courtesy.

Mr. Chairman, we do need an additional Federal district judge in southern West Virginia which was included in S. 952 as passed by the U.S. Senate. It is now imperative that the U.S. Congress take necessary action to correct this inequity by establishing an additional Federal district judgeship in southern West Virginia—the need having been fully justified.

In this connection—it is my understanding that the Honorable Clement F. Haynsworth, Jr., chief judge of the fourth circuit—did not originally recommend this additional Federal district judgeship post to the Judicial Conference in 1968. However—upon subsequent investigation—the chief judge did on May 7, 1969, subsequently recommend that this additional judgeship be established in Charleston, W. Va.

At this point, Mr. Chairman, it is my pleasure to read a telegram which I received yesterday from Chief Judge Clement F. Haynsworth, Jr.

Hon. JAMES KEE,
Cannon House Office Building,
Washington, D.C.

In May 1969 I appeared before the Senate Subcommittee on Improvements in Judicial Machinery in support of an additional judge for the southern district of West Virginia to be stationed at Charleston. The need of such an additional judge is greater now than it was then. Extraordinary efforts of the present judges in West Virginia are insufficient to stem the alarming growth of backlogs. I strongly adhere to my recommendation. A more detailed letter will follow.

CLEMENT F. HAYNSWORTH, Jr.

In view of the methods under which the Judicial Conference operates, unnecessary delay until 1972 will cause a continued undue hardship on Federal courts, especially in southern West Virginia. The southern district of West Virginia has the ninth heaviest caseload in the Federal judicial system out of a total of 89 districts. Because of this fact, the chief judge of the fourth circuit, in testimony presented before the Senate Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, did substantiate that an additional judgeship was needed.

Our Federal judges in my home State have experienced a buildup in the backlog throughout the State and the worst place is in Charleston, where they have a substantial buildup in the backlog. Due to the mountainous terrain in my home State, the fact remains quite evident that our three Federal judges are extremely hard pressed in their duties of rendering sacred public service, and it is clearly demonstrated that they re-

quire an additional judge in southern West Virginia.

I urgently plead to the chairman of the Judiciary Committee for serious consideration to the current and pressing needs of the Southern District Court of West Virginia in the conference committee which will ensue.

Mr. Chairman, at this point I respectfully ask the chairman of the Committee on the Judiciary this question: In view of these additional facts and additional information, plus the letter in depth that is coming to me, I ask the gentleman if he will grant this request which I respectfully make?

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

Mr. KEE. Yes, I yield to the gentleman from New York.

Mr. CELLER. Yes, we shall do so.

Mr. KEE. I thank the chairman very much.

Mr. SLACK. Mr. Chairman, there is a most serious need for an additional West Virginia Federal judgeship and the case in support is very strong.

During the last 10 years every other State in the fourth circuit has had an increase in Federal judgeships except West Virginia.

In consequence, the number of pending cases has grown in southern West Virginia and the totals far exceed those found in other fourth circuit judgeships in proportion to the number of judges assigned.

West Virginia is served by three Federal judges—one for the northern jurisdiction, one for the southern jurisdiction, and a third who divides his time between the two.

As of December 31, 1969, in the southern West Virginia jurisdiction, there was a total of 730 pending civil actions. The cases must be handled by one and a half judges.

I ask you to consider this situation by comparison with other nearby Federal jurisdictions.

In 1969, the records revealed that there were only half this many pending civil actions in the western Virginia jurisdiction which is served by two full-time judges.

In South Carolina there were 940 pending cases, but four judges are assigned to the work.

In western North Carolina there were 345 cases with two judges.

In middle North Carolina there were 227 cases with two judges.

In eastern North Carolina there were 315 pending cases with two judges.

In Maryland there were 1,600 pending cases, but there were also five judges.

These comparative figures underscore the disproportionate workload assigned presently to the one and a half Federal judges in the southern West Virginia jurisdiction.

No matter how strenuous the effort put forth, there seems to be no way to reduce the backlog unless an additional judgeship is authorized.

Mr. McCULLOCH. Mr. Chairman, insofar as I know we have no further requests for time.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, because of U.S. Judicial Conference statistics which show manageable caseloads for Federal district courts in Indiana, two unnecessary judgeships for Indiana have been deleted from the omnibus judgeship bill by the Judiciary Committee.

I endorse the action of the committee for the following reasons:

IN THE SOUTHERN DISTRICT OF INDIANA

Civil cases commenced in 1969 were nearly 12 percent below the number of cases filed in 1964.

The median time interval from issue to trial has been consistently below the national average. In 1969 the interval was 7 months, compared with a national median interval of 13 months. The median time interval from issue to trial has declined by more than 36 percent since 1964.

The U.S. plaintiff caseload has declined by more than 26 percent since 1966.

In 1969 the criminal caseload per Federal judge was 36 percent lower than in 1959.

IN THE NORTHERN DISTRICT OF INDIANA

Civil cases filed in 1969 were nearly 10 percent below the number of civil cases filed in 1966. The pending civil caseload in December 1969, was nearly 10 percent below the number pending in December 1967.

The median time interval from issue to trial in civil cases has decreased by 30 percent over the past 6 years, from 23 months in 1963 to 16 months in 1969.

In 1969 the criminal caseload per Federal judge in the northern district of Indiana was 42.7 percent lower in 1959.

New magistrates for both northern and southern Indiana districts have been approved by Congress and will shortly begin work in Indiana to make the present bearable caseload in Federal courts even more bearable. Several district judges have recently found time to help out at the Seventh Circuit Court of Appeals, where three vacancies now exist.

Adding new Federal judges in Indiana at this time would clearly be a waste of the taxpayer's money.

According to President Nixon's Bureau of the Budget, "the heaviest burden of enforcing our criminal laws rests upon State and local governments."

For example, Marion County—Indianapolis—criminal court judges have more than 10 times the criminal case load of Indiana Federal judges.

The money which is saved on the Federal level by not adding unnecessary Federal judges from Indiana should be channeled back to our State for use in creating new local judgeships which are badly needed.

The clamor for creating more and more Federal jobs is typical of bureaucrats. But Parkinson's law has no place in the Federal code, especially at a time of soaring inflation.

Mr. DELLENBACK. Mr. Chairman, I rise in support of S. 952, as amended by the House Committee on the Judiciary, and in particular section 7 of the committee substitute which would amend section 117 of title 28, United States Code, to provide that the U.S. District Court for the District of Oregon shall also hold terms of court in the city of Coquille, Oreg.

This portion of the bill now under consideration is identical to the provisions of H.R. 777 which I introduced on January 3, 1969, and which was cosponsored by Representatives WYATT, GREEN, and ULLMAN of the State of Oregon. This provision also has the support and endorsement of Senators HATFIELD and PACKWOOD of Oregon. Both of these distinguished Senators have cosponsored an identical measure, S. 707, introduced in the Senate on January 31, 1969.

The provision for holding terms of court in Coquille has received the support and approval of the judicial council of the ninth circuit and the Judicial Conference of the United States. The measure has also been endorsed by the three Federal judges serving in the district of Oregon, and by the Coos-Curry County Bar Association.

Coquille, Oreg., is the center of a developing major seaport area. There is a pressing need for a Federal court to handle maritime and admiralty cases in this southwestern coastal region. Because there is no Federal court in this area, these cases must be tried primarily in Portland, Oreg., resulting in costly dislocations for litigants, witnesses, and attorneys.

Holding court in Coquille, Oreg., will be of distinct benefit to the administration of justice and result in no significant expense to the Federal Government. I urge passage of this bill as embodied in the committee substitute.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of S. 952, which would provide for the appointment of additional district judges.

I wish to express my appreciation to the distinguished chairman and the members of the Judiciary Committee for their decision to permit the U.S. District Court for the Southern District of Florida to sit in Fort Lauderdale. This decision is most welcome in light of the heavy caseload generated by the Fort Lauderdale area and the difficulty of getting attorneys, parties, and witnesses from Fort Lauderdale to Miami where the court now sits. I am hopeful that the decision of the House will prevail in the forthcoming conference committee and that the U.S. District Court for the Southern District of Florida will soon begin hearing cases in Fort Lauderdale.

While I am delighted at the decision of the Judiciary Committee insofar as the Fort Lauderdale problem is concerned, I am equally concerned over the committee's decision to reduce the number of U.S. district judges for the central and southern districts of Florida.

The Senate authorized two additional judgeships for the central district of Florida and three additional judgeships for the southern district of Florida.

The House committee has eliminated the two judgeships for the central district and has reduced from three to two the number of new judgeships authorized for the southern district of Florida.

Mr. Chairman, the State of Florida is one of the fastest growing States of the Union, and some statistics say it is the fastest growing State. The caseload on the U.S. district courts for the central and southern districts of Florida have been and continue to remain heavy. And, with the projected increases in population, these caseloads are not likely to diminish.

By refusing to recognize the growth of Florida and the caseloads of these courts, we are inviting a continued delay in the administration of justice in the courts.

I am hopeful that the conference committee, when it meets on this legislation, will recognize the wisdom of the Senate in this matter, and authorize the three additional judgeships for the southern district of Florida and the two additional judgeships for the U.S. District Court for the Central District of Florida.

Mr. BOB WILSON. Mr. Chairman, the bill, S. 952, we are considering today will bring much-needed relief to the overworked Federal bench in San Diego. Through this legislation three additional judgeships would be authorized for the southern judicial district of California—the busiest Federal court in the country.

The need for these additional judges is critical. Presently this district is operating with only one full-time judge because of the untimely death of Judge Fred Kunzel earlier this year. Because his successor is awaiting Senate confirmation, he is unable to lend a hand as yet.

We are all aware of the need to combat the ever-increasing crime rate in our country and have discussed the need for legislation to assist local and State police forces in the rapid detention of offenders. This is, however, only half the story. Indicted offenders must also be brought to trial and convicted so they are no longer a menace to society. The wheels of justice grind far more slowly when judicial caseloads are highly unrealistic for the number of judges.

To be more specific, according to figures in the annual report of the Administrative Office of the U.S. Courts, the southern district of California had a weighted caseload per judgeship of 826 in 1967, compared to a national average of 252; in other words, more than three times the national average. Next highest caseload per judge was in the southern district of Georgia with 500, or 326 fewer cases than handled by each judge in the southern district of California.

The reason for the staggering difference in number of cases can easily be seen by the fact that our judicial district adjoins the Mexican border, where a substantial number of narcotics and illegal entry cases result.

Some assistance is achieved through the use of one or occasionally two visiting judges. However, the assignment of visiting judges on a regular basis is far more costly than the appointment of permanent judges in the long run.

I respectfully request my colleagues' favorable consideration of S. 952.

Mr. BURKE of Florida. Mr. Chairman, I previously introduced an amendment (H.R. 2066) to S. 952, the omnibus judiciary bill, which authorizes three additional Federal judges for the southern district of Florida.

In effect, the amendment I introduced amends the second paragraph of subsection (c) of section 89, title 28 of the United States Code, in order to authorize a judge of the U.S. District Court for the Southern District of Florida to sit and conduct hearings in Fort Lauderdale, Fla.

I feel that I can speak for this authorization with deep feeling of its need. Prior to being elected a Member of Congress, I was an attorney actively engaged in the practice of law in Broward County, Fla., and was so engaged for a period of almost 20 years.

Thus, I am familiar with the great need for additional Federal judgeships for the southern district of Florida and also for the need to authorize at least one or more Federal judges to sit and conduct hearings in Fort Lauderdale, this being the county seat of Broward County.

I am sure that many of my colleagues here have been in southern Florida and are familiar with its rapid growth during the last 15 to 20 years. This growth has not been restricted, however, only to the southern part of the State but has occurred throughout Florida.

The U.S. Census Bureau has pinpointed both the cities of Fort Lauderdale and Hollywood, which are located in Broward County, as the two fastest growing cities in the United States. In fact, all population reports show that the growth is not only in these cities, but to the county, as well, it being one of the fastest growing counties in the entire United States. It is estimated that in the past year alone, Broward County has gained approximately 50,000 new residents. The growth of the county according to the official Standard Metropolitan Statistical Area Guide issued by the U.S. Census Bureau shows that it has almost doubled itself since 1960 when it had an official population of 333,946.

Fort Lauderdale's population jumped from 83,648 in 1960 to 142,100 today.

The city of Hollywood, where I reside, has jumped from 35,270 in 1960 to 104,200, while the other cities in the area, such as Hallandale, Miramar, Dania, Pompano Beach, Margate, Plantation, Pembroke Pines, and others, doubled their 1960 population figures.

A brief look at the population growth figures for Broward County, Fla., proves beyond any doubt that it is the fastest growing standard metropolitan statistical area in the United States.

The population in 1950 was approximately 83,000. In 1960, it was 333,946. In the year 1969, the Broward County area planning board pinpoints the population at 609,000.

The growth figures developed by the Metropolitan Dade County Planning Department further substantiate Broward's figures in that they estimate Broward County's population as of June 30, 1969, to be 615,450 people, or an increase of 51,580 from the period December 31, 1968, to June 30, 1969.

In addition to this growth, I want you to know that these figures alone do not tell the story, since many people who are not citizens of the area but live in the Miami-Broward County areas are not listed in census figures as residents of the county.

The population for the southern district of Florida has increased 600 percent during the past 36 years and it is expected to increase at a high steady rate over the years.

With this population increase there has unfortunately been an increase in automobile accidents, crime and lawsuits—both criminal and civil—all of which have tended to increase the caseload both for the State courts and the Federal courts. Broward County, the cities of Hollywood, Fort Lauderdale, Pompano, Miramar, and other cities have built new city halls and courtrooms.

In 1931, there were approximately 400 Federal cases filed in what is now the southern district of Florida. In 1967 there were 1,969 cases filed and, although there are no complete study figures available at this time for the years 1968 and 1969, I can without any question state that Federal court litigation has continued to increase during both of these years.

The cases filed in the Federal district court located in Miami are varied. In addition to the general civil, criminal, and patent cases, there are numerous bankruptcy cases filed. Also, since Port Everglades is located in the Hollywood-Fort Lauderdale area, there occur many admiralty and customs cases. Both the port and the airport are ports of foreign entry which give rise to other cases requiring Federal jurisdiction.

According to the records of the Broward county tax collector, the total number of automobile tags for the county in 1950 was 40,936.

In 1960, the figure had increased to 201,709.

The total number of automobile tags had increased to 391,781 in 1968 and it is estimated that there will be 425,000 automobile tags sold for the county vehicles in 1970.

It is true that these vehicle tags include other than passenger vehicle registrations, but passenger vehicle registrations alone had increased from 166,431 in 1960 to 287,351 in 1967, and has exceeded 325,000 by now.

When I commenced practicing law in Hollywood, Fla., in 1949, the total number of lawyers in the Hollywood area was 14, and there were no lawyers practicing in the Dania, Hallandale, or in the West Hollywood area. There were approximately 80 lawyers practicing in Fort Lauderdale and none were practicing in the Plantation or Pompano area. Cities such as Miramar and Margate were nonexistent.

Thus, the total amount of lawyers in the entire county was less than 100.

The population growth of the county has brought an increase in the amount of lawyers now practicing within Broward County.

Today, the total number of practicing attorneys within Broward County is 727, an increase of more than 700 percent in the last 20 years.

One of the great problems for not only the attorneys but the litigants from the Broward County area is that of having

to travel many miles to the Federal district court in Miami, and this not only involves the time element but also traffic problems.

Unfortunately, the public transportation in southern Florida, particularly from the various cities in Broward County, is limited and, as a result, most travel is done by private automobile. This entails problems for Dade County, too, since lawyers and witnesses from the Pompano-Fort Lauderdale-Hollywood area going into the Federal court in Miami not only lose time and money, but they create additional traffic and parking problems in the already congested Miami area.

I am sure you who are attorneys know that a case is not completed by merely one trip to court. Thus, the attorneys from Broward County who must practice before the Federal court must not only file litigation in Miami, but must travel to and from there in order to attend hearings and argue motions.

I know from personal experience that often a trip involving a simple motion would take the better part of a morning and sometimes even the greater part of a day. Often a case might require as many as 10 or 15 trips prior to trial and in setting an hourly rate of charge, the client incurs additional costs, an unnecessary financial burden which the attorney and the client would like, if at all possible, to avoid.

The Broward County Bar Association, as well as the Hollywood, Fort Lauderdale, and Pompano Beach Bar Associations, have endorsed and support this request that a Federal judge be authorized to sit in Fort Lauderdale.

The Board of County Commissioners of Broward County, Fla., and the city of Fort Lauderdale have both passed resolutions offering space for the use of a Federal judge should one be authorized by law to sit in Fort Lauderdale, Fla.

The request has been endorsed also by the downtown development authority of Fort Lauderdale and by the various local chambers of commerce.

It is my sincere hope that the Members of the House will join with the unanimous action of the Judiciary Committee and give its support to the aims and purposes of the amendment to authorize a Federal judge to sit in Fort Lauderdale, Fla.

Should you do this, you will have the everlasting thanks of not only the members of the legal profession in my community, but also the business community and the average citizen, who feels that he is called upon with great inconvenience to go into Miami at great loss of time and money, when this matter can be adjusted should the House desire to do so.

I give you my personal assurance that I would not make this request that you support the aims of the amendment referred to, if I did not honestly feel it was justified.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I rise in support of S. 952 as a measure which will provide vital relief for an overburdened Federal court system.

I endorse the provisions of this measure designed to provide relief for all parties awaiting disposition of pending court cases by providing additional judges and designating additional localities in which district courts can be convened.

One of these additional Federal courts will be established in Allentown, Pa., where facilities of the abandoned Lehigh County Court House are immediately available. It, and another new court location provided for in this measure in Reading, will enable the U.S. District Court for the Eastern District of Pennsylvania to get on with disposition of a susbtantial backlog of cases.

At present, this district court sits only in Philadelphia and in Easton, Pa. The two additional sites will greatly facilitate an assault on undesirable litigation delays.

As a cosponsor of the provision which designates Allentown as a court site for the eastern district, with a colleague across the aisle, the gentleman from Pennsylvania (Mr. BIESTER), I urge passage of this measure .

Allentown is the fourth largest city of Pennsylvania and is part of the rapidly growing Lehigh Valley—an urban area of a half-million persons and numerous businesses and industries. Further, the eastern district, exclusive of Philadelphia, is expected to register a population of some 3½ million during the current census. Thus, it is readily apparent that a great deal of Federal court activity is generated within this district and that relief in the form of additional court facilities is vitally necessary.

Mr. CRAMER. Mr. Chairman, I wish to take this opportunity to voice my strong objections to the action of the House committee in reducing the number of additional district judges recommended for the State of Florida. As we know, the Senate-passed bill would authorize two additional judges for the middle district of Florida and three additional judges for the southern district. Unfortunately, however, the House committee bill which is before us today recommends only two additional judges for the southern district, and no additional judges for the middle district.

This reduction in the number of additional judges recommended for Florida comes at a most inappropriate time in view of the increasingly heavy workload of the courts, the direct result of which is a deplorably large backlog of important cases waiting to be heard. And, at this particular time, the courts' workload has been further increased by the impending school desegregation cases. In fact, it is this latter situation—the threatened court-ordered busing of students—which is responsible for my absence from Washington today. I am today presenting my oral argument before the Fifth Circuit Court of Appeals in Atlanta in opposition to the forced busing of schoolchildren to accomplish specific racial balances; and, in particular, am arguing in support of the intent of the U.S. Congress in unanimously adopting my antibusing amendment to the 1964 Civil Rights Act.

It is incomprehensible to me that just when our judicial system is attempting to cope with some of the most critical problems in the history of this country, the House would recommend a reduction in the number of additional judges needed, when in fact an increase is fully justified and long overdue. My hope is that when this legislation is considered in conference, the House will then agree to support the Senate's recommendations for additional district judges in the State of Florida.

Mr. FULTON of Pennsylvania. Mr. Chairman, as Representative for the 27th Congressional District of Pennsylvania covering the southern portion of Allegheny County in western Pennsylvania, I wish to join with my colleagues in supporting S. 952 to provide for the appointment of additional district judges. In the western Pennsylvania district courts there is a tremendous volume of backlog and overload of cases which can only be resolved by adding judges to the bench. S. 952 will provide two additional judges to the western Pennsylvania district, a necessary step toward efficient judicial procedure in the area.

Pittsburgh Attorney Louis H. Artuso, immediate past president of the Allegheny County Bar Association, comments that:

> The backlog in the Federal Court has increased rapidly due to vacancies. We are pushing for additional judges to handle the bulk of cases arising in Allegheny County.

Two judges who are now past retirement age, Judge Wallace Gourley and Judge Joseph Wilson, have volunteered to take cases to help clear the volume of cases. They are fine, competent, and able judges.

An example of the workload confronting the overtaxed western Pennsylvania district court is the overload of habeas corpus petitions. Since November 1969 an excess of 400 such petitions have confronted the court, making it impossible to requisition time for a proper and full hearing for each, according to the Allegheny County Bar Association.

Therefore I strongly urge the passage of S. 952 to provide the western Pennsylvania district court with two additional judges which it so urgently needs to handle efficiently the workload of cases and the increasing backlog in the Federal court. Justice delayed is justice denied. These hard-working district judges should have full support of Congress to provide our people with necessary judges and courtrooms in order that respect for the American judicial process be maintained in our high tradition. This is the reason I strongly favor passage of S. 952 to provide for the appointment of additional district judges for U.S. courts.

I am speaking to the Canadian Club in Hamilton, Ontario, on United States and Canadian cooperation in space, today, Wednesday, March 18, 1970. As the weather is bad, with low ceiling, the arrival of the private plane may be delayed, so I do want my views and strong support on record.

Mr. RARICK. Mr. Chairman, during the course of this debate I have heard it said repeatedly that Federal judges are appointed for life. This is a catch phrase, which just is not so, and I think it important that we set the record straight at once.

The judicial article of the Constitution clearly establishes the judicial tenure to be "during good behavior"—a period which is not necessarily synonymous with life. Indeed, commencing with William O. Douglas, our Federal bench is replete with examples of misbehaving by living judges. Learned opinions were written in the conviction of a Federal judge who was successfully impeached in the early days of the New Deal—and men are serving in the Congress today who participated in those proceedings—setting forth the power of the Senate to convict and remove by reason of failure on the part of an incumbent judge to maintain good behavior.

As one of the Members of this House who has had the opportunity to serve as judge of a court of record, I am well aware of what is and what is not necessary for the fair and efficient administration of justice. In addition to the dockets of the courts of my own district, it was my privilege to sit repeatedly, by order of the Louisiana Supreme Court, in the adjoining districts.

In handling at least one case before me, I know to my own personal knowledge of the activities of an incumbent Federal judge who wilfully and knowingly violated a specific prohibitory Federal statute, for the sole purpose of usurping jurisdiction over litigation pending in the courts of the State. I am sure that this case wound up reported in all of the pertinent workload reports for the years in question.

That particular case was handled, and the particular action taken in concert with an attorney by the name of Kunstler, who is currently making more work for more judges—merely by following past suggestions from the bench.

The mass of statistics with which we are dealing are quite impressive, but what it all amounts to is that the judges themselves, evaluating their own performance, attempt to excuse their deficiencies by the plaintive cry of overwork. We are then told that we must add an additional number of Federal judges to the already imposing judicial army—because the judges themselves say so. I am not impressed with this tale.

Mr. Chairman, we have heard that we must combat crime by giving the criminals what they want so that they will not take it. We have heard that we can reduce crime by repealing the criminal laws in selective cases, so that the continuing acts of the miscreants will not be crimes. Now we are told that we must appoint an ever increasing number of Federal judges as a necessary tool to combat crime.

All of these arguments are but oratorical dicta, including any idea that more judges of the same caliber now sitting, operating under the same delusions as to their functions, will reduce crime. Additions will not deter but rather increase crime, unless someone jars into the heads of the judiciary that the function of a judge is to declare the law—not to make it.

The abandonment by some judges of the Federal bench of this fundamental precept of judicial responsibility is in large measure the very reason for the increase in crime which we all deplore. Time and again, at all levels of the Federal bench, judges and justices have arrogated unto themselves the right to rewrite the law—and the Constitution—to accord with their own ideas of what the Congress—and the Founders of the Republic—should have done.

Crime is encouraged by a sick concern for the criminal and a callous disregard for the safety and welfare of the law-abiding portion of our community. Crime is encouraged when men are guilty beyond a doubt of the most vile offenses, and are freed to prey on other innocents because some officious judge or justice has taken it upon himself to rewrite the Constitution, or to confuse and twist the plain words of a statute into such shape that it will do what he desires, not what the lawmakers intended.

We have seen Federal judges—who are said to be overworked—go out of their way to involve themselves unbelievably in the proliferation of crime. Vagrancy laws which for decades have been good are suddenly found to be vague, through some clarity of vision accorded to the present judge, but denied all of his predecessors. Confessions, searches, warrants, arrests, good for decades are suddenly bad. Military justice, operating since the days of George Washington, is suddenly found to offend the Constitution.

I know from my own personal experience, for the Louisiana State Penitentiary was located in my judicial district, the manner in which the Federal bench accomplished wholesale release of convicted felons—although the laws nor the Constitution had not been changed.

I have seen in Louisiana today these Federal judges enjoin the peace officers from enforcing the law. I have seen them usurp raw power to spend their superior intellect and idle time posing as super school boards, even as super principals in our public schools. I have seen them become the managers of labor unions, and the arbiter of labor contract negotiations.

I have seen them in Washington, sitting in equity, hear pleas by Government lawyers for the aid of a court of equity in the more comfortable violation of the criminal adultery law which the Congress saw fit to enact in the District of Columbia. Some of our appellate judges here appear to be prepared to even supervise abortions. I am not impressed by the workload argument.

The entire Department of Justice must share some of the responsibility for this deplorable situation. Despite the plain provisions of the Civil Rights Act of 1964, we see Government attorneys engaging in litigation designed to do in our schools exactly what we forbade. Indeed, as I made known to the House in the CONGRESSIONAL RECORD, volume 115, part 28, page 37790, Justice Department attorneys were guilty of grossly unethical conduct in their donation of funds to finance the NAACP arm against which they were supposed to be litigating.

Nevertheless, we are told that more and more Federal judges are needed. It is quite apparent that if we continue to permit the judiciary to take over the functions of the legislature—to usurp the powers of the States—to rewrite the Constitution to its own satisfaction—we will always need more and more Federal judges. Again, this is wholly unacceptable, and it should stop right here in this House today.

We cannot constitutionally provide for the appointment of constitutional judges for a period of years, nor can we provide for their election by the people, or their retirement by the people—yet. We can, and we have, provided for nonjudicial or quasi-judicial offices and bodies for the transaction of nonjudicial or quasi-judicial business. These offices can be filled by appointment for a term of years, or by election, or by some other method to make their occupants responsible to the people. We should do so.

Rather than provide for the proliferation of the Federal judiciary, engaged as it is in ever-escalating nonjudicial functions, we should take a long hard look at just what is going on in our courts—at just what is taking up the time of these judges. Where we find that their efforts are devoted to the day-to-day administration of schools, or of police departments, or of labor contracts, or of labor unions, or of the penal institutions of the States, or the supervision of elected State judges, or of hospitals, or of construction contracts, or of any of the other myriad of nonjudicial jobs which have been assumed by the judiciary, we should do something.

We should decide—because we are the branch of Government constitutionally charged with the responsibility for making such a decision—whether or not these nonjudicial functions are properly performed by judges. And if they are not, we should create a class of hearing examiners, or administrators, or boards, to do administrative work.

In a day when judges were content to be judges, and when the Supreme Court consisted of jurists, the judges themselves refused to demean their office by the performance of nonjudicial and administrative functions, and they refused to violate the Constitution by performing legislative functions, and ever-increasing numbers of judges were not required. With the deterioration of the judiciary to the point where the judges seek, rather than resist, such improper assignments, it is our responsibility to our constituents to take appropriate corrective action to halt the growth of the runaway judicial complex.

No case can be made for the proposed increase in the numbers of judges, and I find myself unable to support the proposed legislation. On the contrary, I must oppose it as unwise, unnecessary, inflationary, and contrary to the best interests of the American people.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to

the request of the gentleman from New York?

Mr. GROSS. Well, Mr. Chairman, reserving the right to object, why does the gentleman not have the bill read down through the first section, or ask that it be considered as read down through the first section?

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I am willing to do that. I revise my unanimous-consent request.

Mr. GROSS. That is, down to page 20, or section 2.

Mr. CELLER. Mr. Chairman, I, therefore, ask unanimous consent that after the reading of the first section, the balance of the bill be considered as read and printed in the RECORD.

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

Mr. GROSS. Oh, no, Mr. Chairman. Further reserving the right to object, I said to restrict the unanimous-consent request as the bill having been read down through the first section.

Mr. CELLER. Mr. Chairman, I then make the unanimous-consent request consistent with the statement of the gentleman from Iowa.

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

Mr. McCLORY. Mr. Chairman, reserving the right to object, may I ask the chairman whether there is any intention to limit time insofar as the offering of amendments is concerned?

Mr. CELLER. Mr. Chairman, if the gentleman will yield, the usual time is 5 minutes. I have no desire to limit the time.

Mr. McCLORY. But the chairman of the committee is not going to urge the cutting off of debate with regard to amendments?

Mr. CELLER. Oh, no; I have no such intention.

Mr. McCLORY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modified unanimous-consent request of the gentleman from New York?

There was no objection.

The section referred to is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under section 133 as amended by this Act.

(c) The existing district judgeship for the district of Kansas, the existing district judgeships for the eastern district of Pennsylvania and the existing district judgeship for the eastern district of Wisconsin created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes," approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States Code, as amended by this Act. The Act of September 23, 1967 (81 Stat. 228), and section 5 of the Act of March 18, 1966 (80 Stat. 78), are hereby repealed.

(d) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this Act in the number of permanent district judgeships for said districts and combinations of districts, such table is amended to read as follows with respect to these districts:

District	Judges
Alabama:	
Northern	4
Middle	2
Southern	2
Arizona	5
* * * * *	
California:	
Northern	11
* * * * *	
Central	16
Southern	5
Colorado	4
* * * * *	
Florida:	
* * * * *	
Southern	7
Georgia:	
Northern	6
* * * * *	
Southern	2
* * * * *	
Illinois:	
Northern	13
* * * * *	
Kansas	4
Kentucky:	
Eastern	2
Western	3
* * * * *	
Louisiana:	
Eastern	10
Western	4
* * * * *	
Maryland	6
* * * * *	
Michigan:	
Eastern	10
* * * * *	
Missouri:	
Eastern	3
* * * * *	
New Jersey	9
New Mexico	3
New York:	
* * * * *	
Southern	27
Eastern	9
* * * * *	
Ohio:	
Northern	8
Southern	5
* * * * *	
Pennsylvania:	
Eastern	19
* * * * *	
Western	10
Puerto Rico	3
* * * * *	
South Carolina	5
* * * * *	
Tennessee:	
Western	3
* * * * *	
Texas:	
Northern	6
Southern	8
Eastern	3
Western	5
* * * * *	
Virginia:	
Eastern	6
* * * * *	
Wisconsin:	
Eastern	3

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

I might say, Mr. Chairman, that I served on the subcommittee and the full committee both with regard to the prior judgeship bill and this judgeship bill. I have prepared and filed additional views in which a number of my colleagues have joined. I do not believe this is a perfect bill.

Nor do I believe that this bill meets the necessities of the hour insofar as the civil and criminal caseloads are concerned. It does not respond to the recommendations of the Judicial Conference. The subcommittee undertook to eliminate 16 judges that were in the bill that came over here from the other body. Of those, 10 of the judges had been recommended by the Judicial Conference. May I say that during consideration of the prior two judgeship bills that this House acceded to the recommendations of the Judicial Conference. Their recommendations were respected in each and every case. The Judicial Conference undertakes to make the studies, compile the statistics, and to make the determination as to what the judiciary needs are.

May I say that in the districts of Texas, the eastern and northern districts of Texas, they have among the highest

weighted caseloads of any districts in the country. These facts are borne out by the statistics which were prepared by the Administrative Office of the U.S. Courts.

Mr. Chairman, in the first place, let me commend the chairman, Mr. CELLER, and the ranking member, Mr. MCCULLOCH, for acting with expedition in bringing this measure to the floor of the House.

My additional views are not intended to be critical of the bill insofar as it goes, but my complaint is that the bill does not go far enough.

In other words, there is an urgent need for additional judges to handle the record number of civil and criminal cases. Traditionally, the Congress has respected the recommendations of the Judicial Conference in providing at least that number of judges which that esteemed body has recommended. This was the practice in 1961 when new judges were added, and again in 1966 when 29 new district judgeships were created.

This year, the number of civil and criminal cases commenced in the district courts rose to a record 110,778, an increase of 8.4 percent over the previous year—the volume of pending civil and criminal cases increased to 104,091, the highest pending case figure on record for the district court. This year the Judicial Conference's recommendation for the first time contains an element of projection as opposed to earlier requests for current needs. However, majority of the committee has declined to follow the Judicial Conference's recommendations.

The need for all of the additional judges as recommended by the Judicial Conference was emphasized by Deputy Attorney General Kleindienst in these words:

> On the civil side, parties to litigation have become increasingly frustrated over their inability to secure prompt judicial determination of their rights and liabilities. On the criminal side, delays occurring between indictment and trial have had several undesirable effects: innocent persons must wait many painful months to clear their names; the general public is subjected to the risk of repeated criminal offenses committed by guilty persons free while awaiting adjudication of their cases.

In my opinion, a partial solution to the problem of persons out on bail committing additional crimes would be an adequately staffed judiciary. This would quicken the pace of justice without impairing the quality of judicial output. In the southern district of New York, for example, the median time interval for dismissal in a criminal case is 36.8 months and for completion of a jury trial 11.4 months. This is not to mention the 1,334 criminal cases and 11,816 civil cases pending in that district as of June 30, 1969. To assist that court, the Judicial Conference, after a thorough examination of the problem, recommended five new judgeships. The House Judiciary Committee reported a bill that deleted two of the recommended five.

The basis for the recommendation of the conference was a systematic and comprehensive statistical study and review of the judicial business of the district courts undertaken by two conference committees with the assistance of the Administrative Office of the U.S. Courts. The study was made in the light of the policy adopted by the conference in 1964 of making a quadrennial survey of the need for additional district and circuit judgeships. Under this policy, the committees of the conference survey the needs of the district and circuit courts separately, and present requests for new district and circuit judgeships separately.

The Judicial Conference made the same thorough and comprehensive study it made in 1960 and 1965 except their recommendations then were for current needs rather than current plus future needs. Before this new policy was adopted by the conference, it made annual recommendations and numerous bills piled up until the committee was ready to act. Now the conference makes the study every 4 years and in the interim, considers requests for recommending additional judgeships only on an emergency basis. Since 1966, the conference, although reviewing numerous requests, found none of the situations so critical as to require such emergency action. All requests were therefore deferred for consideration until 1968.

Subcommittee No. 5 held hearings on October 29 and 30, and November 5, 12, and 25, 1969. At these hearings, the subcommittee heard testimony from witnesses representing the Judicial Conference of the United States, the Department of Justice, the American Bar Association, and other interested parties, all urging that we adhere to the recommendations of the Judicial Conference.

Other than the administration, what has changed in the past decade to necessitate the House Judiciary Committee's reversal in its policy toward the needs of our Federal courts? Indeed, the fashion in which the present bill was disposed of suggests consideration other than the need for adequate judge power have been taken into account.

Judges which were deleted from this measure in what I regard as an arbitrary fashion include: One district judge for the southern district of Florida; one district judge for the northern district of Indiana and one for the southern district of Indiana; two district judges for the southern district of New York; one district judge for the eastern district of Texas, and one district judge for the northern district of Texas.

While it is my hope and expectation that these judges will be added when the differences between the Senate bill and the House amendments are reconciled, it seems most unfortunate that they should not now be included in the bill which is about to be acted upon by this House.

Another part of this measure which is disappointing to me is the deletion of all the provisions relative to court executives.

In giving attention to the efficient management and operation of our Federal court system, we should recognize that a great deal of the time of our judges is devoted to managerial burdens relating to caseload, courtrooms, equipment, personnel, statistical data, and other subjects essential to a businesslike operation of the courts.

The Judicial Conference, the American Bar Association, the American Judicature Society, and the Administrative Office of the U.S. Courts, all have recommended creation of the Office of the Court Executive. These court executives or managers, if authorized, would serve in districts where six or more judges serve, as well as in all of the 11 judicial circuits.

In anticipation f the creation of these offices, the Amei can Bar Association, through a foundation grant, has established a comprehensive training program for preparing these court executives. Twenty of these will be graduated by the middle of December and will be available to fill these highly important positions. However, unless authority is granted by this legislation, the trained and much-needed court executives will not be available for service.

I understand that additional hearings will be held with the expectation that a separate bill will be reported later. Personally, I see no occasion for any such delay. The recommendation has been made; the need has been established; the backlog of criminal and civil cases continues; and the time to act on this subject is now.

Again, it is my hope that in reconciling the differences between the House and Senate versions such statutory authority may be provided. May I say, in closing, that this is part of the administration program in the fight against crime, and it seems to me most unwise to deny to an administration the tools which it requires on this high priority subject.

I will support this bill, but I am disappointed in its deficiencies of, first, an inadequate number of additional judges and second, a failure to authorize court executives.

Again I say that this is not a perfect bill in that it does not meet the needs and requirements of the administration. The administration wants this bill substantially the way it came over from the Senate. And when we charge this administration with the obligation to undertake to fight the war against crime, it seems to me we should give it the tools with which to fulfill that obligation. Adequate judge power is an essential element. The responsibility for authorizing a sufficient number of judges is ours. We are not meeting that responsibility adequately in this bill.

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

Mr. Chairman, let the RECORD show that the gentleman from Ohio (Mr. MCCULLOCH) yielded back 29 minutes of time. Yet when I asked the gentleman to yield for a question or two during general debate he said he could only answer one question—one question—for reasons of time limitation. I say again let the RECORD show that the gentleman yielded back 29 minutes.

I wanted to ask the gentleman from Ohio, among other things, as to the cost of this bill. I will address my question now, since the gentleman from Ohio apparently does not want to answer questions, to the gentleman from New York,

the distinguished chairman of the committee.

Do I understand that the first-year costs of this bill will be approximately $14 million?

Mr. CELLER. Mr. Chairman, would the gentleman from Iowa restate his question, please?

Mr. GROSS. Mr. Chairman, I would ask the gentleman from New York, do I understand correctly that the first-year costs of this bill will be approximately $14 million?

Mr. CELLER. That is correct.

Mr. GROSS. Does this include space that will be occupied by the additional courts?

Mr. CELLER. It will not include that.

Mr. GROSS. This figure, then, is at the rate of about $245,000 per new judge for the first year; is that correct?

Mr. CELLER. That is correct.

Mr. GROSS. This does not include anything for the costs of retirement of these Federal judges,

Mr. CELLER. No; it does not.

Mr. GROSS. Then what would the gentleman say would be the real first year's cost of the 57 judges?

Mr. CELLER. I think the figures, as they were given, and they can be found on page 212 of the report, are $13,851,000.

Mr. GROSS. But the gentleman just admitted there is nothing in that cost pertaining to space for the holding of the additional courts and there is nothing in those figures for retirement. I do not know what else—but at least those two items, which are not inconsequential—are not accounted for in the cost of this bill.

Mr. CELLER. That is correct.

Mr. GROSS. Does the gentleman think we can begin some day to get 40 hours of work per week out of our Federal judges?

Mr. CELLER. That is a difficult question to answer. The judges that I know of are hard-working judges and they are dedicated to their tasks. I think in this country, I would say, that our judges do a very good job and I think our judiciary is the finest in the whole world.

I do think, aside from the criticism that may be made as against a few judges who might be derelict, I think we have an excellent judiciary.

Further, I do not think you can measure the worthwhileness of a judge by a precision formula; namely, as to time. Some cases take an inordinately long time. Some cases are of short duration. Many judges take their papers home at night and have to ponder concerning them and to formulate their conclusions. Some of the decisions they make are decisions that are very tragic in nature.

There are all manner and kinds of cases—they run the gamut. But I would say to the gentleman from Iowa that by and large, we can take great pride in our judiciary.

Mr. GROSS. Does the gentleman not think there ought to be a shorter tenure for the judges.

Mr. CELLER. No; I do not. I think one of the reasons why we have such an exemplary judiciary is their independence. Their independence in part stems from the fact that they are appointed for life, and they do not have to face the electorate; they are not elected. They do not have a tenure for a fixed time, but they are there until the good Lord takes them away.

Mr. GROSS. I disagree with the gentleman as to tenure. Does the gentleman not think that there ought to be a 6-year or 8-year probationary period for these judges so that there could be a demonstration of qualifications and deportment? And does the gentleman not think they ought to make some contribution toward their retirements as do Members of Congress and virtually all other Federal employees?

Mr. CELLER. I do not think so. If we appoint them for life, that would be inconsistent to have any such provision.

We do have provisions, for example, if a judge becomes senile or decrepit or physically or mentally incapacitated then he may be compelled to leave the bench under those conditions.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

(Mr. GROSS asked and was given permission to proceed for 2 additional minutes.)

Mr. GROSS. That could be true of any other Government official.Yet, we do not treat other Government officials on that basis, do we?

Mr. CELLER. No; because the Constitution prescribes that judges shall be appointed for life and that is not the case with other Government employees, even the President—they are not appointed for life.

Mr. GROSS. Well, what has that to do with their failure to pay anything into a retirement fund? Why have they been singled out for this kind of special and preferential treatment in the matter of retirement?

Mr. CELLER. Because if they are appointed and hold tenure for life, there is no need for a retirement fund. They get paid until the good Lord takes them away from us.

Mr. GROSS. But they may become disabled and, if so, they would draw half of their pay if they served less than 10 years, and if I remember correctly, having served more than 10 years and if then retired for disability, they are paid their full salary; are they not?

Mr. CELLER. I am afraid that I must be in disagreement with the gentleman, and I say that most respectfully.

Mr. GROSS. What is the situation then?

Mr. CELLER. They make no contribution because they are appointed for life and they get their salaries until they die.

Mr. GROSS. Oh, I think the gentleman will find that if they become disabled before a certain period of service, they can draw half their salaries and their full salaries after a minimum period has been served.

Mr. CELLER. That is true, by congressional enactment.

Mr. GROSS. Yes. That is what we are talking about here today, congressional enactment. We are being asked to add 57 judges at a cost to the taxpayers of $14 million, exclusive of retirement pay and other costs.

Mr. CELLER. Will the gentleman answer a question for me?

Mr. GROSS. If I can.

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

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

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

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. What are we going to do with the criminal dockets? "Justice delayed, justice denied" makes crime more rampant, adding to the number of criminal cases in the courts. What are we going to do with them? Are we just going to forfeit our rights, including the right to have a speedy trial, because of a paucity of judges? You do not want that, sir, do you?

Mr. GROSS. I have heard that same statement repeatedly. I have been here a few years, not nearly as long as has the gentleman from New York, but I have heard that statement every time an increase in the Federal judiciary has been proposed in the House—"Justice delayed is justice denied." I do not think you can justify this bill merely on a repetition of that slogan, or whatever you want to call it. "Justice delayed" cannot always be ascribed to a shortage of judges.

Mr. CELLER. I have heard the gentleman sing the song of economy and pinchpenny economics for many, many years.

Mr. GROSS. And the gentleman from New York has never failed to disagree with me either. I will say to the gentleman that he is one of the best spenders in the House of other people's money.

Mr. CELLER. Will the gentleman bear with me? Though the colloquy is interesting, it may not be too enlightening. I have heard this argument expressed by the gentleman when our population was probably only about 150 million. Our population has now gone to over 200 million, the tremendous burst of population generating wave after wave of cases, and the proliferation of laws that we have passed here have in turn made for more and more cases. What are we going to do about them?

Mr. GROSS. The gentleman from Ohio (Mr. MCCULLOCH) raised that old saw about the gross national income being $900 billion a year as a justification for this spending. I wish some of you who are trying to justify expenditure on the basis of the gross national product would tell us about the net national income. I wish somebody, someday would produce the figures showing the net national income. That would be a horse of a far different color.

Mr. CELLER. I would hate to live in a society which would be standing still and not making any progress at all.

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

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

In view of the fact that we have been discussing the cost of this legislation, I should like to make this unequivocal statement: There should be no price tag on establishing and dispensing justice in America.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in said district shall not be filled.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in said district shall not be filled.

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

(b) In order to reflect and implement the changes made by subsection (a) of this section, section 24 of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"SEC. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

"(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

"(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. (a) Section 128(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

"Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland."

(b) Section 128(b) of title 28, United States Code, is hereby amended to read as follows:

"WESTERN DISTRICT

"(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania Snohomish, Thurston, Wahkiakum, and Whatcom.

"Court for the Western District shall be held at Bellingham, Seattle, and Tacoma."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Section 92 of title 28, United States Code, is hereby amended to read as follows:

"§ 92. Idaho

"Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

"Court shall be held at Boise, Coeur d'Alene, Moscow, and Pocatello."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read and printed in the RECORD.

Mr. GROSS. Mr. Chairman, reserving the right to object, I neglected to ask one question that I intended to ask. It is indicated that South Carolina will get one additional judge for a new total of five Federal judges in that State.

On page 166 of the report it is indicated that there will be four Federal judges authorized for the State of South Carolina. Which is correct?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, the explanation may be made that in South Carolina there are now four judgeships authorized. The bill would create one additional permanent judgeship raising the total to five.

Mr. GROSS. For a total of five?

Mr. ROGERS of Colorado. Yes, for a total of five.

Mr. GROSS. What is the population of the State of South Carolina?

Mr. ROGERS of Colorado. I do not know.

Mr. GROSS. Would it be about 2.5 million?

Mr. CELLER. Mr. Chairman, if the gentleman will yield, there are four judges now authorized in that district, and the bill adds one, making a total of five judges. That is exactly what the table states.

Mr. GROSS. But on page 166, almost at the bottom of that page, it says: "Authorized judgeships, four."

Mr. CELLER. That statement refers to the present situation. The table indicates the situation after this bill is enacted.

Mr. GROSS. All right. I see.

Now what again is the population of the State of South Carolina? Can anyone volunteer?

Mr. CELLER. I can give the district population.

Mr. GROSS. I am talking about the State of South Carolina, because the judges may move beyond their districts under certain conditions.

Mr. CELLER. We have a population by districts.

Mr. GROSS. No.

Mr. CELLER. We can add it easily.

Mr. GROSS. I have the population for the district. I want it for the State.

Mr. CELLER. In the entire State there is only one district in South Carolina, and the population of the district and the State in 1960 was 2,382,594.

Mr. GROSS. Then what makes South Carolina deserving of five Federal judges? I know they are not all outlaws down there.

Mr. CELLER. That is because of the caseload.

Mr. GROSS. What makes the caseload that requires five Federal judges in South Carolina? There are only three in Iowa with a similar population.

Mr. CELLER. The Judicial Conference made the recommendation for additional judges. The Judiciary Committee reviewed the caseload and the types of cases, the quality of cases as well as their quantity, and determined that the Conference recommendation should be accepted in a large number of instances.

Mr. GROSS. That is hardly a justification for five judges for a population of 2½ million.

Mr. CELLER. Why is it not?

What more does the gentleman want to consider than the quality of caseload and the quality of cases, and the recommendation of the Judicial Conference behind it? What does the gentleman want?

Mr. GROSS. Real justification.

Mr. CELLER. The gentleman wants nothing. That is all. He wants no judgeships, no increases. He just wants to stand still. Well, that is retrogression since nothing about him moves forward.

Mr. GROSS. Let us take another statistic, which shows the comparable population of 2.5 million for the State of Arkansas. How many Federal judges are there in Arkansas? There are either four or five down there.

Mr. CELLER. There is no recommendation for Arkansas.

Mr. GROSS. I understand that is the situation under this bill, but in days gone by you added some, and there are now four or five. Why? I am trying to get at the reason for the number of judges in some of the States.

Mr. CELLER. When two men ride a horse, one man must ride behind. We are riding a horse, and the gentleman must ride behind.

Mr. GROSS. I am just trying to get up on the front of this horse the gentleman has galloping around. I am trying to get to the pommel of the saddle.

Mr. CELLER. We have 35 members in the Judiciary Committee, and they go through these figures with a fine comb, and then the gentleman comes at the very end and tries to upset that for which all these 35 men voted.

These men have trained minds. They understand the nature of the cases in these various courts. They understand the nuances there are. They make these recommendations.

We did not follow all the recommendations of the Judicial Conference. We used different standards, additional standards, to determine whether there was need or no need.

What in the world does the gentleman want us to do?

Mr. GROSS. I just do not want you to spend money on Federal judges that is not necessary to be spent. It is just that simple.

Mr. CELLER. We have not.

Mr. GROSS. I am trying to find out why some States of equal population have four or five Federal judges when we have only three in the State of Iowa. and we seem to be getting along reasonably well. Is that a bad question to ask? Why not give me a little help once in a while, instead of trying to behead me every time I ask a question.

Mr. CELLER. I will tell the gentleman from Iowa he probably does not know what we were up against. We eliminated 13 judges from the Senate bill. We took out 13 judges. Does the gentleman not give us credit for that at all?

Mr. GROSS. Oh, of course. I am always thankful for small favors.

But I still cannot understand why it is necessary to have five Federal judges in South Carolina, and I think there are four or five in Arkansas, with populations comparable to that of the State of Iowa. Are we missing out on something in Iowa, when we do not have two or three more Federal judges? Is it fashionable to have four or five with a 2½ million population? What is the story?

Mr. CELLER. One cannot judge merely by population standards. For example, in the State of New York one could not judge by population alone, because New York is the financial center of the United States. It is not the question of population that determines the need for the number of judges in New York; it is the type of business and industry and the economy of New York which determines that, which in turn determines the nature of the cases that gravitate to New York. We have to consider those factors.

Mr. GROSS. I know the city of New York has $6 billion of debt; that it is hopelessly mired in debt, and I can understand some of the problems generated by the spendthrifts there.

I thank the gentleman for the lack of information I have gotten as to why the need for some of the Federal judges the committee has authorized in the past and is proposing today.

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

There was no objection.

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

I merely suggest that the possible answer to the question just asked concerning the five justices in South Carolina is perhaps this is an area for trainees for Supreme Court appointment under the southern strategy.

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

I believe the records upon which we proceeded to make our determination in the Judiciary Committee show that the weighted caseload per judgeship in the United States for fiscal year 1969 was 289. Last year in South Carolina the weighted caseload per judgeship was 328, and the indications are that the caseload for the ensuing year or years is going to continue to be above the national average unless a new judgeship is created.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. Section 118(a) of title 28, United States Code, is hereby amended to read as follows:

"EASTERN DISTRICT

"The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

"Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia."

SEC. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

"Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland."

SEC. 8. Section 93(a) of title 28, United States Code, is amended by striking out "Court for the Western Division shall be held at Freeport." and inserting in lieu thereof "Court for the Western Division shall be held at Freeport and Rockford.".

SEC. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

"Court for the Indianapolis Division shall be held at Indianapolis and Richmond.".

SEC. 10. The second paragraph of subsection (c) of section 89 of title 28, United States Code, is amended by inserting "Fort Lauderdale," immediately after "shall be held at".

SEC. 11. Section 102(b)(1) of title 28, United States Code, is hereby amended by striking out at the end thereof "and Lansing" and inserting in lieu thereof "Lansing and Traverse City".

SEC. 12. (a) Paragraph 1 of section 123(c) of title 28, United States Code, is amended by inserting "Haywood," immediately after "Hardin,".

(b) Paragraph (2) of such section is amended by striking out "Haywood,".

SEC. 13. (a) Paragraph (5) of section 124(c) of title 28, United States Code, is amended to read as follows:

"(5) The Marshall Division comprises the counties of Camp, Cass, Harrison, Marion, Morris, Panola, Shelby, and Upshur.

"Court for the Marshall Division shall be held at Marshall."

(b) Paragraph (1) of such section is amended by striking out "Panola," and "Shelby,".

SEC. 14. Section 41 of the Act of March 2, 1917 (ch. 145, 39 Stat. 965), as amended (48 U.S.C. 863), be and hereby is repealed.

SEC. 15. Section 753 of title 28, United States Code, is hereby amended as follows:

(a) The first sentence of subsection (e) is amended by striking and eliminating the words "at not less than $3,000 nor more than $7,630 per annum".

(b) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court."

SEC. 16. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. REPORTING OF COURT PROCEEDINGS

"The Court of Claims is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item: "796. Reporting of court proceedings."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. Chairman, much has been said in approval of the Judicial Conference which made the recommendation for these additional judges to the committee. I suspect that every member of the Judicial Conference is a lawyer, and I have nothing against lawyers, but I suspect that every member is a lawyer and you can bet your last scrap metal dollar that all have their lightning rods up and hope that sooner or later the lightning of a Federal judgeship will strike.

The CHAIRMAN. The question is on the substitute committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. OLSEN, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill S. 952, to provide for the appointment of additional district judges, and for other purposes, pursuant to House Resolution 880, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 81, not voting 45, as follows:

[Roll No. 54]

YEAS—367

Abbitt	Caffery	Evans, Colo.
Abernethy	Camp	Evins, Tenn.
Adair	Carter	Fallon
Addabbo	Casey	Farbstein
Albert	Celler	Fascell
Alexander	Chamberlain	Feighan
Anderson, Calif.	Chappell	Findley
	Clancy	Fisher
Anderson, Ill.	Clark	Flood
Anderson, Tenn.	Clausen, Don H.	Flowers
		Flynt
Andrews, N. Dak.	Clawson, Del	Foley
	Clay	Ford, Gerald R.
Annunzio	Cohelan	Ford, William D.
Arends	Collier	
Ashbrook	Collins	Foreman
Aspinall	Conable	Fountain
Ayres	Conte	Fraser
Barrett	Conyers	Frelinghuysen
Beall, Md.	Corbett	Frey
Belcher	Corman	Friedel
Bell, Calif.	Coughlin	Fulton, Tenn.
Bennett	Cowger	Fuqua
Berry	Crane	Galifianakis
Betts	Culver	Gallagher
Biester	Cunningham	Garmatz
Bingham	Daddario	Gettys
Blackburn	Daniel, Va.	Giaimo
Blanton	Daniels, N.J.	Gibbons
Boggs	Davis, Wis.	Gilbert
Boland	Delaney	Goldwater
Bolling	Dellenback	Gonzalez
Bow	Denney	Goodling
Brademas	Dennis	Gray
Brasco	Dent	Green, Pa.
Bray	Derwinski	Griffin
Brooks	Devine	Grover
Broomfield	Dickinson	Gubser
Brotzman	Dingell	Gude
Brown, Mich.	Donohue	Haley
Brown, Ohio	Dowdy	Halpern
Broyhill, N.C.	Downing	Hamilton
Buchanan	Dulski	Hammer-schmidt
Burke, Fla.	Duncan	
Burke, Mass.	Dwyer	Hanley
Burleson, Tex.	Eckhardt	Hanna
Burlison, Mo.	Edmondson	Hansen, Idaho
Burton, Calif.	Edwards, Ala.	Hansen, Wash.
Burton, Utah	Edwards, Calif.	Harrington
Bush	Edwards, La.	Harsha
Button	Ellberg	Harvey
Byrne, Pa.	Erlenborn	Hastings
Byrnes, Wis.	Esch	Hathaway
Cabell	Eshleman	Hays
Hébert	Minish	Satterfield
Hechler, W. Va.	Mink	Saylor
Heckler, Mass.	Minshall	Schadeberg
Helstoski	Mize	Scherle
Hicks	Mizell	Schneebeli
Hogan	Mollohan	Schwengel
Holifield	Monagan	Scott
Horton	Moorhead	Sebelius
Hosmer	Morgan	Shipley
Howard	Morse	Shriver
Hull	Morton	Sikes
Hungate	Mosher	Sisk
Hunt	Moss	Skubitz
Hutchinson	Murphy, N.Y.	Slack
Ichord	Myers	Smith, Calif.
Jacobs	Natcher	Smith, Iowa
Jarman	Nedzi	Smith, N.Y.
Johnson, Calif.	Nelsen	Snyder
Johnson, Pa.	Nix	Springer
Jonas	Obey	Stafford
Jones, Ala.	O'Hara	Staggers
Jones, Tenn.	Olsen	Stanton
Karth	O'Neill, Mass.	Steed
Kastenmeier	Patman	Steiger, Ariz.
Kazen	Patten	Stephens
Kee	Pelly	Stokes
Keith	Pepper	Sullivan
King	Perkins	Symington
Kleppe	Pettis	Talcott
Kluczynski	Philbin	Taylor
Koch	Pickle	Teague, Calif.
Kuykendall	Pike	Thompson, Ga.
Kyl	Pirnie	Thomson, Wis.
Kyros	Podell	Tiernan
Landgrebe	Poff	Udall
Landrum	Pollock	Ullman
Langen	Powell	Van Deerlin
Latta	Preyer, N.C.	Vander Jagt
Lennon	Price, Ill.	Vanik
Lloyd	Price, Tex.	Vigorito
Long, Md.	Pryor, Ark.	Waggonner
Lowenstein	Pucinski	Waldie
Lujan	Purcell	Wampler
Lukens	Quie	Watkins
McCarthy	Quillen	Watson
McClory	Railsback	Watts
McCloskey	Randall	Weicker
McClure	Rees	Whalen
McCulloch	Reifel	Whalley
McDade	Reuss	White
McDonald, Mich.	Rhodes	Whitehurst
	Riegle	Whitten
McFall	Roberts	Widnall
McKneally	Robison	Wiggins
McMillan	Rodino	Williams
Macdonald, Mass.	Roe	Wilson, Bob
	Rogers, Colo.	Wilson, Charles H.
MacGregor	Rogers, Fla.	
Madden	Rooney, N.Y.	Winn
Mahon	Rooney, Pa.	Wold
Mailliard	Rosenthal	Wolff
Mann	Rostenkowski	Wright
Marsh	Roth	Wyatt
Martin	Roudebush	Wydler
Mathias	Roybal	Wylie
Matsunaga	Ruppe	Yates
May	Ruth	Yatron
Mayne	Ryan	Young
Melcher	St Germain	Zablocki
Mikva	St. Onge	Zion
Miller, Calif.	Sandman	Zwach
Miller, Ohio		

NAYS—18

Andrews, Ala.	Hall	O'Neal, Ga.
Bevill	Henderson	Passman
Brinkley	Jones, N.C.	Poage
Dorn	Long, La.	Rarick
Gross	Montgomery	Rivers
Hagan	O'Konski	Scheuer

NOT VOTING—45

Adams	Dawson	Mills
Ashley	de la Garza	Murphy, Ill.
Baring	Diggs	Nichols
Biaggi	Fish	Ottinger
Blatnik	Fulton, Pa.	Reid, Ill.
Brock	Gaydos	Reid, N.Y.
Brown, Calif.	Green, Oreg.	Steiger, Wis.
Broyhill, Va.	Griffiths	Stratton
Carey	Hawkins	Stubblefield
Cederberg	Kirwan	Stuckey
Chisholm	Leggett	Taft
Cleveland	McEwen	Teague, Tex.
Colmer	Meeds	Thompson, N.J.
Cramer	Meskill	Tunney
Davis, Ga.	Michel	Wyman

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Cleveland.

Mr. Teague of Texas with Mr. Cederberg.

Mr. Biaggi with Mr. Fulton of Pennsylvania.

Mr. Hawkins with Mr. Kirwan.

Mr. Murphy of New York with Mr. Cramer.

Mr. Stubblefield with Mr. Brock.

Mr. Carey with Mr. Fish.

Mr. Colmer with Mr. Broyhill of Virginia.

Mr. Stratton with Mr. McEwen.

Mr. Mills with Mr. Meskill.

Mr. Davis of Georgia with Mr. Michel.

Mrs. Griffiths with Mrs. Reid of Illinois.

Mr. Blatnik with Mr. Steiger of Wisconsin.

Mr. Adams with Mr. Reid of New York.

Mr. Gaydos with Mr. Wyman.

Mr. Ottinger with Mr. Taft.

Mr. Stuckey with Mr. Nichols.

Mr. Brown of California with Mrs. Chisholm.

Mr. Baring with Mr. de la Garza.

Mr. Ashley with Mr. Diggs.

Mr. Meeds with Mrs. Green of Oregon.

Mr. Tunney with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 6543, PUBLIC HEALTH CIGARETTE SMOKING ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 11, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference agreement on H.R. 6543 which the House now has before it, differs in some important respects from the bill passed by the House.

The House passed the bill in June of last year, Mr. Speaker, about 9 months ago. Because of the long period of time that has elapsed since the House acted, and so that Members of the House can place the conference report in proper perspective, I would like to review the history of this legislation.

The Federal Cigarette Labeling and

Advertising Act was passed by the Congress in 1965 and made effective January 1, 1966. Under the act:

First. Cigarette packages were required to bear a label stating: "Caution: Cigarette Smoking May Be Hazardous to Your Health";

Second. Other statements relating to smoking and health could not be required on cigarette packages bearing that label;

Third. Until July 1, 1969, no statement relating to smoking and health could be required in any advertisement of cigarettes, the package of which bore the required label; and

Fourth. The Secretary of Health, Education, and Welfare and the Federal Trade Commission were required to submit reports to the Congress with respect to matters of concern to them under the act by July 1 of each year.

With July 1, 1969, approaching and the termination of preemption of regulation of cigarette advertising, the Federal Communications Commission, in February 1969, issued a notice of proposed rulemaking under which cigarette advertisements would have been banned from radio and television.

In May 1969, the Federal Trade Commission issued notice of a proposed trade regulation rule which would have required that cigarette advertising bear a health warning. This was a proceeding which the FTC had originally instituted in 1964 but which was superceded by enactment of section 5(b) of the Federal Cigarette Labeling and Advertising Act.

Mr. Speaker, since enactment of the legislation in 1965 it has been my strong feeling that matters such as these involve broad public policies not within the authority of any nonelective body. They are matters which the Congress must decide. Consequently the House Committee on Interstate and Foreign Commerce held hearings from April 15 to May 1, 1969, on H.R. 6543, and other bills relating to cigarette labeling and advertising. H.R. 6543 was then reported to the House and passed by the House on June 18, 1969. As reported to, and passed by, the House, the bill would have made two changes in the original act. It would have provided for a new warning on cigarette packages to read: "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases," and, it would also have postponed the termination date on preemption of regulation of cigarette advertising from July 1, 1969, to July 1, 1975.

On July 22, 1969, hearings on this legislation were begun in the other body, but it did not act on H.R. 6543 until December 12, 1969. By that time both the broadcasting and cigarette industries had acquiesced to banning cigarette advertising from radio and television. As passed by the other body the act would have been amended to provide:

First, a new warning which would read, "Warning: Cigarette smoking is dangerous to your health";

Second, a preemption of States and political subdivisions from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes, the packages of which were labeled in accordance with the legislation;

Third, a total ban on cigarette advertising from radio, television, and cable television on or after January 1, 1971; and

Fourth, that the Federal Trade Commission could resume its trade regulation rule proceeding relating to cigarette advertising after July 1, 1971, or earlier, if advertising practices of the cigarette industry were found to be a gross abuse of the nonbroadcasting media.

We went to conference with the other body on the two differing versions of H.R. 6543 and have an agreement which I think the Members of the House should adopt. Under the conference agreement, the warning is a shortened version of that provided for in the House bill. It would read: "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

The agreement contains the preemption applicable to States and their political subdivisions in recognition of the fact that the labeling, advertising, promotion, and sale of cigarettes insofar as they are related to smoking and health are matters of national concern. The legislation makes clear that in order to make the legislation effective, States and their local divisions are not to interfere with the scheme of regulation provided for in the legislation.

The conference agreement also provides that after January 1, 1971, there can be no advertising of cigarettes on radio, television, or cable television, or any other medium of electronic communication subject to the jurisdiction of the Federal Communications Commission.

The Federal Trade Commission, on or after July 1, 1971, would be permitted to resume its proposed trade regulation rule relating to cigarette advertisements if it determined that to be necessary. I should like to reiterate what is stated in the statement of the managers on the part of the House, Mr. Speaker, that we expect that this trade regulation rule proceeding will be the only basis on which any Federal department or agency will attempt to require any statement relating to smoking and health in cigarette advertising.

The conference agreement also provides that the reports which have heretofore been submitted by the Department of Health, Education, and Welfare and the Federal Trade Commission by June 30 of each year, shall be submitted by January 1, 1971, and annually thereafter. This will permit more experience to be had under the act as amended before the first of these reports must be submitted.

As noted in the conference report, amendment No. 13 of the Senate, which provided for an effective date, was not within the scope of the conference because of a technicality. If the House adopts the conference report, I shall propose an amendment establishing effective dates for the legislation. This would give cigarette manufacturers about 7 months to get cigarette package imprinted with the new warning and label into the channels of commerce.

Mr. Speaker, this legislation is very different from the bill passed by the House in June of last year. Nevertheless, I am satisfied that it should be adopted by the House because the Congress—the body elected by the people—must make the policy determinations involved in this legislation—and not some agency made up of appointed officials.

And, Mr. Speaker, I might say in the conference the full Subcommittee on Health—which included nine members—plus the ranking minority member on the House side, the gentleman from Illinois (Mr. SPRINGER), and I took part in the conference with the other body. The conference report was adopted unanimously by all those on the House side and the Senate side.

Mr. Speaker, I urge the adoption of the conference report.

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

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, at long last we have a bill concerning cigarette advertising agreed upon by your conferees and the other body. It is hardly what left here many months ago and is more nearly the bill which was developed after the House action. It is an involved tale of changing positions by those most closely concerned with the situation. Without pointing fingers or claiming who did what to whom we should remember that the broadcasters suddenly agreed to voluntarily phase out cigarette advertising over a 4-year period, whereupon the cigarette manufacturers asked to be relieved of all such contracts within a few months. The result is a compromise which takes all such advertising off the air at the close of New Year's Day, 1971. That is the most dramatic change coming to us today for approval.

The warning on the cigarette pack has been discussed from all sides in both bodies. No slogan has been entirely satisfactory. Personally I do not feel that any printing on the package acts as a useful deterrent to smoking. The final agreement provides for language as follows:

The Surgeon General has determined that cigarette smoking is dangerous to your health.

One major question remains. Should the Federal Trade Commission require that the health warning be included in printed advertising? The conference report restricts action on such a rulemaking until July 1, 1971. After that it may proceed but Congress must be informed as to the contents of such a proposed rule.

Hoping that this may be the last legislation needed on this subject, I recommend the conference report to the House.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Virginia, a member of the committee.

Mr. SATTERFIELD. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, as a patron of this measure and one of the House conferees I rise at this time to comment upon two aspects of this bill as agreed to by the conferees.

First of all, it would confirm and reemphasize that the labeling, advertising, promotion, and sale of cigarettes, insofar as they relate to smoking and health are matters of national concern. In order to preserve the effectiveness of Federal legislation, State and local jurisdictions are not by regulation or prohibition to expand, duplicate, change Federal regulation in any way or to reduced the legal or practical effectiveness of the warning statement imposed by section 4, or to otherwise interfere with this legislation.

The second aspect of the measure, about which I wish to comment, deals with the key issue of the relationship between Congress and the Federal Trade Commission.

First, the conference agreed to preempt the Federal Trade Commission from proposing a trade regulation rule regarding cigarette advertising until July 1, 1971.

Second, the conferees have provided a system, a "safeguard system," to protect and preserve the authority of Congress to dispose of this question. The bill as agreed to by the conferees will require the Commission to do certain things after July 1, 1971, should it attempt to promulgate a trade regulation rule.

First, it must notify Congress of its intention to propose a specific trade regulation rule;

Second, it must furnish Congress with a full statement of its reason for suggesting such a rule, and, finally, it must give Congress a period of 6 months thereafter in which to act before that proposed rule is promulgated.

It should be stressed that this system will neither affirm nor deny the contention of the Federal Trade Commission that it has the authority to issue trade regulation rules.

Third, the bill as recommended by the conferees would not interfere in any way with the Trade Commission's authority to issue cease-and-desist orders against unfair and deceptive advertising practices. However, the measure will prohibit the Commission, until July 1, 1971, from requiring any affirmative statement on cigarette advertising.

In this regard the record should be made clear about the listing of tar and nicotine content in cigarettes.

It should be recalled that this bill as it passed the House had no provision dealing with tar and nicotine. In the other body, the committee reported a bill which did contain such a provision. But that provision was eliminated by a floor amendment. Since neither the House nor Senate versions of this bill contained a tar and nicotine content provision, that matter was not before the conferees and thus such a question is clearly outside the sphere of action by the Federal Trade Commission until July 1, 1971.

All in all there can be no doubt that the bill embraced by the conference committee sets definite limits of time and scope of action of a regulatory agency.

It is seriously hoped that this interval will provide a cooling-off period during which scientific cooperation will replace emotional confrontation in the cigarette controversy.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. So the adoption of the conference report will not deprive me of the ability to continue to smoke cigarettes.

Mr. STAGGERS. No, sir.

Mr. GROSS. I thank the gentleman. Only the good die young.

Mr. PREYER of North Carolina. Mr. Speaker, this act is a good example of the wise exercise of legislative power because of both what it does and what it does not attempt to do.

First of all, the act is intelligent in what it does—that is, it prohibits a form of advertising that inevitably reaches youthful audiences, and it provides an adequate warning to protect the public health. Both bodies of Congress in their respective hearings were thoroughly advised of the pervasive power of the electronic media in reaching young people.

All parties to the cigarette controversy were in agreement on this point. Indeed, the cigarette industry took the initiative in July 1969 at the Senate Commerce Committee hearings of voluntarily going off of the airwaves when their existing contracts with the broadcasters expired in September of 1970 if antitrust law immunity were granted to them by the Congress. In fact, the cigarette manufacturers offered to cease all broadcast advertising as early as January 1, 1970 if the networks would release them from their contracts and, as we all know, the majority of the networks refused to make this accommodation. If the cigarette manufacturers had had their way, there would be no cigarette advertising on radio and television today. Be that as it may, the Senate amendment permits cigarette advertising until January 2, 1971 and the House conferees concurred in the Senate amendment. It appeared that prohibition was the only practical way to achieve this objective in this session of the Congress.

Second, the Public Health Cigarette Smoking Act of 1969 is modest in what it does not attempt to do—that is, it does not legislate the causes of human disease. Only qualified scientists conducting objective research can add to the state of knowledge about cigarette smoking and human disease. Only they can determine by research the causes of disease and discover their cures.

Mr. Speaker, there are gaps in scientific knowledge regarding smoking and health. The Secretary of Health, Education, and Welfare recognized this fact when he notified the Congress that discussions have been held between his department and the cigarette industry for the purpose of identifying these gaps in knowledge. The Secretary should be urged to continue this cooperative effort between the Government and the cigarette industry and to expedite the identification of the gaps in scientific knowledge in order that priorities may be set for closing them through appropriate research. Our duty to protect the public welfare dictates that we should encourage and support the scientific effort to discover the cause and cure of lung cancer, heart disease, and emphysema.

There is growing evidence that it is at least as likely that environmental and constitutional factors other than cigarette smoking are the causes of these diseases. However, the antismoking bandwagon effect prevents objective consideration of all the evidence.

In the meantime, the warning label required by the 1965 act and this act speak for themselves. They are without hidden meaning. The declared policy and purpose of the Congress in enacting this legislation remains unchanged, that is, "to inform the public that cigarette smoking may be hazardous to health." The warning label required in the 1965 act and the one required in this act are intended to carry out this policy and purpose. This policy has been and is successful in that reliable surveys indicate that 97 percent of the population of the Nation is aware of the warning notice on cigarette packages.

The members of the House Interstate and Foreign Commerce Committee, shortly before the expiration of the 1965 act listened to many scientists and medical experts and had before them much data including the 1967, 1968, and 1969 HEW reports. After hearing the evidence they concluded "that nothing new had been determined with respect to the relationship between cigarette smoking and human health," although there are more statistics than in 1965. The hearing before the Commerce Committee of the other body dealt only with the advertising and marketing of cigarettes.

I believe the Members representing both bodies acted responsibly and wisely.

They did those things that are the fitting and proper exercise of legislative authority. They protected the public by an adequate warning and by a necessary ban on electronic advertising. At the same time, they refused to arrogate unto themselves the role of medical expert by legislating a solution to the as-yet-unsolved problem of the causation of human disease.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 13: On page 7, strike out lines 9 and 10 and insert:

"EFFECTIVE DATE

"SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. All other provisions of the amendment made by this Act shall take effect on January 1, 1970."

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. Section 4 of the amendment made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of this Act. All other provisions of the amendment made

by this Act except where otherwise specified shall take effect on January 1, 1970."

Mr. STAGGERS. Mr. Speaker, the amendment which I have just offered establishes an effective date for the legislation. The original House version had a July 1, 1969, effective date. The other body provided an effective date of January 1, 1970, for all but section 5 of the legislation. Both of these dates were of course past when the conferees of the two Houses met on this legislation and therefore, technically speaking, the matter was not within the scope of the conference.

The amendment which I have offered was considered informally in the course of the conference and I have every assurance that it will be adopted by the other body.

Under the amendment, section 5 of the act would be effective from July 1, 1969. Section 5 relates to preemption of statements with respect to smoking and health on cigarette packages and preempts the States and their political divisions from imposing any requirement or prohibition based on smoking and health with respect to the advertising or promotion of cigarettes which are labeled in accordance with the legislation. This retroactive effective date is being adopted just to be certain that no State or local law which might have escaped our attention and which establishes any requirement or prohibition based on smoking and health with respect to cigarette advertising could be held to be valid for the period between July 1, 1969, and the date the legislation finally becomes law, or any portion thereof.

Section 4 of the legislation, which provides for the warning label on cigarette packages, would be made effective the first day of the seventh calendar month which begins after the enactment of this legislation, or I think it's safe to say, on October 1 of this year. This is to allow time to get cigarettes in packages with the old caution label off the market and to permit the new warning label to be imprinted on cigarette packages, and to get cigarettes so packaged into the channels of commerce.

All other provisions of the legislation would be effective from January 1, 1970, under the amendment.

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

The motion was agreed to.

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

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16196, DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 881 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 881

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16196) to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, and all points of order against the bill pursuant to the requirements of clause 3 of rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 16196, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 2601, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16196 as passed by the House.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 881 provides an open rule with 2 hours of general debate for consideration of H.R. 16196, the District of Columbia Court Reform and Criminal Procedure Act of 1970. The resolution also provides that all points of order against the bill are waived pursuant to clause 3 of rule XIII—Ramseyer rule—that the bill shall be read for amendment by titles instead of by sections, and that, after passage, the District of Columbia Committee shall be discharged from further consideration of S. 2601 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 16196 is to give to the people in Washington some measure of surcease from the ever-growing criminal element which too long has been a threat of life, limb, and property in the District of Columbia.

The bill is a comprehensive, much-needed, interrelated tool for the administration of justice in the District.

Title I of H.R. 16196 is made up of five parts:

Part A is a revision of title II of the District of Columbia Code, by which the court system of the District is reorganized.

Part B is a revision of chapter 23, title 16 of the code to update proceedings relating to juveniles and paternity cases.

Part C covers three areas: a new chapter in the code relating to procedures regarding intrafamily offenses, modification to local jurisdiction outside the District, and amended provisions as to the competency of witnesses.

Part D generally conforms present law to amendments in the bill.

Part E covers transition provisions, appointment of personnel, and the effective date of this title.

Title II has two parts: First, amendments to certain criminal laws and new law making conspiracy to commit a non-Federal offense in the District a crime; and second, amendments to and codification of title 23 of the District of Columbia Code, "Criminal Procedure."

Title III abolishes the present Legal Aid Agency and replaces it with an Office of Public Defender, with enlarged services and staff.

Title IV provides for the payment of attorney's fees in actions for wrongful arrest when such charges are brought against officers or members of the Metropolitan Police Department.

Title V transfers to the Bureau of Prisons the facilities of the District of Columbia Department of Corrections at Lorton, Va., and the custody of persons committed therein.

Title VI abolishes the Commission on the Revision of the Criminal Laws of the District, properly leaving that function with the respective committees of the Congress.

Title VII contains effective date provisions not provided separately for title I of the bill.

Mr. Speaker, I urge the adoption of House Resolution 881 in order that H.R. 16196 may be considered.

The SPEAKER pro tempore (Mr. BROOKS). The gentleman from Ohio (Mr. LATTA) is recognized.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this rule and I wholeheartedly support the bill. I think the people in the District of Columbia and the many millions of visitors who come to our Nation's Capital have long awaited the day when the House and the Senate would take effective action to combat crime in this city. I think, as the District of Columbia Committee did, that this bill is a tremendous step forward in this direction. As one Member of the House, I wish to commend the chairman of the District of Columbia Committee and the members of this committee for the outstanding job they have done on this very important and comprehensive piece of legislation.

It is my understanding that many, many bills pertaining to crime in the District of Columbia have been submitted to this great committee from time to time over the past several months by

the Nixon administration and that the committee has consolidated them into the omnibus crime bill now before us. Notwithstanding the tremendous service this committee has performed and notwithstanding the fact that this Congress will pass this legislation, more will need to be done to wipe out our crime problem. I call your attention to the statement which appears on page 3 of the report:

Congress, police, prosecutors, the defense counsel, the courts and the community all have a joint as well as an individual responsibility to assist one another not only to ameliorate crime conditions but also to eradicate the very festers in society from whence criminal acts originate.

All Members of Congress have hung their heads in shame at the mention of the soaring crime rate in our Nation's Capital. Our Capital City is fast becoming known around the world for its muggings, rapes, burglaries, murders, auto thefts, and so forth, rather than as the seat of government of this great land of ours. Certainly when the administration set as one of its goals the making of safe streets, it could not have set for itself a better nor more vital goal. I think all Americans are awaiting the passage of this legislation as the beginning of the end of our constantly rising crime rate.

In 1969, we had 289 homicides in the District of Columbia; we had 336 forcible rapes in the District of Columbia; we had 12,423 robberies; we had 3,621 aggravated assault cases; we had 22,992 burglaries; we had 11,548 larcenies of over $50 or more; we had 11,366 auto thefts—making a grand total in 1 year in the District of Columbia, our Nation's Capital, of 62,575 crimes committed. At this point, I wish to submit three charts which tell a more complete story.

[Chart II not printed in RECORD]

CRIME IN THE DISTRICT OF COLUMBIA

Offense	January through December—Calendar year— 1958	1962	1966	1969
Homicide	79	91	144	289
Forcible rape	65	82	134	336
Robbery	709	1,572	3,703	12,423
Aggravated assault	2,535	3,005	3,177	3,621
Burglary	3,642	5,022	10,267	22,992
Larceny ($50 and over)	1,683	2,666	5,261	11,548
Auto theft	1,899	2,581	6,565	11,366
Total	10,612	15,019	29,251	62,575

CRIME INDEX OFFENSES, JANUARY THROUGH SEPTEMBER 1969, CITIES 500,000 TO 1,000,000 POPULATION

City	Population	Offenses: Total offenses	Ranking per 1,000 population	Murder	Rape	Robbery	Aggravated assault	Burglary	Larceny	Auto theft
Baltimore	939,024	48,220	3	174	521	6,679	8,408	14,970	9,473	7,995
Boston	697,197	25,924	9	74	180	2,298	1,184	6,565	4,716	10,907
Buffalo	532,759	11,504	13	32	102	699	587	3,963	3,506	2,615
Cincinnati	502,550	9,656	14	43	129	606	536	3,760	3,244	1,338
Cleveland	876,050	36,069	7	179	210	3,939	1,556	8,854	5,174	16,157
Dallas	679,684	29,451	6	161	319	1,563	2,800	14,150	4,613	5,845
Houston	938,219	41,983	5	193	311	3,484	2,110	18,040	8,948	8,897
Milwaukee	741,324	13,413	15	30	60	428	523	2,994	5,970	3,408
New Orleans	627,525	20,962	11	52	231	1,732	1,734	6,343	6,285	4,585
Pittsburgh	604,332	24,583	8	43	181	2,215	1,364	7,625	6,023	7,132
St. Louis	750,026	35,218	4	189	470	3,571	2,738	14,306	3,282	10,662
San Antonio	587,718	20,144	10	70	123	656	1,596	8,511	5,192	3,996
San Diego	573,224	14,096	12	25	113	517	565	3,649	6,716	2,511
San Francisco	740,316	39,632	2	100	437	4,825	2,266	13,795	5,156	12,053
Washington, D.C.	763,956	44,629	1	200	259	8,656	2,687	16,367	8,345	8,115
District of Columbia ranking in actual number of offenses		2		1	6	1	4	2	3	6
District of Columbia ranking per 1,000 population		1		1	6	1	4	2	2	6

This is a record of which we must be ashamed. It is a record which needs to be corrected, and I for one believe that this legislation will go far in correcting it. I also believe, as the Committee on the District of Columbia believes, that it will take more than just the passage of this legislation to correct it. It is going to take the cooperation of all of us to see that this crime rate comes down.

Much has been said and much has been written about the fear of individuals to walk the streets of our Nation's Capital, not only in the night season but during the daytime as well. Much has been written of the crime around Capitol Hill itself. Yes, and many people working on Capitol Hill have been victimized by this criminal element. We are not proud of what has been said and what has been written about our Nation's Capital. We need this legislation without crippling amendments to reduce this crime, to make our streets safe again, and to make it the model city it should be.

I heard the Attorney General of the United States state that we must have this bill without crippling amendments to do the job which must be done. A few years ago we passed the Bail Reform Act. Since that time we have had a tremendous increase in criminal acts by second, third, and fourth offenders who were out on their own recognizance.

The legislation before us today will give the courts some needed authority to protect society from these habitual criminals. They will not be turned loose on society to repeat their offenses again and again before they are brought to the bar of justice for the first offense.

This is one of many sections of this bill that should not be riddled by crippling amendments. I hope and pray this House will act responsibly, and I know that it will, to see to it that we give the District of Columbia the tools to do the job that needs to be done.

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

Mr. LATTA. I yield tc the majority leader.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished member of the Committee on Rules explain to me and to others interested the reason for the sentence that begins on page 2, line 9, and running through line 14, which reads as follows:

After the passage of H.R. 16196, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 2601, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 16196 as passed by the House.

Mr. LATTA. Yes. This bill which is referred to on line 11, S. 2601, which has already passed the House, is not as comprehensive as the bill now before us and this authority is needed to send it to conference.

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

Mr. LATTA. I yield to the gentleman from New York.

Mr. DELANEY. Mr. Speaker, we have six separate bills in the Senate, and in order to go to conference with the six bills, this language is necessary.

Mr. GERALD R. FORD. Mr. Speaker, in other words, by the inclusion of this language in the bill, all of the bills that have already passed the other body in this general area can go to conference with this version of the House bill?

Mr. DELANEY. That is exactly correct.

Mr. LATTA. Mr. Speaker, I might say, further, on page 5 of this report there is a list of the various bills that have been put together to make up the omnibus crime bill we have before us. The administration sent many bills to the great Committee on the District of Columbia and it put these bills together—and I think rightfully so—to make this 439 page omnibus bill. A tremendous effort has been put forth by this Committee. I conclude by again commending it along with the Nixon administration which requested it.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

BALTIMORE CITY COUNCIL ENDORSES ANNUNZIO INSURANCE BILL

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

Mr. ANNUNZIO. Mr. Speaker, on February 16, the City Council of Baltimore, Md., became the second city to endorse my bill, H.R. 13666, which would beef-up the so-called FAIR plan insurance program and provide insurance coverage to businessmen and residents of our inner cities. Previously, the bill had been endorsed by the City Council of Cleveland.

Homeowners and businessmen in the downtown section of Baltimore are facing the same problem that is occurring throughout our major cities. The businessmen and homeowners find it difficult to obtain insurance and if they are able to obtain the insurance, the costs are so high that premium payments cannot be met. This problem has forced many businesses to close their doors or move to other areas and is resulting in the abandonment of many residential areas.

In supporting my bill, the Baltimore City Council, in a resolution, quite properly stated the problem when it wrote:

Whereas, as soon as the insurance companies refuse to write coverage in particular areas, the condition of the neighborhood deteriorates more rapidly since the small businessman or homeowner is not equipped financially to cope with problems of vandalism.

Mr. Speaker, we cannot live in an age where billions of dollars are spent to explore outer space and millions of dollars are spent to subsidize farmers, while at the same time, the problems of our inner cities are neglected.

Therefore, I hope that after hearings are held on H.R. 13666, hopefully before the end of the spring, that this body will overwhelmingly pass the legislation so that the future of our inner cities is not ruined.

Mr. Speaker, I am including in my remarks a copy of the Baltimore City Council resolution. I greatly appreciate this measure of support from such an outstanding city as that of Baltimore.

The resolution follows:

RESOLUTION

City Council Resolution requesting the United States House of Representatives to enact legislation authorizing the Federal Government to write direct insurance for home owners and small business men in urban areas where insurance is unobtainable or where the premiums are unreasonable.

Whereas, one of the more pressing problems in the Urban area and more especially in certain deteriorating areas of the City is the inability of the home owner or small business man to secure property insurance at a reasonable rate; and

Whereas, as soon as the insurance companies refuse to write coverage in particular areas, the condition of the neighborhood deteriorates more rapidly since the small businessman or homeowner is not equipped financially to cope with problems of vandalism; and

Whereas, each homeowner or small businessman must be given every opportunity to retain and protect his home or business so that these may remain as a stabilizing influence and a deterrent to slum and blight which would run rampant through any section of a community where the homeowner or small businessman has given up hope and lost incentive; and

Whereas, there are deficiencies in the present government assistance plans which can be corrected by authorizing the Federal Government to write direct insurance in cases where the premiums of the private companies are unreasonable or where no insurance is available at any price; and

Whereas, this Council feels that this type of legislation is necessary to stem the tide of slum and blight before a neighborhood becomes hopelessly deteriorated; now, therefore, be it

Resolved by the City Council of Baltimore, That the United States House of Representatives is hereby requested to enact legislation that would authorize the Federal Government to write direct insurance for homeowners and small businessmen in urban areas where insurance is unavailable, or where the premiums are unreasonable; and be it further

Resolved, That the City Council of Baltimore supports H.R. 13666 introduced by Representative Frank Annunzio which would correct deficiencies in the Fair Access to Insurance Requirements Plans; and be it further

Resolved, That a copy of this Resolution be sent to Representative Frank Annunzio and to the members of the Congress of the United States for Maryland.

TRIBUTE TO THE LATE DR. J. WILLIAM HILLMAN

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

Mr. FULTON of Tennessee. Mr. Speaker, my community, Nashville-Davidson County, Tenn., our medical community throughout the Nation, and thousands of individuals, children, and adults suffering from physical handicaps, have lost a source of help and compassion in the death of Dr. J. William Hillman.

Dr. Hillman's dedicated service to those in need and his contributions to the medical field will stand as a living tribute to his life and his work.

Our sympathies go out to his family and to all those who knew and loved him.

Perhaps the most moving tribute to this outstanding healer was made in the following editorial carried by the Nashville Banner on Monday, March 9:

DR. J. WILLIAM HILLMAN

Heart and mind and hand combined, in the person and profession of Dr. J. William Hillman, to make him the extraordinary servant of mankind he became in the realm of healing science that was his in a career of practice and teaching that was all too short. His life was full; overflowing with friendship, and service, and achievement . . . for others.

Rarely do these multiple gifts reside in one life so abundantly; or on the part of their possessor, give of themselves so liberally when duty calls or opportunity affords. In both areas of the healing arts—great instructor—great surgeon, great and understanding friend, Dr. Hillman excelled.

He was a young man when he came to Vanderbilt University from Johns Hopkins University School of Medicine in 1952 as an assistant professor of orthopedic surgery. In 1962 he became chairman of the department—and through the years across that esteemed association, he has grown into the professional stature nationally recognized, and in the heart of those blessed in personal acquaintance with the man.

No man in either category knew him better than did Dr. Randolph Batson, dean of the Vanderbilt School of Medicine—nor could have better expressed the estimate held by colleagues: "He was a leader of leaders," said Dr. Batson, "a man more dedicated and in turn as loved and respected as any man I have ever known."

He was that in personality, a strength of character commanding instinctive trust; a genial man, who radiated sunshine, and yet a gentle soul responding to the needs around him and within the categories of his special gifts. So it was that in vast addition to the tasks he bore in teaching and practice—themselves immeasurable in their ultimate reach—his labor of love embraced such areas of kindness as humanitarian enterprise provided.

As patron and benefactor he participated fully in these. He was a member of the board of directors of the Tennessee Council for Handicapped Children, and a member of the Governor's Committee on Employment of the Handicapped. He also served on the board of the Bill Wilkerson Hearing and Speech Center. He was chief of orthopedic surgery for the Junior League Home for Crippled Children, and a consultant for the state in that work throughout Tennessee.

His concern was for service to those around him, not personal aggrandizement.

In his untimely passing an inexpressible loss has been sustained, by his family, by Vanderbilt University, by his community and by his profession. It is keenly felt, too, by every friend.

EFFICIENT AND HEALTHY FARM ECONOMY FOR THE FUTURE

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

Mrs. MAY. Mr. Speaker, this Nation must maintain an efficient and healthy farm economy—capable of producing big crops at low cost—if we are to meet our goal of eliminating hunger among all Americans.

Until now, agriculture has met the test.

But we must be concerned about the future, and I am glad to know that farmers have created the National Educational Institute for Agriculture to help remind the public about the role of agriculture in meeting our national needs.

The hunger problem we have today is basically one of distribution. We have enough food in this country to give every American a healthy diet because farmers have increased their productive efficiency to an amazing degree. The problem lies in getting the food—or the purchasing power to buy it—into the hands of the needy.

What we do not have and do not want in the future is the kind of hunger problem we have seen abroad—a hunger

stemming from the inability of local farmers to produce enough to meet local needs.

By providing insight into this and related issues, the National Educational Institute for Agriculture can improve congressional and public understanding of the role American agriculture plays in meeting the needs of a growing population.

Production per man-hour on farms jumped 82 percent from the late 1950's to 1968, when each farmer was supplying food and fiber for 43 persons compared with 23 a decade earlier.

Farmers must be able to continue this kind of progress in the future if we are to fill the needs both of our poor and the rest of our people.

For the average American, the farmer has done a good job. Between the late 1950's and 1968, for example, consumer incomes rose 66 percent while the retail price of food at supermarkets rose only 22 percent. The proportion of the average man's paycheck spent on food will be down to an alltime low of under 16.5 percent of after-tax income in 1970. Progress of this kind must be continued.

AMENDMENT OF TITLE III OF BANKHEAD-JONES FARM TENANT ACT

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

Mr. POAGE. Mr. Speaker, I introduce, for appropriate reference, a bill to amend title III of the Bankhead-Jones Farm Tenant Act to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization and for other purposes.

This bill would substantially increase the opportunities for employment and income in rural areas through the development of recreation potentials in resource conservation and development projects.

This bill would give the Secretary of Agriculture the same authority in administering recreation and fish and wildlife improvement in resource conservation and development projects that is now available to him under Public Law 566, the Watershed Protection and Flood Prevention Act.

Resource conservation and development projects, made possible by Congress through the Food and Agriculture Act of 1962, are proving to be an extremely effective method through which people in rural America can develop their natural resources in ways that contribute to economic growth.

There are presently 68 resource conservation and development projects in the planning and operation stages in 45 States. The 12 most recent ones were authorized by the Secretary of Agriculture in January of 1970. One of these, the Leon-Bosque resource conservation and development project, is in the 11th Congressional District of Texas.

The Leon-Bosque resource conservation and development project area has a favorable climate. Streams and lakes invite unlimited recreation developments. There are undeveloped facilities around major reservoirs of Lake Protector, Lake Whitney, Lake Leon, and Lake Cisco. They offer fishing and water sports of all kinds. There is need for a great expansion in fishing facilities and water sports.

This bill would authorize financial assistance for such public water-based recreational developments. Under present authorities, the Secretary of Agriculture is not permitted to cost share for recreation or fish and wildlife developments with resource conservation and development funds. This proposed amendment to the Bankhead-Jones Farm Tenant Act would permit the use of resource conservation and development funds for recreational developments.

I am joined in cosponsoring this legislation by the following Members of this House who also have resource conservation and development project sponsors among their constituency.

The list of cosponsors are as follows:

Honorable Harold T. "Bizz" Johnson, March 11, 1970, 4:30 p.m.
Honorable Frank Evans, March 12, 1970, 9:25 a.m.
Honorable Phil Landrum, March 12, 1970, 9:30 a.m.
Honorable Bill Burlison, March 12, 1970, 9:35 a.m.
Honorable Carl Albert, March 12, 1970, 9:38 a.m.
Honorable William J. Scherle, March 12, 1970, 9:46 a.m.
Honorable William Nichols, March 12, 1970, 9:47 a.m.
Honorable Omar Burleson, March 12, 1970, 10:37 a.m.
Honorable Ed Edmondson, March 12, 1970, 12:15 p.m.
Honorable O. C. Fisher, March 12, 1970, 2:24 p.m.
Honorable Joe Skubitz, March 12, 1970, 2:35 p.m.
Honorable Bill Alexander, March 12, 1970, 3:00 p.m.
Honorable William L. Dickinson, March 12, 1970, 3:02 p.m.
Honorable Joseph M. McDade, March 12, 1970, 3:55 p.m.
Honorable Joe L. Evins, March 12, 1970, 4:20 p.m.
Honorable Roger H. Zion, March 12, 1970, 4:25 p.m.
Honorable Samuel S. Stratton, March 12, 1970, 4:55 p.m.
Honorable John Melcher, March 13, 1970, 9:27 a.m.
Honorable Wayne L. Hayes, March 13, 1970, 10:30 a.m.
Honorable John Wold, March 13, 1970, 11:40 a.m.
Honorable Jamie Whitten, March 13, 1970, 3:05 p.m.
Honorable John A. Blatnik, March 14, 1970, 8:35 a.m.
Honorable Garner E. Shriver, March 16, 1970, 9:00 a.m.
Honorable Orval Hansen, March 16, 1970, 9:05 a.m.
Honorable Spark M. Matsunaga, March 16, 1970, 9:55 a.m.
Honorable John R. Kyle, March 16, 1970, 10:40 a.m.
Honorable Laurence J. Burton, March 16, 1970, 10:50 a.m.
Honorable Richardson Preyer, March 16, 1970, 11:10 a.m.
Honorable Walter S. Baring, March 16, 1970, 11:10 a.m.
Honorable Peter Kyros, March 16, 1970, 3:10 p.m.
Honorable Lee H. Hamilton, March 16, 1970, 3:15 p.m.
Honorable Sam Steiger, March 16, 1970, 3:30 p.m.
Honorable Joseph P. Vigorito, March 16, 1970, 4:50 p.m.
Honorable Harley O. Staggers, March 16, 1970, 5:05 p.m.
Honorable Al Ullman, March 17, 1970, 9:55 a.m.
Honorable Silvio O. Conte, March 17, 1970, 11:10 a.m.
Honorable Wilbur Mills, March 17, 1970, 12:20 a.m.
Honorable J. J. Pickle, March 17, 1970.
Honorable John W. Byrnes, March 17, 1970, 4:50 p.m.
Honorable Thomas S. Foley, March 17, 1970, 5:10 p.m.
Honorable David R. Obey, March 18, 1970, 9:05 a.m.
Honorable Howard Robison, March 18, 1970, 11:45 a.m.

NATHANIEL S. COLLEY

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

Mr. MOSS. Mr. Speaker, Mr. Nathaniel S. Colley, an attorney and leader of the black community in my district, delivered a well-reasoned address before the 10th annual Negro Leadership Conference in California. Mr. Colley seeks a well-balanced solution to the racial tensions in this Nation.

As one who also feels a middle ground must be found, I commend the speech to my colleagues:

INTEGRATION VERSUS BLACK NATIONALISM

(By Nathaniel S. Colley)

It was initially suggested to me that the subject of this part of the symposium would be integration vs. black pride. Such a title would have given me great problems, because I do not see them as being antithetical. In fact, my strong preference and belief is that men should work both for the creation of an integrated society in which white is no advantage and black is no detriment. Each person would have natural pride in his heritage, but would sense no need to low-rate or oppress others because they look or act differently.

At the outset, let us set the record straight. No black man in America need be told or reminded that in this country his blackness has been a curse upon him. Nor is this a mere allusion to the ancient past. All of us know that even now, over a hundred years after the Emancipation Proclamation and the three freedom amendments to the constitution, in our society, blackness is in fact, if not in theory, a badge of servitude of one kind or another.

Our essential question is now, and always has been the same. How do we throw the chains which imprison us as black people in a land of freedom? We must continue the dialogue on the subject of our condition. We must not, however, fall into subtle traps, fashioned out of sophisticated rhetoric, which brainwash us into believing that there are easy, instant total solutions to our problems. While we must continue to demand "freedom now", we must also identify and define that for which we ask. Do we mean freedom to rise and fall on our merits or demerits as human beings, in existing American society, or do we mean freedom to create a new black society here or somewhere else?

It is but a truism to say that the blood, sweat and tears of black men have been an essential ingredient in the formula which has made America the most powerful and the richest nation on earth. I belong to that school of thought which holds that it would be treason to our exploited ancestors for black men to cop out and walk away from all this wealth and power they helped to create.

We want some of it. We are prepared to fight for it in our way. We have no intention of accommodating the white racists who would rejoice to see us removed as a thorn in their sides and a pain in the breasts of their guilty consciences. Nor do we intend to make prophets and philosophers out of the Cotton Ed Smiths and Bilbos of the past or the Lester Maddoxes of today who have asserted, and still insist, that racial segregation is good for the black man, and that he can never function effectively as part and parcel of American society.

Educated black men ought really be ashamed for joining in the personal assaults upon some of their brothers just because they hold divergent views. In some quarters, we defame the name of the late, and immeasurably great, Dr. Martin Luther King largely because he had a dream for an America in which black and white could live together in peace and harmony. He dared dream that his "four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." Yet none of his detractors has had, and perhaps never will have, an equal impact upon the lives of black men in this country. While he did not create the black protest movement, he certainly was its most articulate spokesman. In the third of the Massey Lectures broadcast over the Canadian Network in 1967 he assessed its impact as follows:

"The Negro freedom movement would have been historic and worthy even if it had only served the cause of civil rights. But its laurels are greater because it stimulated a broader social movement that elevated the moral level of the nation. In the struggle against the preponderant evils of society, decent values were preserved. Moreover, a significant body of young people learned that in opposing the tyrannical forces that were crushing them they added stature and meaning to their lives."

Roy Wilkins and Whitney Young and the organizations they represent are often defamed in many circles allegedly because they are too closely allied with white people, middle class black people, and in general, the so-called establishment or power structure. These men fought for black equality when it was not fashionable to do so, and while you may not presently agree with their approach, their reward for a life time of labor in the struggle for freedom should not be a frustrated chorus of ignorant prattle by lesser black men whose trademark is a sign of destruction rather than upward reach.

It would be idle for anyone to claim that there is no substantial justification for the widespread frustration and disillusion which has swept like a smothering smoke over much of black America. Most of us spend our lives knowing we are constantly pressed to the wall. There is nothing new in this. Many a young black man has hurled at the whole white race an ego satisfying—"to the wall incestuous son"—does not realize that he is not being creative, but is only adding obscenity to the last two lines of the poem of defiance written by the black poet, Claude McKay, in 1919 entitled "If We Must Die," in which he wrote:

"Like men we'll face the murderous cowardly pack
Pressed to the wall, dying, but fighting back."

With those lines Claude McKay may well have put his pen on the very essence of black culture, especially if we define culture of an ethnic group as commonly shared experiences and attitudes. It is entirely possible, and maybe even probable, that the only commonly shared experience and attitude among black people in America is the feeling that we are eternally pressed to the wall, and as a result of it we must spend a major portion of our time fighting back. Since I am only a country boy elevated to the high status of a very successful small town lawyer, the social scientists will naturally tear into my theory of black culture on the ground that my credentials do not shine with sufficient academic brilliance. My answer is that I do not have the impediment of academic training in the social science disciplines of Robert E. Park or William F. Ogburn of the University of Chicago School of Sociology, and am hence free to think for myself in this field. I am both ignorant and brazen enough to advance a thesis of my own.

Protest has been the common threat which has bound black people together from Crispus Attucks to Frederick Douglass to W. E. B. DuBois, to Martin Luther King to Nathan Hare. Sever that common thread and you then must identify us only by rich and beautiful skin color or full, warm inviting lips.

This constant thread which I call a culture of protest may be documented. Phillis Wheatly, a talented black woman whose American life was largely lived in the protective custody of a nice white Boston family wrote in 1776 to the Earl of Dartmouth as follows:

"Should you, my lord, while you pursue my song,
Wonder from whence my love of freedom sprung,
Whence flow these wishes for the common good,
By feeling hearts best understood."

Certainly, no one could call Miss Wheatly a black militant or a revolutionary. She was more nearly a true Black Anglo-Saxon. Yet protest and a desire for freedom sprang from her, which by her, was understood. Later in the same poem she expressed the sorrow and pain her parents must have experienced when she, as a mere baby, was cruelly snatched from the breast of her mother in Africa by greedy white men bent upon the rape of that fair land and its people.

Frances E. Harper, another black woman of talent, wrote a poem to her white sisters ten years before emancipation which contains this stanza:

"Weep not, oh, my well sheltered sisters,
Weep not for the Negro alone,
But weep for your sons who must gather
The crops which their fathers have sown."

A black man was so shocked by the taking of the territory of the Seminole Indians in Florida that he wrote a poem which he entitled "The Rape of Florida". Since he was black, and had always felt pressed to the wall by white racism, even his Indian poem was filled with flashes of black concern and pride. He asked:

"Is manhood less because man's face is black?" In the same poem he replied:

"Oh, let me see the Negro night and morn,
Pressing and fighting for place and power!
All earth is peace—all time the auspicious hour.
While earth leans forth to look, oh, will he
Quale or cower?"

W. E. B. DuBois, one of America's truly great thinkers, though trained as a Ph. D. at Harvard, found that his, too, was ordained to be a life of protest. During the Atlanta race riots in 1906, he wrote in his "A Litany of Atlanta":

"Sit no longer blind, Lord God,
Deaf to our prayer and
Dumb to our suffering."

With characteristic skepticism of the true intellectual he then meditatingly asked:

"Surely Thou too art not white,
O Lord, a pale, bloodless, heartless thing."

When pressed to the wall by the violent excesses of white racism against his people, Dr. DuBois not only lost faith in man's ability to restrain his animal instincts, but he also began to doubt God, and to doubt the validity of the American Dream.

Even Booker T. Washington, one of the most maligned of all black leaders of the past, also protested against injustices of his people. In the New Republic in 1915 he wrote that racial segregation was not only morally wrong, but that it did actual harm to both races. His suggested compromise in his earlier Atlanta Exposition speech was carefully limited in its apparent endorsement of racial segregation to "things purely social." What, in effect, he said was that black people should place a high priority upon economic advancement and education, and give little concern about mixing with white people in the social amenities. There is no immeasurable gulf between what he said and what the late great Malcolm X taught. While I do not believe that either of them was completely right, I believe each was great and deserves accolades rather than hoots because each was black and each left us monuments of value which will be beacon lights for struggling black youth long after their detractors are dead, gone, rotten and forgotten.

What, you may well ask, has all this got to do with Integration vs. Black Nationalism. I say it has everything to do with it, because too many black nationalists now claim that black pride, black protest and a recognition of self-worth and black beauty are their newly discovered values. It just is not so. From the time of their first enslavement, black people, being pressed to the wall, have been a people of protest. Our singular culture has been our uniform historical response to protest of this feeling of being forever pressed to the wall. It is truly our only commonly shared experience, and it is the only common denominator shaping all our attitudes about everything we say or do. It affects the Black Bourgeoisie which came to obsess E. Franklin Frazier; it concerns the Black Anglo-Saxons about whom Dr. Nathan Hare has so skillfully but scornfully written; it haunted Claude McKay, W. E. B. DuBois, Booker T. Washington, Walter White, J. Weldon Johnson, Roy Wilkins and Martin Luther King. It drove the black masses in Watts to riot, and now occupies almost the full time and efforts of our brightest intellectual symbols such as Hare, Killens, McWorter, Cobbs and Goodlett.

The involvement in the culture of protest knows no class lines among black people. When a Proposition 14 in California threatened to relegate all black people to residential reservations and preserves, the boundaries of which are fixed by white people, it was the late black champion Loren Miller and myself who first shouldered armor to thrust back this threat. We gave not only our talents and our time, but we even personally paid the costs of filing complaints and printing briefs.

Upper middle class doctors like Carlton Goodlett and Price Cobb have literally poured their life blood into the struggle for black freedom. Nearly 400,000 ordinary black citizens have joined in support of the NAACP, while thousands of others have been, or are affiliated with hundreds of organizations with lesser numbers. The God fearing blacks still hear sermons of pride, civil and social uplift, and protest in their churches. Black elected officials, be they pitifully small in number, are expected to, and by and large do, wage the war against racism in the Congress, state legislatures, boards of supervisors and city councils of this nation. Black garbage men protest and strike in Memphis, black hospital workers in South Carolina expose the racist oppression of those who assist those more highly skilled and paid, and the poor protest their inability to eat regularly in a nation so rich and unwise that it can squander billions in support of a corrupt regime in South Viet Nam and a fascist one in Spain, while its own people remain poor, hungry, frustrated and disillusioned.

Yes, black lips sing a unified song of freedom in America. They differ only in how it

shall be achieved. Most of us agree that our ancient condition of virtual human bondage must cease without further delay. In this respect we are one and all revolutionaries, even though we differ widely in our methods of waging the war.

Some of us have been taught and believe that the way to the promised land of freedom and opportunity is through integration of black people into the mainstream of American life. We characterize our view as equality of opportunity for all people, without regard to race or color. Nevertheless, we recognize that our lofty goal has not been reached. For that reason, we too continue to feel pressed to the wall, dying, but always fighting as black men with pride and honor.

The case for integration is very simple. White people have the power and the money. Because they have largely kept us on the outside looking in, they also have most of the technological know-how so necessary for survival in this modern age. We helped them get rich. In a real sense they have our money and we do not intend to walk away poverty stricken, with the money earned by our labor drawing interest for them in their banks, and the power attained by our blood resting exclusively in their hands. America is our nation and our destiny is inexorably entwined with hers. When she is wrong as in Viet Nam, or in her relationship with us, we protest, but we strive to change but not destroy her, to improve her but preserve the unquestioned good she already manifests.

Again, let the poet of protest, Claude McKay, speak for us in his poem entitled simply, "America":

"Although she feeds me bread of bitterness,
And sinks into my throat her tiger's tooth,
Stealing my breath of life, I will confess
I love this cultured hell that tests my youth!
Her vigor flows like tides into my blood,
Giving me strength erect against her hate.
Her bigness sweeps my being like a flood,
Yet as a rebel fronts a king in a state,
I stand within her walls with not a shred
Of terror, malice, not a word of jeer.
Darkly I gaze into the days ahead,
And see her might and granite wonders there,
Beneath the touch of time's unerring hand,
Lie priceless treasures sinking in the sand."

Black nationalists may scorn our approach and claim with much justification that it has not freed us. Our answer is that all things are relative, and a more accurate statement would be that it has not wholly freed us because it has never been fully tried. Only those blind to our history in this country could seriously claim that significant strides toward freedom have not been made. All of us agree that these steps have been too feeble and too slow, but they have, nevertheless, left their footprints upon the sands of time.

As a little black boy in Snow Hill, Alabama, I saw the public school bus loaded with white kids whiz by me and splash mud on me as the white youngsters threw spit balls and yelled nigger! nigger! Now the public school bus must remain in the garage unless it is willing to carry black children also. Thirty years ago I rode the back of the bus to visit my mother in Alabama, but when I went to her funeral a few years ago I flew into Montgomery, refused to stay in the once lily-white Jeff Davis Hotel because it was dilapidated for my newly acquired taste, and rode around Montgomery in the front of the bus for the hell of it. The University of Alabama is open to my son if he wants that kind of education, yet my application there twenty-five years ago was revolutionary indeed. In voting, black lethargy is a far greater threat than any white primary ever was. A black man has been in the Cabinet and one sits on the Supreme Court. White men have been refused their seats there because we objected.

We are not disciples of the status quo, nor even moderation. We advocate instant change, and to that extent we are revolutionary. Yet we still have faith because of what the past has taught us. We have hope because we still believe in the viability of the American dream, and expect to make it come true for us and our posterity.

America is our nation. We have helped to make it what it is today. Some of its greatness is our greatness. Much of its wealth is our wealth. Likewise, many of its sins are our sins, and much of its sickness is ours as well.

While in many respects it has been tragic that for over a hundred years black men have had to turn their best efforts and thoughts to protest of their condition, America has benefited from this situation immensely. Black men are primarily responsible for America making most of its feeble steps toward political and social democracy.

When the fourth of July orators give forth with their eloquent tributes to this land of the free and home of the brave, they conveniently forget, or in ignorance do not know, that prior to the advent of the black man as a political concern in American life, this was truly a republican federation of independent states. The cherished Bill of Rights had practically no meaning in the lives of the American people. They only meant that Congress could not curb free speech. Congress could not exercise prior censorship on the press. Federal authorities could not engage in unreasonable searches and seizures. But how state and local authorities censored the press or gathered evidence was not a national concern. The right to a fair trial in state courts, by a jury of one's peers, the right to be free from coerced confessions, to have a lawyer of one's own choosing, the right not to have the hell beat out of you by a state or local policeman, are all rights placed into the Constitution by the 14th Amendment to protect black people, and refined and given validity by cases brought by black men. Even the concept of equal protection of the law is as black as the ace of spades. It does not appear in the Bill of Rights, but rather is an innovation injected into the body of our law by the 14th Amendment.

At great sacrifice to our lives and our development in other arenas, black men taught America the true meaning of democracy. Nine black Scottsboro boys taught her the need for the right to counsel. We showed her the dangers in mob violence by the sacrifice of our blood, and in general, infused life into the Bill of Rights by making them applicable to state and local governments, from whence the threat of oppression so often comes. Because of us, equal protection became a cornerstone of our jurisprudence, and by reason of our persistence, insights and legal creativity, that principal now stands as a bulwark between each individual and every group of every race or color, interdicting invidious classifications which governmental laws and functionaries might otherwise make among our citizens. Whatever legal restraints exist in this country against police brutality are the result of laws designed primarily for the protection of black people. In short, our presence and our protests have given to, or forced upon, America those attributes which distinguish it, in philosophy and law at least, from all the powerful governments which have been born and died before, and also from most of those which exist contemporaneously with it.

We, then, are integrationists because our beloved country is deeply indebted to us and we do not wish to disengage with this great obligation hanging over her head. We also believe in integration because while it has never been given a fair trial, segregation certainly has. Separatism failed us and it failed America. There is no reason to believe that some new nobility has been accorded the old doctrine of separate but equal which so readily accommodated to our enslavement at a time when we should have long been free.

Some black nationalists urge a separate black nation for us in the southeast corner of Dixie. Why they chose an American wasteland of worn-out soil, depleted forests and mines and minimum industrial development, and tobacco roads, is a mystery to me. It could be that they felt that white America would never give them any territory worth very much. One trouble with that plan is that most black Americans were born there and have left for good. Quite seriously, such a separate state idea seems impossible of attainment, and fraught with all the dangers any small satellite nation has with reference to a giant neighbor. An independent foreign policy would be impossible, and unless domestic policy would be geared to the American economy tall fences and thick walls would be required to keep people in or out.

Another possible form of black nationalism is some form of black hegemony within specified enclaves throughout the states and cities of America. An effort could be made to have our own institutions, officials and economy. I just do not believe it will happen. Perhaps Dr. Hare will tell us the kind of black nationalism he has in mind. If he means maximum unity among black people for the achievement of common goals arrived at by a democratic exchange of views and votes, we wish him Godspeed. Otherwise we must go our separate ways, but we too shall remember that all of us must heed and repeat again and again the charge given us by Claude McKay when he wrote:

"Like men we'll face the murderous cowardly pack,
Pressed to the wall, dying but fighting back."

No matter which route we take to freedom all of us must believe in ourselves and our people. We must repeat and live by the refrain of Langston Hughes who wrote of his black people:

"The night is beautiful
So the faces of my people
The stars are beautiful
So the eyes of my people
Beautiful, also, is the sun
Beautiful, also, are the souls of my people."

Let me conclude by saying that those of us who really know and love our people, need not run, need not hide, need not separate, need not crawl, but will walk like Langston Hughes' new Black Joe. We'll be walking proud, talking loud, announcing to the world that we are the new Black Joe.

FAIR IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, yesterday, March 17, was St. Patrick's Day and the Nation wore green. In New York City alone, 125,000 marched up Fifth Avenue, lead by John Kerry O'Donnell, the grand marshal of the parade. As the counsul general of Ireland, Charles V. Whelan, said in pointing to Judge James J. Comerford, the parade chairman:

Indeed, they had Judge Comerford come over from New York to Dublin as the expert on this kind of thing.

For one day, America was the auld sod.

Again this year the American Irish National Immigration Committee marched behind a banner reading "Fair Immigration Laws for Ireland. Write Your Congressman."

The significance of that banner was illustrated by a story which appeared on St. Patrick's Day in the Washington Post and headlined: "Irish Woman in Jail Still Chooses U.S." As the story begins:

Caitriona Nessa Lane, 37, Irish, alone and out of work, heard the gate of an Alexandria jail clang shut yesterday on what may be the end of her dreams.

The United States Immigration Service has charged Miss Lane, who came here in 1966, with overstaying her three week visa.

Miss Lane was quoted as saying:

As far as I'm concerned, there's only one country—the United States.

Miss Lane's sentiments are shared by many of her Irish brethren. Yet, under present law, opportunities for her countrymen to emigrate to America are practically nonexistent.

Since 1820, more than 44 million people have immigrated to the United States. More than 10 percent of these—4,711,113—have come from Ireland. Yet last year, only 960 Irish immigrants were allowed to enter this country. These figures are not just numbers—they represent human beings, seeking to better themselves, looking to America as a country where they can do so, and offering the contributions of their minds and their labor.

The cause for this severe limitation in immigration—a limitation which I want to emphasize has similarly affected several other nations—lies in the unanticipated inequities consequent upon enactment of the Immigration and Nationality Act of 1965.

Although the 1965 act eliminated—and properly so—the inequitable national origins quota system, it set up a system of preferences and a labor certificate requirement which have had the unexpected effect of barring the entrance of "new seed" immigrants.

Allocations of numbers for persons born in areas other than the independent countries of the Western Hemisphere are governed by 8 U.S.C. 1153(a), which prescribes categories as follows:

First preference—unmarried sons and daughters of U.S. citizens: not to exceed 20 percent of the overall limitation of 170,000 in any fiscal year;

Second preference—spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence: not to exceed 20 percent of the overall limitation plus any numbers not required for first preference;

Third preference—members of the professions or persons of exceptional ability in the sciences and arts: not to exceed 10 percent of the overall limitation;

Fourth preference—married sons or daughters of U.S. citizens: not to exceed 10 percent of the overall limitation, plus any numbers not required by the first three preference categories;

Fifth preference—brothers and sisters of U.S. citizens: not to exceed 24 percent of the overall limitation, plus any numbers not required by the first four preference categories;

Sixth preference—skilled and unskilled workers in short supply: not to exceed 10 percent of the overall limitation;

Seventh preference—refugees: not to exceed 6 percent of the overall limitation;

Nonpreference—other immigrants: numbers not used by the seven preference categories.

A prerequisite for nonpreference classification is a labor certification under 8 U.S.C. 1182(a)(14), or satisfactory evidence that provisions of that section do not apply to the alien's case.

Unfortunately, good intentions have had bad results. Aimed at ending the obnoxious national origins system which was really a disguise for barring eastern Europeans by keying immigration quotas to the number of members of their national group in this country in 1920—the new system, which took full effect on July 1, 1968, has severely limited Irish immigration, as well as that of other western European groups.

In fiscal year 1966, preference and nonpreference visas issued in Dublin—the only place in Ireland where visas are issued—totaled only 2,130. In fiscal year 1967, this number dropped to 1,625. In fiscal year 1968, the total was 2,167.

And in fiscal year 1969, ending on June 30, 1969, the first fiscal year in which the Immigration and Nationality Act of 1965 was fully in effect, the decline was even more drastic. The total number of preference and nonpreference visas issued in Dublin amounted to 538. The past 8 months show no improvement in this picture; the figure from July 1969 through February 1970 stands at 363.

Needless to say, this situation has been of great concern to many Members of the House. In 1965, when the new Immigration and Nationality Act was being considered by the Congress, we were assured by the Department of State that under its provisions Ireland would be able to qualify for approximately 5,200 places per year. As the statistics all too clearly show, this prediction missed the mark by far. The number of immigrants from Ireland has fallen far below the yearly average of 7,000 which existed for the decade prior to 1965.

Two years ago, I introduced legislation to make additional visas available to nationals of those countries where the average immigration has declined sharply as a result of the 1965 Immigration and Nationality Act. This past year, on the opening day of the first session of the 91st Congress, I again introduced this legislation as H.R. 165. Seventy-seven Members of the House have either cosponsored this bill, or its companion bills—H.R. 166, H.R. 3841, and H.R. 6540—or have introduced identical bills. A list of these Representatives will be appended at the end of my remarks.

Thus far, there has been no action on these bills by the Immigration and Nationality Subcommittee of the Committee on the Judiciary. That such action is necessary does not need my recitation alone; the subcommittee last December 10 heard the testimony of John P. Collins, national chairman of the American Irish National Immigration Committee, whose remarks, which I inserted in the CONGRESSIONAL RECORD, volume 15, part 29, at pages 38896 through 38899, amply portrayed the problem. Mr. Collins had testified previously on July 3, 1968, at which time he stressed the urgent need for action. What Mr. Collins said last December to that subcommittee is equally well addressed to all of us:

Mr. Chairman, Members of the Congress, we believe we're entitled to a better day and a better law. We regard each of you distinguished members of the Congress as being sympathetic to the plight of the prospective Irish immigrant. We beg you now to channel that sympathy into an effective solution.

That solution is offered by H.R. 165, which I will detail briefly.

H.R. 165 assures that no nation would suffer a severe reduction in its level of immigration to the United States as a result of the provisions of the Immigration and Nationality Act of 1965.

The bill provides that a "floor" would be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act—that is, during the years 1956 through 1965. This "floor" would in no way be based on the former quota, but only on the actual numbers which came in during these years. It is equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000 individuals, whichever is less.

To the extent that immigration falls below the "floor" for a given fiscal year, extra numbers of visa spaces—above and independent of the worldwide quota—would be provided the following year, so that total immigration reaches the established "floor."

One point should be very clear—H.R. 165 is not in any way a return to the old national origins quota system, abolished in 1965. But it is an attempt to correct the inequities of the new law. Reform which, in turn, creates inequity must, in turn, be reformed.

In the case of Ireland, which sent an average of 7,000 individuals during the base period 1956–65, about 5,300 places—that is, 75 percent of 7,000—would be established as the floor for Irish immigration. Clearly, this reform would, therefore, be of benefit to Irish citizens seeking to emigrate to the United States. On the other hand, the bill insures that no country whose immigration levels had improved as a result of the 1965 act—the contrary case to that of Ireland—would be adversely affected.

H.R. 165 also resolves the problem created by 8 U.S.C. 1182(a)(14), which establishes the labor certificate requirement. This resolution is achieved by providing that the provisions of section 1182(a)(14) shall not apply to immigrants entering under the category established by the bill.

An explanation of section 1182(a)(14) shows the need for this reform. Until December 1965, an unskilled immigrant could enter the United States unless the Secretary of Labor refused to approve his entry and made a specific finding that there were sufficient workers available at the alien's proposed destination, or that the wages and working conditions of workers in this country would be adversely affected. The burden was, therefore, on the Secretary of Labor to foreclose entry.

Under the revised section 1182(a)(14),

the immigrant now shoulders the burden. He or she must demonstrate why his petition for entry should be approved. The difficulty presented an unskilled young man or woman, situated in Dublin or in some small Irish village, in making his case, acts as a significant bar to emigration.

And yet this bar is really unnecessary, since it applies to only a comparative few. Comparative by our standards, that is. To the potential immigrant seeking entry, the bar is a very personal one, foreclosing his opportunity for a new life.

According to the Department of Labor, immigration accounts for about one-eighth of the annual additions to the total labor force. So, the effect of immigration on our labor market is not overwhelming in any event. Moreover, more than 150,000 immigrants in the preference categories can enter the United States each year, free of any labor restrictions. Only the small remainder of immigrants in the third preference, sixth preference, and nonpreference categories must pass the barrier erected by section 1182(a)(14). Clearly, the hurdle set up to bar these immigrants—few in number, but each one an eager individual intent on reaching our shores and creating a new life for himself—is unnecessary, given the small number it bars.

Thus, by virtue of H.R. 165's lifting the bar of section 1182(a)(14), many more young men and women will be able to take advantage of available visa spaces. Thereby, new seed immigration—beneficial to our own country—will be enabled from every nation which has suffered a decline in emigrants as a result of the 1965 act.

Mr. Speaker, I again urge, as I have done in the past, that the Subcommittee on Immigration and Nationality of the Judiciary Committee give highest priority to this reform of the 1965 act, and that it take immediate and effective action to deal equitably with the unanticipated, but all too real, effects of the 1965 act.

At this point, I include in the RECORD the list of 77 Representatives who have sponsored H.R. 165 and companion bills:

Joseph P. Addabbo of New York.
Frank Annunzio of Illinois.
William A. Barrett of Pennsylvania.
Mario Biaggi of New York.
Jonathan Bingham of New York.
Edward P. Boland of Massachusetts.
Frank T. Bow of Ohio.
Frank J. Brasco of New York.
James A. Burke of Massachusetts.
Phillip Burton of California.
Daniel E. Button of New York.
James A. Byrne of Pennsylvania.
Hugh L. Carey of New York.
Jeffrey Cohelan of California.
Harold R. Collier of Illinois.
Dominick V. Daniels of New Jersey.
James J. Delaney of New York.
John H. Dent of Pennsylvania.
Edward Derwinski of Illinois.
Harold Donohue of Massachusetts.
Thaddeus Dulski of New York.
Leonard Farbstein of New York.
Peter H. B. Frelinghuysen of New Jersey.
Samuel N. Friedel of Maryland.
James G. Fulton of Pennsylvania.
Cornelius E. Gallagher of New Jersey.
Robert N. Giaimo of Connecticut.
Jacob Gilbert of New York.
Henry Gonzalez of Texas.
William Green of Pennsylvania.
James R. Grover of New York.
Seymour Halpern of New York.
Margaret M. Heckler of Massachusetts.
Henry Helstoski of New Jersey.
Charles S. Joelson of New Jersey.
John C. Kluczynski of Illinois.
Edward I. Koch of New York.
Clarence D. Long of Maryland.
Allard K. Lowenstein of New York.
Torbert Macdonald of Massachusetts.
Richard McCarthy of New York.
Joseph McDade of Pennsylvania.
Martin B. McKneally of New York.
Ray J. Madden of Indiana.
Thomas J. Meskill of Connecticut.
Abner Mikva of Illinois.
Joseph G. Minish of New Jersey.
John S. Monagan of Connecticut.
John M. Murphy of New York.
William T. Murphy of Illinois.
Robert N. C. Nix of Pennsylvania.
Thomas P. O'Neill of Massachusetts.
Richard L. Ottinger of New York.
Edward J. Patten of New Jersey.
Philip J. Philbin of Massachusetts.
Otis Pike of New York.
Bertram Podell of New York.
Adam C. Powell of New York.
Roman Pucinski of Illinois.
Henry S. Reuss of Wisconsin.
Ogden Reid of New York.
Daniel J. Ronan of Illinois.
Benjamin S. Rosenthal of New York.
William F. Ryan of New York.
Fernand St Germain of Rhode Island.
William St. Onge of Connecticut.
Charles W. Sandman, Jr., of New Jersey.
William Stanton of Ohio.
Robert Taft of Ohio.
Frank J. Thompson of New Jersey.
Robert O. Tiernan of Rhode Island.
Joseph Vigorito of Pennsylvania.
Lowell P. Weicker of Connecticut.
Charles W. Whalen, Jr., of Ohio.
Lester L. Wolff of New York.
John W. Wydler of New York.
Gus Yatron of Pennsylvania.

I include at this point in the RECORD a table prepared by the Department of State showing visas issued, conditional entries, and adjustments of status granted immigrants born in Ireland for fiscal years 1965, 1966, 1967, and 1968. It includes month-by-month statistics for fiscal year 1968 and for fiscal year 1969 through December 1969:

VISAS ISSUED, CONDITIONAL ENTRIES, AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND

Year and place issued	Preference							Nonpreference	Nonquota	Immediate relative	Special immigrant	Special legislation	Total
	1st	2d	3d	4th	5th	6th	7th						
Fiscal year 1965:													
Dublin			3	8				3,825	13				3,849
Elsewhere			1	3	(1)	(1)	(1)	1,481	44	(1)	(1)		1,529
Adjustments of status	1		1					183					185
Total	1		5	11				5,489	57				5,563
Fiscal year 1966 (July to November): [2]													
Dublin				11				1,781	4				1,796
Elsewhere				1	(1)	(1)	(1)	557	21	(1)	(1)		579
Adjustments of status								72					72
Subtotal (July to November)				12				2,410	25				2,447
Fiscal year 1966 (December–June): [2]													
Dublin	1	12	4		93			238		39	56		433
Elsewhere	1	6	1	1	44			142	(1)	48	20		263
Adjustments of status		1	1	1	21			21					45
Subtotal (December–June)	2	19	6	2	158			401		77	76		741
Total													3,188
Fiscal year 1967:													
Dublin	7	52	3	2	333	6		1,222		124	111		1,860
Elsewhere		7		5	108	2		561	(1)	77	45		805
Adjustments of status		9		1	59	4		78					151
Total	7	68	3	8	500	12		1,861		201	156		2,816
Fiscal year 1968:													
Dublin	4	40			464	1		1,658		117	92		2,376
Elsewhere	1	16		5	178			897	(1)	94	52		1,243
Adjustments of status	1	14			108	1		175					297
Total	6	70		5	748	2		2,730		211	144		3,916

Footnotes at end of tables.

VISAS ISSUED, CONDITIONAL ENTRIES, AND ADJUSTMENTS OF STATUS GRANTED IMMIGRANTS BORN IN IRELAND—Continued

Year and place issued	Preference 1st	2d	3d	4th	5th	6th	7th	Nonpreference	Nonquota	Immediate relative	Special immigrant	Special legislation	Total
Fiscal year 1968:													
July:													
Dublin		1	2			15			127	12	4		161
Elsewhere						4			56	7	3		70
Total		1	2			19			183	19	7		231
August:													
Dublin			2			14			124	9	13		162
Elsewhere			1			10			56	10	4		81
Total			3			24			180	19	17		243
September:													
Dublin			1			28			121	6	11		167
Elsewhere			1			8			38	5	5		57
Total			2			36			159	11	16		224
October:													
Dublin			5			37			108	11	9		170
Elsewhere			2		1	14			59	8	1		85
Total			7		1	51			167	19	10		255
November:													
Dublin			7			20			81	7	7		122
Elsewhere						7			59	5	2		73
Total			7			27			140	12	9		195
December:													
Dublin		1	1			14			33	7	5		61
Elsewhere		1	2		3	6			66	14	7		99
Total		2	3		3	20			99	21	22		160
January:													
Dublin			3			32			99	14	11		159
Elsewhere			3			11			49	9	5		77
Total			6			43			148	23	16		236
February:													
Dublin						43			77	10	8		138
Elsewhere					1	6			64	4	1		76
Total					1	49			141	14	9		214
March:													
Dublin		1	4			39			62	12	4		122
Elsewhere			3			17			51	5	4		80
Total		1	7			56			113	17	8		202
April:													
Dublin			1			41			119	17	8		186
Elsewhere			2			29			57	10	3		101
Total			3			70			176	27	11		287
May:													
Dublin			3			46			230	5	4		288
Elsewhere			1			34			153	14	7		209
Total			4			80			383	19	11		497
June:													
Dublin		1	11			135		1	477	7	8		640
Elsewhere			1			32			189	3	10		235
Total		1	12			167		1	666	10	18		875
Total:													
Dublin		4	40			464		1	1,658	117	92		2,376
Elsewhere		1	16		5	178			897	94	52		1,243
Adjustments of status		1	14			106		1	175				297
Grand total		6	70		5	748		2	2,730	211	144		3,916
Fiscal year 1969:													
July:													
Dublin										10	13		23
Elsewhere			1			5				17	3		26
Total			1			5				27	16		49
August:													
Dublin		1	2							6	10		19
Elsewhere		1	2							10	5		18
Total		2	4							16	15		37
September:													
Dublin		1	1							11	17		30
Elsewhere			11	1		8		2		7	1		30
Total		1	12	1		8		2		18	18		60
October:													
Dublin			2			22				27	16		67
Elsewhere			7		2	46				9	5		69
Total			9		2	68				36	21		136

Footnotes at end of table.

Year and place issued	Preference 1st	2d	3d	4th	5th	6th	7th	Nonpreference	Nonquota	Immediate relative	Special immigrant	Special legislation	Total
Fiscal year 1969—Continued													
November:													
Dublin			4			27				13	19		63
Elsewhere			4			35		2		8	4		53
Total			8			62		2		21	23		116
December:													
Dublin		1	2			9				7	6		25
Elsewhere			6	1	1	30		13	8	16	2		77
Total		1	8	1	1	39		13	8	23	8		102
One-half year totals:													
Dublin		3	11			58				74	81		227
Elsewhere			17	2	3	62		5	5	67	20		181
Adjustments		1	14			62		12	3				92
Total		4	42	2	3	182		17	8	141	101		500

[1] Not applicable.

[2] Prior to amendment of Oct. 3 1965 (Public Law 89-236).

I include at this point in the RECORD tables for immigrant visas issued at Dublin to applicants born in Ireland for the period January 1969 through December 1969, and for January and February 1970:

IMMIGRANT VISAS ISSUED AT DUBLIN TO APPLICANTS BORN IN IRELAND JAN. 1, 1969, THROUGH DEC. 31, 1969

	January	February	March	April	May	June	July	Aug. 1 to Nov. 31	December	Total
1st preference			1			2		3	1	7
2d preference	8	3	12	12	7	5	1	33	4	85
3d preference										
4th preference		1	6	3	1		1	9		21
5th preference	16	8	17	24	24	41	29	73	26	258
6th preference	2	8	19	17		9		47		102
7th preference										
Nonpreference			1	20	44	155	11	32	3	266
Subtotal	26	20	56	76	76	212	42	197	34	738
Immediate relatives	5	9	7	9	16	10	9	45	7	117
Special immigrants	9	7	6	8	8	8	12	38	8	104
Total	40	36	69	93	100	230	63	280	49	960

IMMIGRANT VISAS ISSUED AT DUBLIN TO APPLICANTS BORN IN IRELAND, JAN. 1, 1969, THROUGH FEB. 28, 1970

	January	February	Total
1st preference	2		2
2d preference	4	1	5
3d preference			
4th preference			
5th preference	20	27	47
6th preference	17	13	30
Nonpreference	4	2	6
Subtotal	47	43	90
Immediate relatives	5	4	9
Special immigrants	5	4	9
Total	57	51	108

I also wish to include the advertisement of the American Irish National Immigration Committee which appeared in the New York Times on March 17, 1970:

IRISH NEED NOT APPLY

In the old days that meant anti-Irish discrimination in jobs. Today it means immigration policy that lets only a trickle of Irishmen qualify for U.S. visas in Dublin. Consider the figures: Before the 1965 law was passed 5,000 to 7,000 Irish emigrated to America each year. Projections for this year show that less than 700 will receive U.S. visas.

There is a bill before Congress now that could help correct this injustice. It is H.R. 165, co-sponsored by 78 concerned Congressmen. And, of course, warmly endorsed by the American Irish Immigration Committee—Protestants, Catholics and Jews working together for a fairer immigration policy.

You can help the Irish, and other nationalities suffering from the 1965 law. Write to:

Your Congressman, House Office Building, Washington, D.C., or

Rep. Michael Feighan, House Immigration Subcommittee, House Office Building, Washington, D.C., or

Sen. Edward Kennedy, Senate Office Building, Washington, D.C.

Tell them the Irish need not apply policy must be changed.

AMERICAN IRISH NATIONAL IMMIGRATION COMMITTEE.
NEW YORK, N.Y.
JOHN P. COLLINS, *National Chairman.*

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

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

There was no objection.

TRIBUTE TO ROBERT P. HOWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MCCLORY) is recognized for 60 minutes.

Mr. MCCLORY. Mr. Speaker, a well-beloved and highly respected newspaperman, Robert P. Howard of the Chicago Tribune, is retiring in Springfield, Ill., on March 31.

Bob Howard, who joined the Tribune as a reporter in 1944, has been the Tribune's State capitol correspondent in Springfield since 1957.

It is not always easy for one in public life to comment objectively on the career and work of a political correspondent. However, in the case of Bob Howard, I have no hesitancy in acknowledging that he has been painstaking in his search for truth and accuracy, fair in his political judgments, and articulate in his description of political events and personalities as he found them at the State capitol in Springfield, Ill.

I have had the privilege of knowing Bob Howard since 1950 when I first became a member of the Illinois General Assembly. A short time later, I was introduced to his devoted wife, Eleanor, who was also formerly a newspaperwoman and whom he met when he worked with the Associated Press in Sioux Falls, S. Dak.

Following his work with the Associated Press, Bob Howard joined the editorial staff of the Chicago Sun before establishing his long tenure with the Chicago Tribune in 1944.

While Bob Howard has devoted his principal newspaper work to political reporting, he has been an avid student of history, collecting a substantial library of Illinois history. He served formerly as president of the Sangamon County Historical Society and is a member of the Civil War Round Table as well as other history oriented organizations. He contributed substantially to the work of the Illinois Sesquicentennial in 1968.

Bob Howard's reputation among his fellow newspapermen is evidenced by the fact that he is president of the Illinois Legislative Correspondents Association composed of newspapermen from all parts of the State assigned to Springfield.

I am proud to call these facts surrounding the life and work of Bob Howard to the attention of my colleagues in the House of Representatives, and to all throughout the Nation by whom the CONGRESSIONAL RECORD will be read.

In addition, I extend to Bob Howard my sincere congratulations and convey to him and his wife, Eleanor, as well as to their two daughters—Mrs. David Condon of Decatur, Ill., and Miss Jane Howard of New York City—my good wishes.

It is my further expectation that Bob Howard will enjoy many more useful years, and I shall look forward to special

features, and perhaps a historical volume in which he records recent history in the Land of Lincoln.

Mr. MIKVA. Mr. Speaker, those of us who served in the Illinois General Assembly were lucky enough to have with us in Springfield an ex officio historian of Illinois legislative activities and of Illinois events generally. Bob Howard, who is winding up his active career in the newspaper field, did more than just cover his beat, although the way he covered his beat was not a minor happening. When any of us had difficulty remembering the precise facts of some past days, or had that legislative habit of recalling events not quite the way they had occurred, Bob Howard could be counted on to bring events into sharper focus, for which we were sometimes not too grateful, I might add.

I understand he is planning to put some of his Illinoisan knowledge together in a book. I am looking forward to reading some more of the sharp Howard prose, and hope we do not have to wait too long to learn more about Illinois. In the meantime, I join everyone who knows him in saluting the kind and generous Bob Howard, and wishing him a happy and active retirement.

Mr. ANNUNZIO. Mr. Speaker, I am delighted to join my distinguished colleague from Illinois, Hon. ROBERT MCCLORY, in paying tribute to Bob Howard, the Springfield correspondent for the Chicago Tribune.

I met Bob Howard in 1948 in Springfield when I was appointed director of the Illinois Department of Labor in January of 1949, and during the ensuing 4 years that I spent in Springfield, I saw Bob almost daily and admired him for his honesty and integrity as a newspaperman.

Bob is a native of Iowa and graduated from Cornell College in Mount Vernon, Iowa. He first went to work for the Associated Press in the Sioux Falls, S. Dak., office and transferred to the Springfield, Ill., bureau in 1935. In addition to working for the Associated Press both in Springfield and Chicago and for the Chicago Tribune, he also held an editorial post with the Chicago Sun for several years.

Bob Howard has covered the national conventions of both major political parties since 1948 and is an outstanding political reporter. He is without peer in his field and is highly regarded by his fellow journalists, by the people in the news about whom he wrote, and by all those who had the opportunity to know him.

Because he is an expert on Illinois history, and flowers and trees native to the Illinois area, I know Bob is looking forward to his retirement on March 31, 1970, so that he can devote more time to pursuing his hobbies and perhaps some time to writing books.

On the occasion of his retirement, I want to express to Bob Howard my gratitude for his many years of service as a newspaper correspondent to our State and community and I want to wish him, his wife, and children abundant good health and much happiness in the years ahead.

Mr. DERWINSKI. Mr. Speaker, I join the other Illinois members of the House who served in Springfield and thus came to know, respect, and appreciate Bob Howard, the Chicago Tribune's outstanding reporter who is retiring at the end of this month.

Bob Howard earned a well-deserved reputation for integrity, objectivity, and fairness in reporting issues relating to Illinois State government. In addition, he earned universal respect from the members of the press corps and the many members of the Illinois Legislature.

Knowing Bob, I believe that he will be extremely active in his retirement pursuing his hobbies and finding time perhaps to publish his recollections of the 40 years of Illinois legislative history that he has helped cover.

Mr. ROSTENKOWSKI. Mr. Speaker, no function is more vital to the survival of our free society than that performed by the distinguished members of the fourth estate. From the very beginning of our Nation's national life, newsmen and journalists have informed both the public and those who represent them in government about the critical issues confronting the country.

With the retirement of my long-time friend Bob Howard as Springfield correspondent for the Chicago Tribune, the people of the State of Illinois and the Tribune readers across the country will be losing the talents of a truly outstanding reporter. For Bob was not only a fair and honest newsman but he was always a man who tried to influence the best side of a legislator. From a personal point of view, I shall always be grateful for his sage counsel in those days when I was a young man and a newly elected member of the State Legislature.

In closing may I say that in the many years ahead I wish Bob the best of luck and the greatest happiness.

Mr. RAILSBACK. Mr. Speaker, on March 31, one of the most able and hard-working and dedicated reporters I have ever known will hang up his gloves. After years of covering the battles in the political wars—and in Illinois there are some full-scale conflicts—Bob Howard of the Chicago Tribune retires.

I remember when I was in Springfield as a legislator in the Illinois General Assembly I and my colleagues considered Bob clean of prejudice and unsullied with bias. Above all, Bob was a friend when I was in the legislature and I consider him to this day as close a friend as when I ventured forth into statewide politics years ago.

Bob, whose chief hobby has been the study of Illinois history and visiting historic shrines and areas throughout the Land of Lincoln, began his newspaper career in 1927. A veteran of the Associated Press and the Chicago Sun, Bob has covered politics since 1948. In 1957, Bob began his second stint covering politics in Springfield.

He is president of the Illinois Legislative Correspondents Association and president of the Sangamon County Historical Society.

Bob's talent and his reputation are being marked by the reporters and the politicians who worked closely with him on March 31 who will gather in the State's capital for a $20-a-plate dinner in his honor. Such a gathering of the State's highest ranking politicians and the most respected newspapermen and correspondents is eloquent testimony to the esteem this able reporter has garnered through the years.

Because of this, Mr. Speaker, I want to take this opportunity to commend my good friend. He has shown himself not only as my friend however, but as a true friend of Illinois.

Mr. MURPHY of Illinois. Mr. Speaker, I rise to join with my colleague, ROBERT MCCLORY, in paying tribute to Mr. Robert P. Howard of Springfield, Ill. Mr. Howard, a reporter for the Chicago Tribune since 1944 and its State capital correspondent since 1957, announced recently that he is retiring on March 31.

It has been my privilege for the past 25 years to call Robert Howard a friend and I consider him to be one of the outstanding newspapermen with whom I have come into contact. I first met Bob Howard in 1944 when he joined the editorial staff of the Chicago Tribune and I served as a member of the Chicago City Council. As our friendship developed through the years, we discovered a mutual interest and enthusiasm in such diverse fields as State, local, and national politics, Illinois history especially relating to Abraham Lincoln, and flower gardening.

Not only is the Chicago Tribune losing one of its top reporters, but the citizens of the city of Chicago and the State of Illinois are losing one of their most incisive political and legislative analysts. As one who recently announced his own retirement, I know how much Bob Howard must be looking forward to pursuing his hobbies and special interests. Mrs. Murphy joins me in wishing both Mr. and Mrs. Howard much happiness in their new endeavors.

Mr. KLUCZYNSKI. Mr. Speaker, there is more than a strong likelihood that Bob Howard's retirement years will be richly active and productive ones. His energy, political acumen, and journalistic ability, shown during a newspaperman's career that began in 1927 and is to end on March 31, will find new outlets, new goals, and new achievements.

He has forgotten more about Illinois politics than most of us elected to office in Illinois are ever likely to learn. His mastery of Illinois history is not unrelated to his distinguished career as a newsman, and the book that he plans to write about Illinois history will undoubtedly be the best window ever opened on the Illinois political scene of the recent and distant past.

Over the years, Bob has proved that printer's ink does not impair the functioning of a green thumb. The flowers and trees that he has grown on his rural acres south of Springfield will now be given the full attention they require, if only he will take his nose out of the books of his unique collection of Illinoisiana.

This prodigy of the lobster-trick and the bulldog edition had his early lessons in public affairs from his father, the late James Raley Howard, who was the first president of the American Farm Bureau.

Bob's first job was with the Associated Press, in its Sioux Falls, S. Dak., office, where he put to the test of experience what he had been taught while earning a degree at Cornell College, Mt. Vernon, Iowa.

Moving to greater responsibilities in the Associated Press, Bob was transferred in 1935 to the Springfield, Ill., bureau and to the Chicago office in 1938. He went to the Chicago Sun in 1941 and then to the Tribune in 1944.

He has covered the national conventions of both parties for the Tribune since 1948, and he began his superlative reporting of the Illinois Legislature when he was assigned by his paper to Springfield in 1957. The wide respect and admiration in which he has been held for so long by his peers, resulted in his election as president of the Illinois Legislative Correspondents' Association.

Bob married his lovely wife, Eleanor, in 1934. They are the parents of two daughters, Mrs. David Condon of Decatur, and Miss Jane Howard, a feature writer for Life magazine in New York.

Bob glories in his duties as president of the Sangamon County Historical Society. May those duties, along with his horticultural and auctorial ones, increase and multiply to help keep his many great abilities fully employed during the golden time of his impending retirement years. I am proud to have been his friend for so long, and I am happy to have had this opportunity to express my high regard for his career and his character.

GENERAL LEAVE TO EXTEND

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the retirement of Robert P. Howard.

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

There was no objection.

RIEGLE SPEAKS OUT AGAINST CARSWELL NOMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE) is recognized for 15 minutes.

Mr. RIEGLE. Mr. Speaker, under normal circumstances the Senate alone concerns itself with the factors relating to Supreme Court nominations. In times as troubled as ours, however, consideration of Supreme Court nominees has urgent national meaning which goes far beyond the narrow issues of Senate, Supreme Court, or Presidential prerogatives.

The larger issues at stake today with the Carswell nomination are those of human rights, judicial excellence, and national unity—urgent issues of overriding national priority. As these issues bear directly and importantly on the 500,000 constituents I represent, and the country as a whole, I feel a responsibility to speak out against this sad nomination. In my judgment, the elevation of Judge Carswell to the Supreme Court does not serve the interests of the Nation or my constituents, and I believe the national interest would best be served if his name were either withdrawn or rejected by the Senate.

The situation we face today is different from that when Judge Carswell's name was first proposed by the President. In the weeks that have passed since that nomination, public evaluation of his record has produced the conclusion that Judge Carswell is lacking in even one distinguishing characteristic that would identify him as one of the top judicial minds in our Nation. On the contrary, evaluation of his record indicates that over 50 percent of his published opinions have been reversed by higher courts.

With a judicial record that is mediocre at best, most people who have followed this nomination closely believe that if Judge Carswell were from Michigan, Oregon, Massachusetts, or any other State outside the South, he would not have been seriously considered for nomination. Reluctantly, I have come to the same conclusion.

Like most others, I do not quarrel with the President's right to select a Supreme Court nominee from the South—or one who is a strict constructionist—if such a candidate can be found with exceptional judicial competence and achievement—someone who would strengthen the Court rather than weaken it.

It is discouraging to note that at a time when our entire judicial system—and most particularly the Supreme Court—suffers from a lack of public confidence and respect, that a man would be nominated who would diminish the image of the Supreme Court even further.

But the most urgent reason for opposing Judge Carswell does not relate to his lack of distinguishing qualifications, but rather to the negative symbolic meaning his confirmation would convey to the country at this time.

To blacks, and many other thoughtful Americans, the Carswell nomination is viewed as part of a larger strategy to reverse recent progress toward achieving equal rights for all Americans. Whether this is the intent or not, when the Carswell nomination is considered in the context of such things as the slowdown on school desegregation, the effort to diffuse the Voting Rights Act, the strident rhetoric of the Vice President, and the generally "low profile" of the administration on issues of racial equality—there is created an overwhelming body of circumstantial evidence which tends to confirm this theory and thus which further polarizes and divides the Nation. We need look no further than Lamar, S.C., for evidence of what these increasingly inflamed passions and divisions within our society can produce—or closer to home, we can share the shame of the Governor of Georgia passing out ax handles in the dining room of the U.S. Capitol.

It is clear to me that the No. 1 moral imperative in the United States today is to finally insure the full and equal rights of all our citizens. And, sadly, on even so fundamental a point as this, Judge Carswell's personal history is marred by instances concerning racial discrimination and denial. As a nation, we should insist, with one voice, that there is no room on the Supreme Court, or any other court, for anything less than full and vigorous support for insuring the constitutionally guaranteed equal rights for all Americans.

Going further, the younger people in our society are today urged to excel, to strive for excellence, and to believe in our institutions and work within them to achieve constructive change. But what kind of incentive for excellence do we provide when the top lawyers and most distinguished judicial minds are passed over in favor of Judge Carswell? The young people see this nomination as further evidence of what they consider to be an overt "southern strategy." Thus, many of the young sense a certain hypocrisy in calls for law and order when they look at the judicial system and conclude that Supreme Court appointments are made on the basis of partisan political calculation. The young have little respect for, or faith in, a system of law operated in this manner.

Finally, many middle Americans of all races, ages, and backgrounds are dismayed because they want a Supreme Court they can once again have faith and confidence in. They want fair, able men on that Court who possess integrity and the finest legal minds available. We do not act to enhance the stature and image of the Court, in the eyes of our people, when we appoint mediocre men for obscure reasons.

So for these reasons I feel compelled to speak out against the Carswell nomination. Should Judge Carswell's name be withdrawn or voted down it would be my hope that any new nominee would be a man who could truly help to bring the country together.

EMPRISE: LABELED BAD FOR RACING BY STATE OF NEW MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, the New Mexico Racing Commission issued the following order as the result of an 11-hour-long hearing held on February 21, 1970, in Albuquerque, N. Mex.

The action has not been contested to this date.

IN THE NEW MEXICO STATE RACING COMMISSION, STATE OF NEW MEXICO

(Newco Industries, Inc. and Its Subsidiary, Ruidoso Racing Association, Inc., for Racing License)

ORDER

This matter coming on for final hearing before the New Mexico State Racing Commission in Albuquerque, New Mexico, on February 21, 1970, and the Commission having heard the testimony, considered all the evidence, together with the arguments and statements of counsel, and otherwise being fully advised in the premises, finds and concludes:

FINDINGS

1. The appellant was required by the Commission to disclose its financial condition, its financing arrangements and agreements, and its financial and contractual relationship to

the concessionaire, New Mexico Sportservice, Inc.

2. The applicant was required by the Commission to show that all persons to be connected with the race track, including, but not limited to, the concessionaire, would not be detrimental to the best interests of racing.

3. The applicant was required to conform to all pertinent New Mexico Statutes, together with all rules and regulations of the State Racing Commission, including, but not limited to, Rules 3.02(A) and 3.02(B).

4. The applicant failed to make a full disclosure of its financial condition, its financing arrangements and agreements, and its financial and contractual relationship to the concessionaire, New Mexico Sportservice, Inc.

5. The applicant misrepresented to the Commission the applicant's financial condition, its financing arrangements and agreements, and its financial and contractual relationship to the concessionaire, New Mexico Sportservice, Inc.

6. The applicant is now insolvent, in the sense that it cannot meet its financial obligations as they become due.

7. The control by the lender, Emprise Corporation, and its subsidiary, New Mexico Sportservice, Inc., by reason of the concession agreement and related agreements and financing arrangements, is such as to render New Mexico Sportservice, Inc. and Emprise Corporation the real party in interest in the application, is such as to render the applicant financially not responsible, and financially unable to successfully operate the track and also discharge its duties to the public; is such as to render the applicant, track owner, unable to properly police the concessionaire and otherwise to discharge its duties to the public; and, is such as to render the Commission unable to properly police the concessionaire and otherwise discharge its duties to the public.

8. In the racing community, Emprise Corporation and its subsidiaries have a bad general reputation for honesty and fair dealing.

9. It would not be in the best interests of racing, and it would be detrimental to racing, for Emprise Corporation to own or control the track at Ruidoso, by reason of the number of race tracks in the country that are owned and controlled by the said corporation.

10. The methods of operation of Emprise Corporation and its subsidiaries in the race track business, are detrimental to the best interests of racing and are not in the best interest of the public; and, it would not be in the best interests of racing and the public for Emprise Corporation and its subsidiary to have any control over the operation of the track at Ruidoso.

CONCLUSIONS

1. The applicant is not eligible to receive the license applied for.

2. It would not be in the best interests of racing for the application to be granted.

3. It would not be in the best interests of the general public for the application to be granted.

4. It would be detrimental to racing for the application to be granted.

Now, therefore, it is hereby ordered:

That the application filed by Newco Industries, Inc. and its Subsidiary, Ruidoso Racing Association, Inc., be and the same hereby is denied.

ROBERT M. LEE,
Chairman.
JOHN AUGUSTINE, Jr.
Member.
Dr. L. E. FARRELL,
Member.

THE OMNIBUS CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN), is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, it is anticipated that the House will act tomorrow on one of the most important pieces of legislation ever considered for the District of Columbia. I refer to H.R. 16196, the so-called omnibus crime bill.

The President has given this legislation the highest priority and officials in the Department of Justice have been working on it intensely for over a year. Because of its complexity and its great importance, I have requested this time today to discuss some of the bill's features.

In his message of January 31, 1969, relating to the District of Columbia, President Nixon called for legislation providing for a reorganization and restructuring of the local court system and tools of criminal procedure to help in the war on crime in Washington. H.R. 16196 contains the administration's proposals to implement the program called for by the President.

Under the proposed legislation, all "local" jurisdiction will—over a 3-year period—be transferred from the Federal courts to a new superior court for the District of Columbia and the District of Columbia Court of Appeals. At the present time the Federal judges in the U.S. district courts and in the U.S. Court of Appeals are required to devote their time and energy to matters of a merely local nature. This legislation will also eliminate the confusion resulting from the present disagreement between the Federal and local courts as to whether certain criminal acts should be tried in the Federal courts as a felony or in the local general sessions court as a misdemeanor. Under H.R. 16196 all local offenses—felonies or misdeameanors—will be tried in the newly created superior court. In other words this legislation would give the District of Columbia a court system comparable to those of the States and other large municipalities. It will also provide additional judges and supportive personnel to help expedite the judicial process in Washington.

This new court system will also be unified. The expanded District of Columbia Court of Appeals will be the highest court in the jurisdiction, similar to a State supreme court. At the present time, the U.S. Court of Appeals for the District of Columbia circuit can overrule the District of Columbia Court of Appeals on purely local matters. Under H.R. 16196 this will be eliminated. The three existing trial courts—general sessions, juvenile, and tax—will be consolidated into one trial court of general local jurisdiction called the superior court.

To be effective, court reorganization must also include new and improved procedures to enable the courts to perform their function more effectively and efficiently.

The bill will create the position of executive officer. This is envisioned as a position of stature. His salary will be the same as that of an associate judge. The executive officer appointed by the President will be a highly trained administrator with extensive authority. He will be responsible for providing the court system with a unified and expert management, thereby significantly enhancing the administration of justice. This will also relieve the judges of unwanted administrative tasks, alien to their own expertise, and permit them to devote their full time and attention to their primary responsibility—the judging of cases.

The proposed bills also equip the new court system with a revised criminal procedure. Anyone familiar with the existing criminal procedure of the District of Columbia Code must also be aware of how outmoded and inadequate it is. Accordingly, there is included a criminal procedure designed to improve significantly the effective and fair administration of criminal justice.

The court reorganization section establishes a complete court system, providing for the merger of all local trial courts into one unified trial court called the Superior Court of the District of Columbia. It includes transfer of all, not some, "local" jurisdiction to the new court. Equally important, the Court Reorganization Act makes provisions for appellate jurisdiction. As superior court jurisdiction increases, the act would eliminate the double level of appeals from the District of Columbia Court of Appeals to the U.S. Court of Appeals.

Some of the delaying steps in the trial and appellate processes will be avoided; overlapping jurisdiction is minimized and the way is clear for more effective administration of justice.

The transfer of jurisdiction to the new superior court takes place over a 3 year period. The details of the transfer are set forth in title I which completely recodifies title 11 of the District of Columbia Code.

In summary, the transfer is as follows:

First stage—6 months after enactment:

Consolidation of all general sessions, tax court, and juvenile court jurisdiction in the superior court.

Civil controversies up to $50,000 and all purely local personal injury cases.

Land condemnation, real property actions, quo warranto, habeas corpus, and so forth.

District of Columbia felonies with penalties up to 15 years.

Second stage—2 years after enactment:

Probate, mental health, and other guardianships.

Remaining District of Columbia felonies are transferred and, at this time, the superior court ceases to be a committing magistrate for Federal courts.

Third stage—3 years after enactment:

Remaining local jurisdiction including civil cases over $50,000.

COURT ADMINISTRATION

The new court system plainly needs a new type of court administration. The new system in H.R. 16196 should be a model of administrative effectiveness. It should show the way for other urban courts where the major problem has been one of unbelievable administrative breakdown.

In an effort to provide appropriate administration, the Court Reorganization Act includes detailed provisions creating

a court executive officer and outlining his duties.

The court executive created under the administration's proposal is responsible for all nonjudicial functions in the new superior court and in the expanded District of Columbia Court of Appeals. He will be appointed by the President.

The executive will serve on matters affecting the entire system such as facilities, procurement, and so forth. In matters affecting the separate courts, such as calendaring and internal operation, he will serve each chief judge.

The Court Reorganization Act offers a unique administrative arrangement. This arrangement appears to be well suited to a two-court system. It offers the advantages of, first, independence from any one person or court; and, second, unified management of both the trial and appellate court, avoiding administrative duplication.

JUDICIAL APPOINTMENTS, TENURE, AND REMOVAL

In presenting its proposal to Congress, the administration sought to schedule increases in judicial manpower at a rate which is commensurate with increases in jurisdiction. The schedule asked for is as follows:

Date of enactment: 10 additional judgeships for the superior court bringing it to a total of 37—10 new, 23 general session, three juvenile court, and one tax court. Three additional judgeships for the District of Columbia Court of Appeals.

Two years after enactment: Nine additional judgeships for the superior court.

Three years after enactment: Four additional judgeships for the superior court, for a total of 50.

The bill approved by the committee authorizes the first increment of 10 judges immediately but requires that the additional judgeships be justified at a later date.

The new judges of the superior court and the District of Columbia Court of Appeals will be appointed by the President wtih the advice and consent of the Senate for a term of 10 years.

As a check on the quality of judicial service, the bill calls for a Commission on Disabilities and Tenure. This Commission finds its precedent in the laws of New York and California. It is recommended by the American Bar Association and by the Judicial Council Committee on the Administration of Justice.

JUVENILE MATTERS

Turning to juvenile matters, the bill will create a family division within the superior court. This division would have the jurisdiction which was previously found in the juvenile court and in the domestic relations branch. In addition, it would receive all mental health jurisdiction and will have intrafamily offense jurisdiction including a provision for a civil protective order.

Juvenile waiver procedures are spelled out in the bill to clarify the procedure and set standards to guide the court in transferring from the family division to the superior court juveniles 15 years of age or over who are charged with felonies. The bill lowers to 15 the general age for which juveniles charged with felonies may be transferred. This is based on the experience in recent years that certain 15-year-olds who commit felonies are not likely to be rehabilitated by the time of their majority. It would also correct defects in the existing procedure for transferring juveniles by requiring transfer, as requested by the Corporation Counsel, unless the court affirmatively finds the juvenile can be rehabilitated. This proposal is necessary because recent court decisions have placed unwarranted and severe restrictions on transfer by the juvenile court—for example, *Haziel* v. *United States*, 404 F.2d 1275 (D.C. Cir. 1968); *Kent* v. *United States*, 401 F.2d 408 (D.C. Cir. 1968)—which have caused the sharp decrease in the number of juveniles transferred during a period of rising juvenile crime. In fiscal 1969, only 10 juveniles were transferred as compared to 49 juveniles transferred in 1965.

Some statistics showing crimes for which in the District of Columbia juveniles of 15 years of age were arrested in fiscal 1969 are as follows:

Homicide, four; rape, 19; robbery holdups, 39; other robberies or attempts, 140; burglary, 193.

Number of times certain juveniles were arrested in fiscal 1968: 682 arrested twice; 250 arrested three times; 159 arrested four times; 51 arrested five times; 27 arrested six times; 13 arrested seven times; three arrested eight times; one arrested nine times; one arrested 10 times; one arrested 11 times.

This constitutes a significant number of 15-year-olds and I feel that the court should have the authority in those cases where it is wise to transfer 15-year-olds for adult prosecution.

In fiscal 1965, 725 juveniles were arrested for robbery; 1,136 for burglary, and 54 for rape. In fiscal 1969, the number of juveniles arrested for robbery increased by over 50 percent to 1,178; for burglary, nearly 20 percent, to 1,353; and for rape, nearly 25 percent, to 67. Despite the significant increases in arrests of juveniles for serious violent crimes, transfers of juveniles for criminal prosecution in adult court decreased from 49 in fiscal 1965 to only 10 in fiscal 1969. This sharp decrease in the number of juveniles transferred during a period of significantly rising juvenile crime is directly attributable to some recent court decisions by the U.S. Court of Appeals for this circuit, which has placed unwarranted restrictions on the transfer power of the juvenile court.

In view of the increasing commission of very serious crimes by juveniles, many of whom are sophisticated repeat offenders, the highly restricted transfer for criminal prosecution under existing law cannot be permitted to continue. The forced retention within the juvenile system of such juveniles, who cannot be rehabilitated by the time of their majority, not only subjects society to the harm caused by their subsequent criminal conduct, but also interferes with and harms the potential rehabilitation of other juveniles with whom they may be commingled. If transferred and convicted, however, these juveniles may receive, in the discretion of the sentencing judge, the treatment and supervision afforded by the Federal Youth Corrections Act under which the record of conviction is automatically set aside upon unconditional discharge.

Furthermore, I wish to call your attention to other provisions in the bill requiring record confidentiality, vacating adjudications, and sealing records.

JUDICIAL PROCEDURES

Creation of a new court system also necessitated modification of many of the adult judicial procedures. These are contained in titles II and III of the Reorganization Act.

The significant changes in judicial procedure are as follows:

First. The Reorganization Act leaves the local courts free to adopt either the Federal rules or their own rules by repealing existing provisions which now require the District of Columbia court to apply the Federal rules—District of Columbia Code, section 13-101.

Second. Special procedures are created for handling intrafamily offenses similar in most respects to H.R. 8781—District of Columbia Code, section 16–1001 and the following.

Third. Courts are given authority to appoint counsel for children in custody proceedings as provided in H.R. 8781—District of Columbia Code, section 16–918.

Fourth. Separate judicial procedures for handling District government land condemnation cases are created, with parallel Federal procedures retained—District of Columbia Code, section 16–1301 and the following.

Fifth. Quo warranto provisions are altered to separate the Federal from the local proceedings—District of Columbia Code, section 16–2051 and the following.

Sixth. The statutory rules of evidence are modified to permit psychiatric testimony in juvenile cases and adult criminal cases without regard to who raises the insanity defense—District of Columbia Code, section 14–307.

Seventh. Judicial procedures in criminal cases are amended to accommodate the new felony jurisdiction by providing for indictment, jury trial, and so forth, in the superior court—District of Columbia Code, section 16–1701 and the following.

Eighth. Procedures in mental health cases are also modified to revise commitment procedures and to make a statutory procedure, rather than habeas corpus, the method of challenging commitment—District of Columbia Code, section 21–501 and the following.

CRIMINAL LAW AND PROCEDURE

If the local courts are to have the capability of handling felony cases of the most serious nature—murder, rape, robbery, and burglary—if they are to provide an efficient, prompt, and fair administration of justice, it is vitally important that these local courts be equipped with a progressive, effective criminal procedure. I would like to discuss the more important provisions.

1. INCREASED PENALTIES FOR RECIDIVISTS

At the present time, there is no statute in the District of Columbia that directly deals with the habitual criminal who has been convicted of three separate felonies. The bill's provision realistically tackles the problem of the particularly dangerous and repeat offender who has not been rehabilitated by two or more sentences

or terms of imprisonment. It places in the trial court discretion to impose an indeterminate term of imprisonment up to life for the three-time convicted felon, if the court "is of the opinion that the history and character of the defendant and the nature and circumstances of his criminal conduct indicate that extended incarceration and lifetime supervision will best serve the public interest." It recognizes, what is already well known, that for such dangerous criminals, the criminal court is a revolving door and successive prosecutions of such criminals is a waste of law enforcement and court resources. This provision, which is substantially modeled after the New York Penal Code, is simple and direct in its application and supplements the District of Columbia Code, section 22–3202, which was passed by Congress in 1967 to provide the trial court with discretion to sentence up to life imprisonment persons convicted of committing crimes of violence while armed. The bill would also establish a definite, uniform procedure for informing the court and defendant of the possible applicability of the District of Columbia recidivist-penalty statute and for determining whether the statute actually applies.

2. DISTRICT OF COLUMBIA CONSPIRACY LAW

There is no local conspiracy law. Presently, conspiracy in the District of Columbia is prosecuted only under Federal law. In order that important non-Federal conspiracy cases can be prosecuted in the superior court, it is necessary that a local conspiracy law be enacted. The bill would provide a local conspiracy law with a maximum penalty of 5 years or $10,000, or both.

3. RIGHT OF GOVERNMENT TO BE HEARD AT SENTENCING

The Federal Rules of Criminal Procedure are silent on the Government's right of allocation prior to sentence, and the practice varies from district to district. It seems to me that the Government has a definite role to play in the sentencing process, and that it should be able to refute any misstatements made by the defendant or his counsel, and to make recommendations concerning sentencing.

4. APPEALS BY UNITED STATES AND DISTRICT OF COLUMBIA

H.R. 16196 provides a comprehensive format for appeal by the prosecution in a criminal case. It is designed to give the prosecution an equal opportunity to obtain review of trial court rulings which otherwise might deprive the public of a fair trial. The provisions, which have been drafted to avoid double jeopardy problems, provide for both pretrial and interlocutory appeals by the Government.

If, prior to trial, a trial judge cuts the heart out of the prosecution's case by suppressing evidence of the defendant's guilt, such as a murder weapon, a confession or a lineup identification, the Government will have the right to an appeal whenever "substantial proof" of the criminal charge is suppressed. Likewise, if during trial, a defendant makes a motion to suppress evidence as invalidly obtained and the trial judge entertains the motion and excludes evidence which is "substantial proof" of defendant's guilt, the Government will have the right to appeal. This interlocutory appeal provision is necessary to prevent a defendant from destroying the prosecution's pretrial right of appeal by waiting until trial to make his motion to suppress evidence. Expedited appeals have been provided for.

The bill also provides for interlocutory appeals by the Government where the prosecution certifies that a trial court ruling involved "a substantial and recurring question of law which requires appellate resolution" and the trial court grants leave to appeal. Allowing interlocutory appeals of this nature in the few exceptional cases where it would be necessary is important in guaranteeing the public its right to a fair trial.

5. NIGHTTIME SEARCH WARRANTS

Present Federal practice permits nighttime searches only when the affiant is "positive that the property is on the person or in the place to be searched." This test for permitting nighttime searches is followed in the District of Columbia. This positivity test is essentially unrealistic because there are very few cases where the affiant—usually a law-enforcement officer—can be positive that the property is on the premises—for example, an undercover officer sees the property on the premises shortly before applying for the warrant—and in many of these cases there may be no immediate need to intrude at night on the privacy of the home to seize property that will be found at daylight. These weaknesses in the positivity test probably explain why less than one-fourth of the States have followed the Federal rule.

The proposed sections which eliminate the positivity test are in line with commonsense and limit nighttime searches essentially to those situations where there is probable cause to believe that the property can only be found at certain times in the night or that the property will be removed or destroyed if not seized forthwith. It makes no sense to prevent nighttime execution of an otherwise valid search warrant solely for lack of positivity when it is known that the property sought will not be found at daylight.

6. JUDICIAL AUTHORIZATION TO DISPENSE WITH ANNOUNCING AUTHORITY AND PURPOSE

The administration's proposals provide for the judicial officer issuing the search warrant to authorize the executing officer to enter the premises to be searched without giving notice of authority and purpose when first, there is probable cause to believe that, if notice is given, the property sought is likely to be disposed of or destroyed; or second, there is probable cause to believe that the giving of such notice is likely to endanger the safety of the executing officer or others. It makes no sense to require the executing officer to announce his authority and purpose when the circumstances are such that to give notice would probably endanger the life of the executing officer or cause the destruction of the property sought to be seized.

The present District of Columbia Code contains no provision relating to when law enforcement officers entering a home must announce their identify and purpose and when they need not. The law in the District is controlled by 18 U.S.C. 3109. It provides as follows:

> The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

This section has two major drawbacks:

First, its requirement of announcing authority and purpose is limited by its express language only to executions of search warrants and not to those situations in which a police officer is authorized by law to make an arrest.

Second, it fails to specify those circumstances under which the requirement for announcement prior to entry may be dispensed with.

Both of these omissions in existing 18 U.S.C. 3109 have been filled in to some extent by court decisions. In *Miller* v. *United States*, 357 U.S. 301 (1958), the Supreme Court applied the requirement of announcement of authority and purpose to arrest. In both *Ker* v. *California*, 374 U.S. 23 (1963) and *Sabbath* v. *United States*, 391 U.S. 585 (1968), the Supreme Court recognized the existence of exceptions to the requirement of announcement of authority and purpose and the constitutionality of these exceptions. Numerous other decisions of the lower Federal courts have applied this requirement to arrest situations and also have recognized exceptions to the general rule. The vast majority of States, though they require announcement of authority and purpose prior to entry, also recognize, either by statute or case law, a number of exceptions to the general rule.

The purpose of the proposed no-knock amendment is to provide the District of Columbia with comprehensive statutory language to make clear those situations in which officers must announce before entering and when they need not announce. If the purpose of this rule is to serve as an effective deterrent to police officers breaking down doors before entering premises, it is vitally important and only fair that the Congress specify, for the benefit of both the citizens and law enforcement officials, when the latter must announce and when they need not. Requiring the latter to rely on an uncertain and shifting case law instead of providing them with an ascertainable standard of conduct hardly supports the deterrent purpose of the law. It must be remembered that even if a law enforcement official commits only a technical violation of this law, all evidence obtained will be suppressed and not allowed at trial, under the rule in the Supreme Court Miller case, with the result that obviously guilty criminals will be allowed to go free.

For example, in a case decided only last year by the local U.S. court of appeals, McRae against United States, police, looking for a person who only 3 hours before had raped and slashed with a knife a 39-year-old woman, identified themselves to an 11-year-old boy and asked for the defendant. The boy pointed out someone sitting in a chair only a few feet away, apparently asleep. The police

officer entered, seized a bloody knife from the arm of the chair, and arrested the defendant. Because the officer failed to inform the 11-year-old boy at 2:40 in the morning his precise reason for wanting to see the defendant notwithstanding the obviously exigent circumstances, the bloody knife, the defendant's bloody clothing, and fibers from his undershirts matching the victim's red sweater, virtually conclusive evidence of his guilt, were ordered suppressed.

The no-knock provision, therefore, makes the general requirement of announcement applicable not only to search warrants but also to arrest situations. It also lists five specific circumstances in which officers are not required to announce their authority and purpose. These five situations are derived from the existing case law, both State and Federal.

They do not result in an unreasonable invasion of private premises since the invasion—entry into the premises—has already been sanctioned by a judicial officer in a warrant or by the law of arrest on the basis of reasonable grounds to believe that criminals or evidence of criminal activity is secreted in those premises. These following exceptions involve only the method of entry, entry itself having already been approved.

First. The announcement is not required if it would result in the destruction or concealment of the evidence sought. This is the exception to the general rule specifically applied by the Supreme Court in the case of Ker against California. This exception has been recognized in prior cases and is needed today, principally in the areas of narcotics and gambling because of the easy destructibility of the evidence. The Ker case incidentally involved narcotics. Certainly it makes little sense to extend to those involved in these areas of organized crime the opportunity to destroy the evidence of their guilt by requiring announcement of authority and purpose together with a refusal of admittance. In 1962, for example, it was reported in the Senate that less than 30 seconds are necessary to destroy all of the evidence of a wire-service headquarters. McClellan, *Gambling and Organized Crime*, S. Rept. No. 1310, 87th Cong., 2d sess. II.

In this regard to deter such attempted destruction, the proposed amendment includes a provision making it a felony punishable by 5 years imprisonment to destroy property after the police give notice of authority and purpose or enter without announcement under an exception.

Second. Announcement need not be made if it would endanger the safety of the police officers or third parties. This exception, long recognized in the law, needs no explanation. Clearly the law cannot require law enforcement officials to give announcement of authority and purpose if doing so would unreasonably expose them to gunfire or other forms of assault from within the premises to be entered.

As an appellate court in California recently stated, announcement by the officer "could have been the equivalent of an invitation to be shot. Reasonable conduct on the part of a police officer does not require that he extend such an invitation." *People* v. *Batres*, 75 Cal. Rpt. 397 (1969).

Third. Nor is announcement required if giving it and waiting long enough to justify the conclusion that admittance has been refused would give a person sought inside opportunity to escape.

Fourth and fifth. Finally the announcement need not be given if it would be a useless gesture, an exception recognized by the Supreme Court in the Miller case, or for obvious reasons, if the identity or purpose of the officer is already known by those within.

The no-knock proposal is designed to insure that absent exigent circumstances officers will not enter private premises without first announcing their authority and purpose in both search and arrest situations. At the same time, however, the bill includes the exceptions to this general rule, exceptions generally long recognized in prior court decisions, exceptions whose purpose is to prevent unreasonable interference with legitimate needs of law enforcement in situations when a judicial officer by warrant or the law in general has already sanctioned entrance into private premises and the only question is the manner or method of such entry.

Ker against California, a 1963 Supreme Court case, involved a challenge to the constitutionality of an unannounced entry to effectuate an arrest without a warrant for narcotic violations, an entry made to prevent the destruction of evidence. The Supreme Court upheld the legality of this entry.

In the most recent Supreme Court decision involving no-knock—*Sabbath* v. *United States*, 391 U.S. 585 (1968)—the Court recognized the existence and constitutionality of exceptions to the rule requiring announcement. It said:

> Exceptions to any possible constitutional rule relating to announcement and entry have been recognized, see *Ker* v. *California*, *supra*, at 47 (opinion of Brennan, J.), and there is little reason why those limited exceptions might not also apply to #3109 since they existed at common law, of which the statute is a codification.

New York has enacted legislation providing statutory exceptions to the announcement rule. Its statute, followed in three other States—North Dakota, Nebraska, and Utah—received the approval of a distinguished committee consisting of judges, lawyers, and professors of law, which in section 365.503 of the 1968 proposed New York Criminal Law Procedure, recommended reenactment of the existing statute.

In *People* v. *Delago*, 16 N.Y. 2d 289, 113 N.E. 2d 659 (1965), *cert. denied*, 383 U.S. 963 (1966), a no-knock entry, pursuant to this statute, was authorized to search for gambling paraphernalia based wholly on the general experience of police officers that such material is frequently quickly destroyed if announcement is required. No particular facts were provided singling out the likelihood of destruction in this case. Nevertheless, the New York Court of Appeals, the State's highest court, upheld this no-knock entry against constitutional attack and in 1966 the U.S. Supreme Court denied certiorari. A stronger case in support of no-knock would be difficult to find.

7. DISTRICT OF COLUMBIA WIRETAP LAW

After exhaustive study, debate and consideration, Congress enacted a Federal wiretap law in the Omnibus Crime Control and Safe Streets Act of 1968. This statute also authorized local jurisdictions to enact wiretap statutes provided they contained at a minimum the procedural safeguards, protections, and restrictions imposed by the Federal statute. The kinds of crimes for which a local jurisdiction could authorize wiretaps were listed in the statute. The proposed sections of the wiretap law for the District of Columbia conform virtually word for word with the corresponding sections of the Federal wiretap law. Wiretaps are authorized only for those crimes approved by Congress which are the kind for which wiretapping or electronic eavesdropping is most needed by law enforcement officials as an investigative tool to fight crime, particularly organized crime. Accordingly, the proposed wiretap provisions only implement the policy of Congress reflected in legislation enacted in 1968.

8. IMPEACHMENT BY PRIOR CONVICTION

Existing section 14–305 of the District of Columbia Code permits the credibility of a witness to be impeached by proof of a prior conviction. However, in 1965 in *Luck* v. *United States* (348 F. 2d 763), the U.S. Court of Appeals for the District of Columbia circuit engrafted an interpretation upon this section which gave the trial court discretion to permit defendants in criminal cases to testify without being impeached. This interpretation was contrary to the congressional purpose for which this section was enacted in 1901, to the clear import of prior case law, to the long accepted judicial practice in this jurisdiction since the statute was enacted, and to the practice, statute and case law in the vast majority of States under which the cross-examining party decides whether or not to impeach a witness by proof of conviction of a crime. The proposal in H.R. 16196 restores the law which existed prior to the Luck decision and makes it clear that the court lacks authority to exclude proof of prior criminal convictions.

The Luck decision has three major weaknesses:

First. Excluding prior convictions of a defendant-witness does not serve the goal of truth. It prohibits the jury from hearing probative evidence reflecting on the defendant's willingness to disregard the law and engage in dishonest or untruthful conduct which can be translated into his willingness to disregard the witness' oath and give false testimony.

Second. It also gives the jury a false impression by enabling a defendant to appear as a person whose character entitles him to credence; a defendant is universally allowed to inform the jury about his wife and children, his education, his job and his background generally. The only harm to the defendant in having a prior conviction used to im-

peach him is that which any defendant incurs when the prosecution introduces probative evidence tending to show guilt or lack of credibility.

Third. No meaningful criteria exist to guide the trial court in determining whether to admit or exclude prior convictions. The result is chaos. Some judges never permit impeachment of an accused. Other judges vary among themselves in applying the rule and even individually vary from case to case.

These weaknesses in the Luck rule were fully appreciated by the Advisory Committee on Rules of Evidence to the Judicial Conference of the United States. This prestigious advisory committee, consisting of judges, lawyers, and academicians appointed by former Chief Justice Warren, submitted in March of 1969, after 3½ years of study and consultation, a draft of proposed rules of evidence, including "the rule which adheres to the traditional practice of allowing the witness-accused to be impeached by evidence of conviction of crime, like other witnesses." The advisory committee recommended the traditional rule after specifically considering and rejecting the Luck doctrine.

9. ARRESTS WITH AND WITHOUT A WARRANT

Proposed sections 23–561 and 23–562 in H.R. 16196 provide for the issuance and execution of arrest warrants. These provisions are intended to establish clear procedures for the issuance and execution of arrest warrants. Proposed section 23–561 also provides for the issuance of a summons instead of an arrest warrant at the request of the prosecutor. Proposed section 23–563 sets out the territorial limits for service of an arrest warrant. This section would permit service of a superior court felony arrest warrant at any place within the jurisdiction of the United States.

Proposed section 23–581 codifies the law of arrest without a warrant by law enforcement officers. Under this section a law enforcement officer may arrest without a warrant a person whom he has probable cause to believe has committed or is committing a felony, a person whom he has probable cause to believe has committed or is committing an offense in his presence, and a person whom he has probable cause to believe has committed or is about to commit certain misdemeanors—such as petit larceny, assault, and attempted burglary—when an immediate need to make the arrest is present.

The omnibus bill incorporates one of my bills prohibiting the forcible resistance of an arrest. The provisions states:

A person may not use force to resist an arrest by one he has reason to believe is a law enforcement officer, whether or not the arrest is lawful.

This represents the modern view of the law which has recently been enacted by California, Illinois, and New York. It is also supported by the Uniform Arrest Act—written by the Interstate Commission on Crime in the early 1940's—and the Model Penal Code—official draft 1962.

There is no valid reason for the outdated rule allowing the use of force to resist an unlawful arrest. The issue of the legality of an arrest in a civilized and urbanized society should be decided in the courts and not on the streets. One arrested and accused of a crime is taken immediately before a commissioner or judge. The person arrested is assured of a hearing with the advice of counsel.

Society's interest in protecting the entire community from the threat of physical harm also demands that an individual peacefully submit to an arrest, regardless of its legality. It is the street altercation between the police officer who is attempting to perform his duties and the individual who forcibly resists that, in our urban society, increasingly becomes the springboard to general rioting. As the late Judge Learned Hand stated:

The idea that you may resist peaceful arrest . . . [is] not a blow for liberty but, on the contrary, a blow for attempted anarchy—1958 Proceedings, American Law Institute, p. 254, cited in *United States* v. *Helicizer*, 373 F. 2d 241, 246 n. 3 (2d Cir.), *cert. denied*, 388 U.S. 917 (1967).

In addition, there are a number of other provisions in the bill necessary to a new court, such as provisions on service of process, selection of jurors, payment of witnesses, extradition, fugitivity, and indictment by grand jury. The bill also provides for a modern medical examiner to replace the outmoded coroner's jury.

DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

H.R. 16196 also includes a public defender section. Developments in the criminal law have made it increasingly difficult for the private practitioner to effectively and adequately handle criminal cases on an ad hoc basis. This growing complexity of the criminal law means that the ad hoc practitioner must spend time learning the law and thus proceed slowly and cautiously. This circumstance plus the dramatic rise in the number of criminal cases has placed an intolerable burden on the private bar. Further, it has impeded expeditious disposition of cases.

A public defender service offers a solution which provides effective representation in a more expeditious manner. Experience across the Nation shows that lawyers who deal exclusively with the criminal law can better evaluate their cases more quickly and can more readily negotiate just settlements without trial. In such cases court time is saved and justice is done.

The District of Columbia Legal Aid Agency, an experiment in Federal public defender services, proves the point. Judges, prosecutors, and private practitioners in the District of Columbia have learned the value of a defender service. Almost without exception, they support creation of a public defender service which will represent the majority of the criminal defendants.

The bill converts the District of Columbia Legal Aid Agency into a full-fledged public defender service with authority to represent up to 60 percent of the eligible adult and juvenile defendants, and a role in developing a system of adequate representation for the remaining 40 percent. The bill also has provisions which will improve and upgrade the administration and management of this important adjunct to criminal justice.

AMENDMENTS TO THE DISTRICT OF COLUMBIA BAIL AGENCY ACT

H.R. 16196 also would expand the District of Columbia Bail Agency and increase its responsibilities.

At present, the Bail Agency plays a vital role in supplying the court with the information upon which it can make bail decisions and by notifying defendants about their court appearances. The facts found by the Bail Agency aid in determining who shall be released and who shall be detained pending trial. The notification service is essential to effective utilization of court time.

The Bail Agency, however, is greatly in need of additional resources to perform these minimal functions. Its $130,000 appropriation ceiling is unrealistic in a court system whose criminal caseload has nearly doubled since the ceiling was imposed. We recommend the removal of this ceiling to permit expansion and flexibility in this agency.

Further, the Bail Agency should take on additional functions. Among all units in our criminal justice system, it is ideally suited for supervising defendants during pretrial release. H.R. 16196, therefore, directs the agency to:

Supervise all persons on nonsurety release;

Notify all persons of each required court appearance;

Serve as coordinator of third party custodians;

Aid in securing employment and other services for defendants;

Inform judicial officers of a defendant's failure to comply with conditions; and

Prepare Federal rule 46(H) lists concerning detained persons.

The bill also calls for the transfer of the reformatory at Lorton, Va., from the District of Columbia Department of Corrections to the U.S. Bureau of Prisons. A select subcommittee of the House District Committee in lengthy hearings uncovered astounding administrative shortcomings in the management of this facility. The District Committee concluded that rehabilitation of the inmates would be enhanced if this facility were under the supervision of the U.S. Bureau of Prisons.

It should be noted that a number of studies of the Lorton facility from 1965 to last year repeatedly called attention to the same inadequacies and there appeared to be no grounds for optimism that these deficiencies would be corrected under the current administration of the District of Columbia Department of Corrections. In addition, the Bureau of Narcotics and Dangerous Drugs testified before the other body that its recommendations in regard to Lorton had not been implemented.

I would like to point out that every prisoner in custody in the District of Columbia is in the technical custody of the Attorney General of the United States. Since the Attorney General supervises the activities of the U.S. Bureau of Prisons, this bill will put these prisoners in the actual, as well as the technical, custody of the Attorney General.

The bill also calls for abolition of the Commission on Revision of the Criminal

Laws of the District of Columbia. This Commission will automatically die on June 30 anyway unless Congress acts to extend its life. I was appointed to this Commission early last year but it has never met.

The feeling of the committee is that, since Congress has the legislative responsibility for the Capital City under the Constitution, the District of Columbia Committees of both bodies should undertake such revision.

H.R. 16196 includes provisions permitting preventive detention, also known as pretrial detention. Pretrial detention is designed to accomplish two objectives. First, it is an effort to reduce violent crime, a significant percentage of which may be attributed to persons released prior to trial.

The second objective is to eliminate from the bail system the hypocrisy of locking up defendants, without fixed standards, through the device of requiring a high money bond. This second objective, of removing the practice of detaining defendants arbitrarily by setting a bond which they cannot meet, is too often overlooked when considering this question.

Pretrial detention of selected defendants, in categories of offenses characterized by violence, is made necessary by the indisputable fact that many defendants are committing additional crimes during the period of their pretrial release. Precise statistics on the number of these crimes are not available because, until recently, no attempt was made to tabulate the incidence of crime on bail. Also, accurate statistics are simply not possible when many crimes go unreported and most crimes remain unsolved.

Nonetheless, the statistics we have are quite revealing. During the period between July 1966 and June 1967, 35 percent of the defendants indicted for robery and released prior to trial in the District of Columbia were reindicted for subsequent felonies. In 1968, when 557 persons were indicted for robbery, nearly 70 percent of those released prior to trial were rearrested and charged with a subsequent offense.

Who are the people who commit these crimes? Some are desperate narcotics addicts with an irresistible need to support their habits. Some are incorrigibles, with long records of antisocial violence. Some commit crimes to pay a bondsman or an attorney. And some are out for a "last fling." While speeding up the trial process—which is the heart and soul of court reorganization—will probably reduce the volume of offenses, none of the defendants here described will be particularly motivated to obey the law during the period of pretrial release. In the 50 to 60 days between arrest and trial—which is probably the minimum for serious offenses—the addict's habit will not disappear; the lifelong incorrigible will not be reformed; and the "last fling" phenomenon will still be present.

To protect the public, the bill gives the judge authority to retain in custody the most dangerous of these defendants, but only after an adversary hearing in which the court determines, in written findings, that no condition or combination of conditions of release will reasonably assure the safety of the community. The Government's burden at such a hearing is twofold; to show by a "substantial probability" that the defendant in fact committed the violent crime with which he is charged, and to convince the court that the defendant presently constitutes a danger to the community. If this burden is not met, the defendant will not be detained.

Under the standards thus established, there is no alternative to the detention except a release which threatens the public safety. There is no alternative to the detention except a rejection of the purpose of the criminal law.

For centuries, courts have been detaining persons charged with crime by the simple expedient of setting high bond. This sham frequently served the purpose of protecting the community from dangerous defendants, but it also imprisoned people who posed no threat. When the issue of dangerousness silently appeared, there were no set standards or due process safeguards to protect the defendant under suspicion; and since there was no visible determination of dangerousness, there was little or nothing for a court to review.

This hypocritical procedure, which most often victimized the indigent defendant, was the evil to which the Bail Reform Act was directed. In place of money bail, the act substituted personal bond and personal recognizance; financial conditions were to be imposed only when necessary to assure the defendant's presence at trial. In striving to eliminate money as a barrier to release, the 1966 legislation was a great step forward, which more than justified its label of reform. At the same time, however, by totally eliminating dangerousness as a criterion to be considered in setting conditions for pretrial release, the Bail Reform Act ignored the rationale behind 700 years of legal practice. Today, Federal judges are faced with an agonizing decision when an obviously dangerous defendant stands before them. They must either disregard the compelling mandate of the new law by setting bail beyond the defendant's means, or they must shut their eyes to community danger. One course perpetuates hypocrisy; the other course is irrational.

The Bail Reform Act has not been copied in the States because it makes no provision whatever for protecting the community from the dangerous but noncapital offender. The act has been criticized because it ignores an imperative necessity of our law. The Government of the United States is presently powerless to assure the detention of a dangerous armed felon or rapist, unless it violates the command of the law. It is even powerless under the statute to revoke conditions of release to assure detention when a defendant commits a new crime.

Ironically, the Bail Reform Act is responsible for the detention of hundreds of defendants who might be released under new procedures. H.R. 16196 would free these defendants, under some reasonable conditions, if they do not pose a threat to the community.

These issues are of critical importance when we relate them to vital trends in the law. Ten years from now, court decisions based on equal protection of the law may give the indigent defendant the means to force his release before trial if money is the barrier between jail and freedom. Such a development could not be welcomed by a society besieged with crime unless that society were empowered to protect itself against the truly dangerous defendant. The only effective means of protection is pretrial detention.

This is one of the most important features of H.R. 16196. I hope the House will pass it intact.

Mr. Speaker, H.R. 16196 is a real milestone in criminal law. If enacted, it will go a long way toward eradicating the cancer of crime in the Capital City which has become the shame of the Nation.

I am confident that the provisions of this legislation will effectively reduce crime in Washington, and in so doing, this legislation may well become a model for the entire Nation.

I urge my colleagues to be present on the floor while H.R. 16196 is being debated to prevent adoption of the weakening amendments which will be offered.

Mr. Speaker, the time to be talking about crime in Washington is now past. The opportunity for action is at hand—by supporting enactment of H.R. 16196.

IMPROVING THE QUALITY OF OUR ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, the Congress has produced in recent years a cascade of legislation expressing its commitment to clean up our water and air. Even so, I believe the American public is ahead of the politicians on the issue of pollution. Those of us in public life have not adequately, or accurately, assessed the public's mood.

A growing concern about our environmental crisis is sweeping the Nation. State and local governments are increasing their pollution control activities. Corporations are announcing new devices to combat pollution. Members of Congress are finding that increasing amounts of time are needed to deal with the problems of pollution in their districts and States.

The Nation is stirring itself, and none too soon. Some experts believe that the point of no return on pollution control is a decade or less away. We must increase our efforts to avoid that point now. Consider some of the chilling statistics:

Water: Today, every river system in America suffers from some degree of pollution. One recent study indicated that about 30 percent of the Nation's water sources and systems may fall below Federal health standards.

By 1975, we are told that our growing population and our increasing urbanization will require us to spend from $30 to $50 billion for municipal sewage systems, for industrial waste treatment facilities, for the separation of combined storm and sanitary sewers, and for research and development of pollution controls.

Air: Industrial chimneys in the United States spew 37 million tons of sulfur dioxide into the air each year. More than

90 million cars add 66 million tons of carbon monoxide. Our incinerators produce another 5 million tons of debris. These aerial effluents kill or stunt plants and trees, affect the health of humans, damage property, and leave a depressing—sometimes fatal—pall over our cities.

Since 1860, the carbon dioxide content of the atmosphere has increased by 14 percent, reducing the cycle of oxygen regeneration and adversely affecting plant growth.

Solid wastes: This Nation produces and discards enough solid wastes each year to fill up the Panama Canal four times over. The average American discards about 1,800 pounds of trash each year, and that amount is increasing. The cost of disposing of our trash and garbage now runs about $4.5 billion a year.

We must realize that we are all polluters, and an effort to find someone else to blame only delays a solution. We know now that our land, water, and air are irreplaceable and interrelated elements. The pollution of any one of the elements upsets the delicate chemical and climatic balances upon which life depends.

So we stand at a critical juncture in our fight against pollution. The direction we take now will move us rapidly along the path toward control of pollution, or possible extinction. The crisis is upon us. As Congressman MORRIS UDALL of Arizona says:

> In the pursuit of progress, man has put strontium 90 in his bones, iodine 131 in his thyroid, DDT in his fat, and asbestos in his lungs. That kind of progress can kill us.

To understand the seriousness of the problem and the magnitude of the challenge before us, a closer look is in order.

I. AIR POLLUTION

Sources: More than half of the contamination in the air over the United States consists of carbon monoxide, most of it from cars, trucks, and buses. The second most plentiful gas pollutant consists of oxides of sulfur, produced by home and factory combustion of coal and oil.

In 1967, these, and other sources, hurled 133 million tons of contaminates into the atmosphere. In 1969, the annual rate of aerial pollutants had increased to 142 tons—more than our annual tonnage of steel.

Effects: We are not dealing merely with a suffocating haze which offends our senses, soils our laundry, damages our buildings and crops, or corrodes metal. We are dealing with a killer. The primary reason for controlling air pollution is that it threatens human health.

Government activities: The Department of Health, Education, and Welfare was authorized in 1955 to conduct research and to provide technical support to State and local governments to attack air pollution.

By 1963, it was apparent that the efforts were obsolete and inadequate and the Clean Air Act was passed. The new legislation authorized HEW to undertake new and expanded research and to be of more direct assistance to State and local efforts. The act was amended in 1965 to require motor vehicles, beginning with the 1968 models, to have emission controls. In 1966, increased grants to State and local pollution control units were allocated.

A blueprint for a nationwide, systematic effort to deal with air pollution was approved by Congress in 1967. The Air Quality Act of 1967 designated air quality control regions in which a coordinated effort by all levels of government was authorized. Currently there are 32 regions in operation, including ones in Indianapolis, Cincinnati, and Louisville, under the supervision of the National Air Pollution Control Administration at HEW.

In brief, the Air Quality Act of 1967 does these things:

It expands and improves research programs.

It provides for planning and control programs on a regional basis.

It requires standards and enforcement plans by the States.

It requires the registration of fuel additives.

Solutions: The primary needs are for adequate funding of existing programs and for a stronger Federal-State-local government partnership to attack the problem. In addition to Federal and State research and technical assistance to local and regional programs, every State should provide regulatory protection for those communities which cannot feasibly protect themselves. Trained manpower is also a critical problem.

The control and abatement of air pollution is going to require a search for alternatives as well. We need to develop pollution-free sources of power, transportation, and heating. This, too, will require an expanded research program.

The outlook: There are heartening signs of concern among business and industrial leaders, but the progress in the fight against air pollution allows us little optimism. Some say we are actually losing ground.

The public is growing more concerned, however, and hopefully that concern will result in stricter penalties for air pollution, a more concerted effort by all levels of government to correct the problem, and greater individual responsibility in reducing pollution.

Some scientists say that if we reach the point at which the rate of oxygen combustion exceeds the rate of oxygen production we will be running out of that life-sustaining element of the atmosphere. Then, it will be too late. We will have made our choice.

Clearly, there is no room for complacency.

II. WATER POLLUTION

Sources: The principal sources of water pollution are inadequate municipal sewage systems, inadequate treatment of industrial wastes—twice the problem of municipal systems—inefficient septic tanks, pesticides, detergents and fertilizers, silt runoff into our rivers, wastes from ships and marine terminals, and heated water from atomic reactors. An obvious recent addition to this list would be spillage from offshore oil-drilling rigs.

Effects: Water pollution can upset the delicate processes of nature—for example, changing the reproductive cycles of birds and fish. These effects, however, are complicated and not yet well understood.

The effect on human health is better documented. One HEW estimate states about 8 million persons are drinking from municipal water systems which contain more bacteria than is considered "safe" under Federal standards. In addition to this bacteriological danger, there is a growing concern about the residues of pesticides and fertilizers in our waterways. The concentration of these chemicals do not abate, but build up geometrically as they progress through the food chain—water to seaweed to fish to birds to mammals and man.

Government activities: The Federal Water Pollution and Control Act of 1956 established the Federal-State responsibilities in combating the problems of water pollution. It designated the States as the primary administrators and enforcers of water pollution control. It sets the standards of water quality which should be required by the States in policing municipal and industrial waste treatment facilities. It also provides technical and financial assistance to the States in carrying out their programs and it authorizes research into the causes and treatments of water pollution.

The act was strengthened by amendments in 1961, in 1965, and by the 1966 Clean Water Restoration Act. The Congress is currently completing action on the Water Quality Improvement Act of 1969, which places new restrictions on offshore oil-drilling rigs and on the discharge of liquid and solid wastes from marine facilities.

Under the allocation formula of the Clean Water Restoration Act, Federal, State and local funds are jointly channeled into the efforts to clean up our waters. Currently, only 14 States, including Indiana, have established matching fund programs. Since 1957, Federal programs have provided more than 9,500 grants to assist in the construction of treatment works, generating the spending of $3.50 in local and State funds for each $1 of Federal money. As a result, waste treatment facilities serving about 75 million persons have been upgraded, and 74,000 miles of waterways have been purified to varying degrees.

Solutions: As with air pollution, the single most urgent need is higher funding levels for Federal programs. The outlook for substantial fund increases remains clouded, however, and Congress is becoming more receptive to other types of antipollution proposals based on effluent tax systems and pay-as-you-go finance plans.

Outlook: Whether or not we can control pollution is still in doubt, although there are signs of hope from several sources. Indications of a long-overdue get-tough policy on the part of the Federal Government are appearing in the form of lawsuits and stricter regulations. The oil-slick disasters of recent months have raised the public's ire, and mounting pressure from conservationist and citizen groups is being brought to bear on cleaning up our waterways.

The hope is that this public concern will soon translate into fiscal and organizational efforts to adequately meet the problems.

III. SOLID WASTE DISPOSAL

Sources: Since 1950, the Nation's population has risen 30 percent, but the solid waste load has increased 60 percent and will increase by another 50 percent in the next 10 years. Some 200 million tons of solid wastes are accumulated each year. The increase comes from first, more people; second, from greater consumption of commodities; and third, from affluence—we throw away items we used to save.

Effects: There is a diminishing amount of disposal space. A year's rubbish from 10,000 persons covers an acre of ground 7 feet deep. Costs of refuse collection and disposal are increasing rapidly. The average cost for community collection and disposal is now $7 per person each year and that cost is expected to go up.

Facilities are becoming inadequate. The Public Health Service estimates that 94 percent of the dumps and 75 percent of the incinerators already are inadequate. Another Federal official estimates that half of the Nation's communities numbering more than 2,500 residents are not even doing a "minimally acceptable" job of collection and disposal.

Government activities: The Solid Waste Disposal Act of 1965 was the first substantial effort in this field. It gives the Federal Government responsibility for research and technical assistance in this field and provides matching grants to States and local units to develop disposal processes. Appropriations under the Act have been minimal, however.

Solutions: It has been estimated that we need to spend $2 million a day—or $835 million a year—for the next 5 years, just to achieve a satisfactory method of dealing with our solid wastes.

The problem is growing to such proportions that the traditional "burn it or bury it" approach no longer is applicable. A new system of "use and salvage, reprocess and reuse" is called for and may soon be necessary. Changes in funding levels, attitudes and techniques will do little good, however, if their benefits cannot be applied at the critical local and State levels. To assist in local application of techniques, we need information centers to distribute current materials, demonstration projects, improved manpower training, and coordinated planning efforts.

The outlook: An ad hoc committee at the National Academy of Sciences foresees no dramatic breakthrough in this area, but rather step-by-step efforts to reduce or solve one problem at a time. A number of small improvements and innovations systematically applied can bring about substantial progress, they believe.

WHAT MUST BE DONE

By the individual: There is much that the individual can do, including work for community-wide planning; good zoning ordinances strongly enforced, effective conservation agencies, modern methods of solid waste disposal, adequate open space for playgrounds and recreational areas, downtown malls, protection of waterways and wildlife, conservation education in our schools, and, perhaps most importantly, a code of conservation ethics for everyone.

In beginning with ourselves, we must make conservation prevalent in the legislative halls of city, county, State and Federal Governments; in the mass news media; at public meetings, in the service clubs, and in the Nation's schoolrooms.

The individual approach should recognize that, in our environment, the plants help to renew the air, the air helps purify the water, and the water irrigates the plants. Damage to one facet of this system throws everything off balance. We must become discriminating critics, asking hard questions about local public works projects, real estate development, and even camping sites. We must ask ourselves whether our efforts bring beauty and quiet or clutter and pollution.

By the private sector: The private sector of the Nation must become aggressively involved in pollution control. These are not easy decisions for American business, and some of the expenditures might raise eyebrows among stockholders. But without the active involvement of business, the chances for success against pollution are not encouraging.

I agree with former HEW Secretary John Gardner, who said recently:

> It (industry) has lied to the public and to itself about the seriousness of the problem. We are just beginning to grasp the immense complexity—and danger—of environmental pollution. It is not wholly an industrial problem, but industry has a crucial role in it and could contribute enormously to its solution.

By government: Without doubt, government will have to bear the major burden in the efforts to control pollution. All levels of government must place it high on their agendas for action.

Specific steps can be taken, including:

First. The establishment of a joint congressional committee to help generate changes in national attitudes and to maintain a systematic oversight of our environment.

Second. A concerted effort to promote environmental education in our schools. I have cosponsored legislation which provides for environmental curriculums in colleges and universities, teacher training, pilot projects, and support for environmental courses in local schools and in communities.

Third. Increase funding levels for pollution control at all levels of government. If we are to solve our environmental problems, a commitment from government and from the citizenry similar to that required by war will be required.

To date, we have fallen far below that kind of commitment. Congress traditionally recognizes the cost of environmental quality when it authorizes programs, but shies away when it comes time to appropriate the funds for those programs. In 1969, an enormous appropriation gap—the difference between authorizations and appropriations—of $534.2 million existed for pollution control programs. For fiscal year 1971, the President has allotted only .56 percent, or $1.11 billion of his budget to the major environmental quality programs. This is a dangerously low amount.

State and local efforts are as bad, if not worse. In fiscal year 1970, Ohio appropriated $500,000 for water pollution and $150,000 for air pollution. In Indiana, $481,000 was appropriated for water pollution and $88,000 for air pollution. Low State appropriations bring about low Federal matching funds.

Fourth. New legislation is needed to put more of the burden on those who violate antipollution regulations. I have introduced legislation which would establish an effluent tax system for water polluters. The principle is simply this: he who pollutes must pay the cost of purification.

This approach to pollution control is supported by a recent General Accounting Office report which indicates that industry, not now covered effectively by water pollution legislation, not municipalities, is the primary villain in water pollution.

New tax legislation also should be considered to put the cost of developing new methods of solid waste disposal on the manufacturer and the user of bottles, cans, and the like, so as to encourage the development of disposable containers.

Fifth. State and local units must forge stronger partnership efforts to combat pollution. Cooperation is the key—among Federal and State governments, and among State and local governments. Pollution does not begin or end at the city limits, the county line, or the State line, so regional and interstate cooperation must be expanded.

Sixth. More research is needed to seek new alternatives to those procedures and products which contribute to our pollution problems. And, just as importantly, expanded application of the know-how we now have is called for.

CONCLUSION

The threat to our environment is apparent. We stand at the crossroads with a clear choice: that of improving the quality of our environment or ignoring the problems of pollution.

If the greatest thing since creation—the Apollo 11 moon landing—was worth $25 billion, how much is the creation worth?

RHODESIA SHOULD BE PROMPTLY RECOGNIZED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, those of us who believe that the foreign policy of the United States should be designed to serve the best interests of the American people are delighted that a little bit of sanity about the Rhodesian situation seems to have crept into the State Department from somewhere.

The veto by the United States of the "Alice in Wonderland" proposal submitted to the Security Council of the United Nations Organization was correct—a proper recognition that the stooges of the Soviet were aiming at us as much as at Rhodesia.

Our action should be followed forthwith by the logical and proper step of extending full diplomatic recognition to an established and civilized nation. Our

own national interests dictate this course, common decency demands it, and the future and welfare of Western civilization and Christianity could very well depend on the wisdom with which we act now.

The Washington Evening Star of Friday the 13 may well have the most important clue to our African conduct on the society page, where Mrs. William P. Rogers, the wife of our Secretary of State, discusses his rapport with the tribesmen, recalling that he represented Martin Luther King for nothing in the Sullivan case, which makes other Americans recall just who it was who rendered the very peculiar legal opinions which led Dwight D. Eisenhower to invade and attack Little Rock in violation of the Posse Comitatus Act in the first of our school crises.

Prime Minister John Vorster of the Republic of South Africa stated the position of his nation succinctly, when he said that Rhodesia's course was Rhodesia's affair.

The Prime Minister stated:

I say there can be no misunderstanding. Just as South African relations with Rhodesia continued normally after the declaration of independence, in the same way South Africa's relations will continue normally with Rhodesia as a Republic.

If Rhodesia wishes to become a Republic it is Rhodesia's affair. It would be the greatest foolishness for one Republic to become angry if another country also became one.

We would do well to carefully consider whether, in addition to spitefully harming ourselves, we wish to stand indicted before future generations of Americans as the ones guilty of the great foolishness of which Mr. Vorster spoke.

I include in my remarks pertinent newsclippings and editorial comment from newspapers large and small, as well as a transcript of the remarks of Mr. Fulton Lewis III, relating some of the truths about Africa, on March 11, 1970:

[From the Washington Star, Mar. 13, 1970]

MISSING ENGINE IN CAMEROON: CABINET WIFE FEARLESS IN AFRICA

(By Donnie Radcliffe)

In Cameroon, she rode fearlessly in a rickety United States embassy plane that was missing one engine.

At a "diffa" (a tent feast) in Morocco, she dug in finger-style to eat like her hosts, never batting an eye.

But when it came to joining the Clean Plate Club by finishing off some exotic, if personally unpalatable African cuisine, Mrs. William P. Rogers found the solution.

"You eat as little as possible and sort of mess things up on your plate."

Yesterday, the wife of the secretary of state became the latest administration wife to review for reporters her impressions of a trip she recently took with her husband.

The trip lasted 15 days, coverered 10 African countries and left her thoroughly convinced that the notions some people have about the Dark Continent are "out-of-date, to put it mildly."

She said she found that not only men are "up on things" but so are their wives, though she called it "fascinating" that two subjects seldom if ever brought up around her were Israel and Vietnam.

"I don't think they are interested in Vietnam," she said at a morning coffee in her attractive Bethesda home where four of her traveling companions, Mrs. David Newsome, wife of the assistant secretary of state for African affairs; Peggy McKay of USIA, Ethel Payne of Sengstacke Publications and State's Virginia Wallace also were present.

Mrs. Rogers said her African hostesses were curious about almost everything American but in discussions were inclined to talk about problems "they are worried about—or are about to be."

She learned that volunteer work is growing in some countries, is "almost nil in others."

She noted that younger women are entering professions and that some married women yearn for paying jobs.

"When one wife told her husband she wanted a job, he asked if she was starving. She said 'no' and he said 'then don't work'."

She said she was proud of U.S. Embassy wives in the countries she visited. In the Congo, one American wife had learned French and was starting on a tribal tongue. In Togo, another had organized Togo-a-Gogo, a cottage industry for the Togolese government.

"They are not only encouraging the people in crafts, but helping out in clinics and schools. I'm sure it wasn't a put-on."

Of African misconceptions about the United States, she said people "are more sophisticated than you think."

"They knew Bill represented Martin Luther King in 1963 (Sullivan vs. The York Times). He represented all the black people in that—not The New York Times which had its own lawyers—for nothing. It was something he was always interested in, and he won."

Like any tourist with family back home, she could not return empty-handed.

She brought home several drums and one xylophone.

The xylophone was for son Jeff, who is unmarried.

"The others (Rogers' sons) have wives who might not have wanted it—but a drum can be stuck in a corner.'

[From the Washington Star, Mar. 15, 1970]

NIXON COMMITS A RHODESIAN BLUNDER

(By James J. Kilpatrick)

At a time when foreign news is dominated by a deepening involvement in Laos and by continuing tension in the Middle East, the decision of the Nixon administration to close the U.S. consulate in Rhodesia will attract small attention.

Yet this was a disgraceful act by the President, a weak and pusillanimous act, rooted in hypocrisy, having nothing in its favor but political expedience. The best that can be said is that the decision is consistent, at least, with all that has gone before: It is one more blunder.

The decision is wrong on its merits. For better or for worse, American industry retains large investments in Rhodesia. Many American nationals live there. Hundreds of American tourists visit Rhodesia every year. To close the small but useful consulate is an affront to common sense.

This is the least of the wrongness. Abandonment of the U.S. consulate is a symbolic act, a political and diplomatic gesture. It is a way of saying, to quote Secretary Rogers, that the United States "continues to regard Great Britain as the lawful sovereign in Rhodesia."

Such a posture is pure sham of course, and Rogers knows it. The proposition is as spurious as the palpable lie, solemnly propounded by the United Nations, that Rhodesia has threatened international peace and security since November of 1965. The blunt fact is that Britain holds no sovereignty whatever in Rhodesia today.

Why is this fact not accepted philosophically? Why do we persist, as to Rhodesia, in pursuing a foreign policy violative of every principle of law, history, and self interest?

The rule of non-intervention in the internal affairs of other nations is a principle explicitly stated in the charter of the United Nations. By going along with the Afro-Asian lynch mob in the imposition of sanctions against Rhodesia, the United States has closed its eyes to this principle.

Our course of action makes a mockery of our own history. What is the great event we shall celebrate in 1976? Why, sir, it is the 200th anniversary of our own independence from the British Crown. It was we who provided the high example for Rhodesia; our own founding fathers, renouncing colonial status, dissolved the political bands which had connected them with another. We call them patriots. And what an irony it is for the United States, thus born, to assert the illegitimacy of Rhodesia! What sanctimony, to denounce Ian Smith and his colleagues as rebels!

Diplomacy ought to be based, if not in principle, if not on law, if not on history, at least upon self-interest. Even this homely rule has been lost in the chain of blunders. As one consequence, the United States now finds itself in this imbecile position, that we must purchase vitally needed chrome at high price from the Soviet Union, our avowed enemy, rather than at low cost from Rhodesia, whose only offense is to adhere to the West.

Dean Acheson, former Secretary of State, summed up the travesty in a speech to the American Bar Association two years ago. In its course of conduct against Rhodesia, he said, "the United States is engaged in an international conspiracy, instigated by Britain, and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one. This is bare-faced aggression, unprovoked and unjustified by a single legal or moral principle."

Nothing has changed since Acheson delivered that stinging reproach. Rhodesia has overcome the UN's sanctions. She has resisted the Communist-trained terrorists, based in Zambia, who in fact constitute a threat to African peace. She has proclaimed her status as a wholly independent republic. She will triumph over those peace-loving members of the UN who would wage war upon her. And she surely will survive the mean, needless and contemptible act of the Nixon administration in destroying the last small symbol of a friendship far better than we ever deserved.

[From the Chicago Tribune, Mar. 16, 1970]

DOWN WITH RHODESIA, LONG LIVE MAO

When the United States announced the closing of its consulate general in Salisbury, Rhodesia, Prime Minister Ian Smith's government expressed regret that the Nixon administration had "allowed itself to be forced into this decision by the British government."

Whether it was intended to placate the British or the communist-supported black Africans in the United Nations or black extremists in this country—or all of these interests—is not clear, but the decision is an ironic example of Mr. Nixon's "new era" diplomacy.

In a 43,000-word report proclaiming a "historic watershed in American foreign policy," Mr. Nixon said the United States "will not intervene in the internal affairs of African nations." Now he is attempting, by severing the last vestige of diplomatic relations with Rhodesia and by cooperating with Britain's policy of economic sanctions against that country, to bring down its government. Britain with no reason to expect success, wants to topple the Smith government because it unilaterally declared Rhodesia's independence and later put into effect a new constitution establishing a republic. Both the United States and Britain are trying to strangle Rhodesia because its constitution limits the franchise to income tax payers

and thus assures a parliamentary majority for the white minority. To a man of ordinary understanding this would seem to be an internal matter.

Mr. Nixon said the United States seeks "freer trade among all nations," particularly including the communist countries. Altho he has relaxed restrictions on trade with Red China, he has continued the Johnson administration's embargo on trade with Rhodesia, formerly our main source of strategically vital chrome ore. This has compromised our national security by putting us at the mercy of the Soviet Union for chrome ore, the price of which the Russians have doubled.

While attempting to ostracize Rhodesia on moral grounds, Mr. Nixon tells the American people that our national interest demands steps toward "improved practical relations with Peking." The Chinese, he says, are "a great and vital people and should not remain isolated from the international community." He proposes to build bridges over the "gulf of ideology" that separates us from a regime which has murdered more of its own people than any government in history, not excepting the Soviet Union; which has carried out a systematic policy of genocide against the people of Tibet; and which even now is building a road across northwest Laos to facilitate its aggression against our ally, Thailand.

The President's report descanted on "new approaches" and new "action programs for progress" in Latin America, without even mentioning communist Cuba, the source of revolutionary infection thruout Latin America and a training base for black and white guerrilla warriors from the United States. The American Castroites freely travel to Cuba and back while everybody in the state department sleeps, presumably dreaming about what Mr. Nixon calls "changes in communist purposes."

In a significant interview the other day, Sen. Barry Goldwater remarked that, with the exception of the defense and justice departments, Mr. Nixon has "failed to get hold of the government." Certainly he has failed to "get hold" of the state department. In foreign affairs, it's about time for the President to get hold of himself.

MALICE TO RHODESIA

(By Katherine Jansen)

CHICAGO, March 10.—I don't believe the state department's action in regard to Rhodesia can be attributed to stupidity as suggested by your editorial "British Impudence" [March 7]. I believe it to be malicious intent to discredit our country as well as Rhodesia.

Why should we capitulate to Britain's desire that we close our consulate when Britain retains diplomatic relations with our enemies, such as North Viet Nam and Red China? Rhodesia is not our enemy, and there is no reason for us to close our consulate. Neither is there reason for us to boycott Rhodesia's chrome ore and buy from our enemy, Russia, at double the price.

We fought for our independence, and I see no reason why we should cooperate with Britain in a policy of sanctions against Rhodesia. We have been meddling in Rhodesia's internal affairs too long. What goes on in her country is none of our business as long as it doesn't affect other countries.

My main reason for voting for President Nixon was that he promised to clean out our state department. We haven't gotten any further with Secretary Rogers than we did with Secretary Rusk.

[From the Top of the News, Washington, D.C., Mar. 11, 1970]

Europe follows suit on Rhodesia: Prior to Monday's announcement by the *Nixon Administration* that it was closing the U.S. consulate in Rhodesia, ten European nations and South Africa had some form of consular representation in Salisbury. The action by our government, however, has triggered the expected chain reaction, and within the next few days it is likely that the number of consulate offices in Rhodesia's capital city will be reduced to one, that belonging to South Africa.

In the meantime, the Administration's action has prompted warm responses from both the British government of Prime Minister *Harold Wilson* and from Emperor *Haile Selassie* of Ethiopia. Officials in London have taken the attitude that the United States has "done its duty" in completing severing its last remaining diplomatic relationships with what Britain views as the "illegal" regime of Prime Minister *Ian Smith* in Salisbury. Emperor Selassie today expressed pleasure with the Nixon Administration's attitude toward Africa in general. He said the President's statement on Africa in his State of the World message was both "promising and encouraging."

In light of the developments of the past few days, it might be well to review some pertinent parts of that Nixon message which was sent to the Congress on February 18. Regarding Africa, he stated: "We [the United States] will not intervene in the internal affairs of African nations. We strongly support ther right to be independent, and we will observe their right to deal with their own problems independently. We believe that the national integrity of African states must be respected." Later, Mr. Nixon stated: "Consulting our own interests, we will help our friends in Africa to help themselves when they are threatened by outside forces attempting to subvert their independent development. It is another lesson of the 1960's, however, that African defense against subversion, like African development, must be borne most directly by Africans rather than by outsiders."

Think about those two paragraphs for a minute. "We will not intervene in the internal affairs of African nations." Which African nations? The answer, quite obviously, does not include those in the southern sixth of the African continent which are still governed by predominantly white governments. The answer, specifically, does not include Rhodesia. With no supporting evidence whatsoever, the Nixon Administration, like its predecessor, has just assumed that the government of Ian Smith is a racist regime which does not represent the choice or the best interests of Rhodesia's predominantly black population. Any suggestion is a bold-faced lie as anyone who is personally familiar with the situation inside Rhodesia will verify. In the first place, the Rhodesian government, unlike that in the other white-dominated nations of southern Africa, is not exclusively white. It is bi-racial. The Africans, the blacks, occupy more than 30 percent of the seats in the Rhodesian parliament. That might not seem a lot considering the fact that the Africans constitute 95 percent of Rhodesia's population but, remember, some 20 percent of our own American population is non-white, and yet the non-white representation in our Congress amounts to less than 3 percent. In the Senate, there is only one Negro.

One-man, one-vote tribalism? Yes, but there is a difference, you might say. In this country, there are no barriers to black people participating in the democratic processes; in Rhodesia, there are. The answer to that is that the difference is not as great as has been suggested. The only barriers to black participation in the electoral processes of Rhodesia are in the form of minimal educational or earning requirements—and I stress the word "minimal." Anyone with a third-grade education can vote, for example. The explanation for these standards is quite understandable when you stop to realize that a large percentage of Rhodesia's African population still lives a tribal existence.

Under some tribal laws, for example, if a woman gives birth to twins that fact in itself proves that she is guilty of having had an affair and the children are considered illegitimate. Fortunately, the Rhodesian government does not force these tribal groups to abide by its European morals and by its European code of justice. When the mother of twins is executed, as tribal customs mandate, the executioners are not tried under European standards for murder. Slowly, Rhodesian authorities are trying to bring this tribal element of their country's population into the 20th Century, but it is a tedious process which requires much education and even more patience. Until the project is accomplished, there must be two or three or more codes of justice in Rhodesia, each taking into account the moral codes of the groups or factions involved. Needless to say, Rhodesia's African tribesmen appreciate this system of law. Conversely, we should appreciate the fact that it would be totally unrealistic, perhaps even disastrous, to impose upon Rhodesia a one-man, one-vote form of government. In the first place, we have no right to make such an imposition. In the second place, there is every reason to believe that the course which Rhodesia is pursuing in achieving black control and that, incidentally, is the ultimate objective of the Ian Smith regime (black control achieved as African standards are raised). There is every reason to believe that this will be a far more productive and far more successful course than that which has been pursued in the now black-dominated African countries which have been plagued with chaos, economic bankruptcy, and internal upheaval.

The "Democracies" of Africa: The only truly stable black African nations of any size and importance, you might note, are those in which there is a form of totalitarian tribal rule. The term "democracy" cannot be applied to any but a few of Africa's many nations. In Kenya, *Jomo Kenyatta* was elected a decade ago when the British granted that country its independence. He greeted the elections as a major triumph of democracy and promptly decreed that it wouldn't be necessary to have any more elections since the people's will had been spoken and he hasn't had to face the voting process since then. In Tanzania, one of Rhodesia's most bitter enemies, President Nyerere rules with an iron hand. Opposition parties and individuals have, in effect, been placed in a criminal status. The same holds true for another of Rhodesia's enemies, Zambia, which is ruled by President *Kenneth Kaunda*. Nigeria tried the course of democracy but, within months, the majority tribal groups realized that they could use their majority status in the government as a means of conducting brutal reprisals against old tribal enemies. The result was the tragic Nigerian-Biafran war. A similar situation broke up the Congo in the early 1960's.

The record of black Africa's so-called "democracies" has been a farce. During the last decade, there were no less than 25 successful military coups in black African states—successful military coups; so I'm not counting the unsuccessful ones which number in the hundreds. The countries affected are ones which our State Department constantly refer to as the great, "newly emerging democracies" of the African continent. It all started in Congo-Kinshasa in 1960. Then Togo, Congo-Brazzaville, Dahomey (1963). Then Congo-Kinshasa, Dahomey, and Dahomey again (1965). Then Central African Republic, Upper Volta, Nigeria, Ghana, Nigeria again and Burundi (1966). Then Togo, Sierra Leone twice, and Dahomey (1967). Then Sierra Leone, Congo-Brazzaville and Mali (1968). And finally, Libya, Somalia, the Sudan and Dahomey in 1969. That's quite a record for "democracies."

In Rhodesia there has been political stability. There has not been any repression or oppression by one tribal group against another and, let me underscore this, no in-

tolerance or oppression by the whites against the blacks. Unlike South Africa, where blacks and whites are forcibly separated in an "apartheid" system, Rhodesia has operated on a non-racial basis. A man is treated according to what he is and not according to the color of his skin.

Is the Rhodesian government popular? The best answer to that, I think, comes in the fact that all of the tribal chiefs have warmly embraced Ian Smith's policies of nonracialism. They have also applauded his programs of land and educational development of tribal areas. More significantly, if there were opposition of any significance to the Ian Smith government, it would have been toppled long ago. Five percent white population could not possibly have withstood a rebellion of 95 percent black population. Significantly, the Smith government is defended by a combined army-police force of only 25,000 men and two-thirds of these are Africans. Three-fourths of the entire armed force is actually unarmed. And yet Rhodesia has been peaceful. The only problems it has had have come from guerrilla bands based in Zambia and Tanzania.

What is the state of our State Department? Mr. Nixon's State of the World message asserts that the United States will consult its own interests in attacking the problem of "subversion" in Africa. Well, in past years before the U.N. boycott, Rhodesia supplied the United States with 85 percent of our chrome ore, vital not just to our commercial but also our defense interests. Since the boycott of Rhodesian goods, we have had to purchase 85 percent of our chrome from the Soviet Union. Beyond that, an attempt is being made to subvert Rhodesia. The guerrilla bands in Zambia and Tanzania, in addition, are being trained and supplied by Red China. In short, why has the Nixon Administration decided to join in the campaign to crush Rhodesia? What happened to American "interests"? The State of the World message is headed in the right direction, but it is a shame that neither Mr. Nixon nor his State Department meant a word they said.

[From the Signal Mountain (Tenn.) News, Feb. 23, 1970]

OUR MISTAKE IN RHODESIA

The farce of sanctions against Rhodesia has failed. They should never have been imposed. The United Nations, including the United States, must release Rhodesia from illegal treatment.

I can think of only one thing more ludicrous than the ill-conceived United Nations sanctions against Rhodesia. That would be the tiresome charge that Rhodesia is a threat to peace.

George Orwell once described political language as being "designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind."

The best example of the truth of that statement is in the political verbiage used to accuse Rhodesia of being a threat to world peace. It was on that precise view that the United Nations rallied its inefficient forces to so condemn tiny Rhodesia. When the African republic of Rhodesia declared its independence from Great Britain in 1965. Arthur Goldberg, the American ambassador to the UN, and the United States Assistant Secretary of Sate for African Affairs, Joseph Palmer, threw the entire weight of the United States behind this unbelievably false charge.

Goldberg, Palmer, UN Secretary General U Thant, and a host of prominent voices publicly stated that enraged black states would hurl their armies at white-ruled Rhodesia. They saw Ghana, Kenya, Zambia, and other African nations launching an all-out attack on Rhodesia. But only President Nasser in Cairo, still four thousand miles safely to the north of Rhodesia, ever declared war on the beleaguered country. Other African nations talked tough, but the Rhodesians were fully aware of the limitations of their black neighbor states and even more conscious of the war record of Nasser's Egypt.

Four years have passed and the fertile imaginations of Goldberg and Palmer are no longer shaping American policy, and Kwame Nkrumah, the rough-and-tumble dictator of Ghana, is in exile writing his memoirs. Prime Minister Ian Smith is still in office in Salisbury, Rhodesia's attractive capital. There have been some minor guerrilla activities but the last was in August, 1968, and that much heralded "threat to world peace" just never did materialize.

Professor Edward G. McGlynn of Salem State College, Massachusetts, teaches African area studies to graduate and undergraduate students. He recently made a trip to South Africa and Rhodesia. When he came back he published his reactions for the press, and he made this significant statement:

"The widespread belief in the United States that Rhodesia and South Africa are on the brink of revolution is quite unfounded. If internal disorder should materialize, the efficient police of both lands seem quite capable of handling matters. Invasion may be ruled out altogether as the military capacity of South Africa and Rhodesia is quite formidable in the African context."

The foolish and unfounded accusations leveled against Rhodesia by high ranking Americans, frequently reported on earlier Life Line broadcasts, are coming home to roost in a very hard and important way.

Recently Kenneth N. Davis, Jr., Assistant Secretary of Commerce for Domestic and International Business, testified before the House Foreign Affairs Subcommittee on Africa. On October 17, Mr. Davis called the attention of the subcommittee to:

"Growing dependence by the United States on Russian chromite with an increase in price of about 50 per cent.

"Denial of applications to import Rhodesian chromite already paid for by United States companies.

"Depletion of stocks of petalite used in the glass and ceramics industry, which if allowed to continue will force curtailment of essential production in civilian glass and ceramic manufacture.

"Reduction of United States exports to Rhodesia from $29.9 million in 1965 to $2.1 million in 1968."

The previous Washington administration implemented the United Nations call for sanctions and issued regulations on both March 2, 1967, and August 13, 1968, that included automatic penalties against any American business or industry trading with Rhodesia.

American investment in Rhodesian chromite mines has been sizable, and American-owned firms were producing most of the chromite ore imported into the United States. Union Carbide Corporation and Foote Mineral Company owned these mines. The Treasury Department was made responsible for enforcing the executive orders that spelled out sanctions against trade with Rhodesia.

The two companies have petitioned the Treasury Department to at least permit them to bring into the United States that chromite ore already mined, paid for, and stockpiled in Rhodesia. Union Carbide has over 150,000 tons paid for and Foote Mineral has 57,000 tons. Both companies are investing sizable amounts of money to keep the mines operating in order to avoid possible flooding.

The second major element, petalite, is even more critical. Rhodesia is the only commercial source of this ore which is used in civilian glass and ceramic manufacture.

What is even worse, we are now buying 60 per cent of our total chromite imports from the U.S.S.R., which has steadily increased prices to us since we stopped importing Rhodesian ores. Moscow has raised the cost of chromite 50 per cent and has no petalite for us to buy. At least we can be grateful for that.

Russia was a major supplier of chromite before the Korean War, but we stopped buying its ore after 1950 and did not resume until 1958. Even then, Rhodesia was providing the major supply of chromite and Russia sold only small quantities.

The official double-talk that keeps on trying to make Rhodesia an enemy to freedom and an enemy to this country is totally unworthy even of people who guessed wrong and don't want to admit it. We should release Rhodesia from the restrictions of trade between our two countries. It is something of a minor miracle that Prime Minister Ian Smith has led the Rhodesians to continue a high regard for American principles, the American people, and our symbol as the world's leader for freedom. The least we can do is to repay that loyalty by recognizing Rhodesia as our friend and the friend of true liberty for all of mankind.

LEGISLATION TO STRENGTHEN THE ROLE OF PRIVATE CONSUMER SUITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced for myself, Mr. MIKVA, and Mr. BROWN of California, H.R. 16551, legislation to put a new weapon into the hands of consumers fighting corporate abuses through court action. The bill would permit both local governments and private citizens access to evidence obtained by the Federal Government in antitrust suits that end in consent decrees.

With the Federal Government cozying up to private industry, remedies to consumer problems are increasingly being forced to rely on private court action.

The collection of evidence for such actions is costly and frequently duplicates Federal collection of evidence for antitrust suits. The Justice Department spent $3 million in gathering evidence for use in the auto smog suit, employed eight full-time staff members, conducted an 18-month grand jury probe and subpenaed scores of witnesses from across the country. That suit ended in a consent decree.

On Monday, the Supreme Court upheld that decree. The appeal which came from New York, Philadelphia, and other cities, contended that the public is entitled to greater access to the evidence collected with Government funds.

Were all antitrust suits to go to trial, the evidence would be a matter of public record and thus available to private litigants. But the Federal Government has been short circuiting the process by obtaining consent decrees, out-of-court agreements with defendant companies. This terminates the proceedings before the trial and thus makes the evidence inaccessible to private parties and other Government jurisdictions.

Approximately 75 percent of all antitrust suits initiated by the Federal Government have terminated in consent decrees.

There evidently is a "silent conspiracy" between the Federal Government and

large corporations to circumvent the intent of the antitrust laws and weaken the position of the consumer by using consent decrees to cut off followup private damage suits.

The corporation counsels of the city of New York and the county of Los Angeles have endorsed the portion of my legislation applying to governmental jurisdictions.

For many years "consumer protection" has been the stated purpose of that body of law which serves to provide guidelines to American business for its proper operation. Protecting the customer from financial harm has always served in large part as the justification for court decisions in which members of industry have been held in violation of antitrust laws. See *Standard Brands, Inc.* v. *Smidler*, 151 F. 2d 34 (2d Cir. 1945) (Frank J., concurring); *Federal Trade Commission* v. *Mary Carter Paint Co. et al.*, 382 U.S. 46, 86 S. Ct. 219 (1965). Strong enforcement of the antitrust laws continues to be the stated policy of the U.S. Government. Atty. Gen. Natl. Comm. Antitrust Rep. 378. Yet the vast majority of antitrust suits and trials which reach judgment are not brought or initiated by consumers. They are instead a result of the heat of friction within industry itself as unlawful advantage taken by one member of the business community creates a present or threatened financial loss to another and causes him to seek injunction and redress, or arise because the Government discovers alleged violations of law which, if left unchecked, would set precedent that would ultimately destroy the stability and freedom of the economy.

In a large sense the protection which results serves to promote the general welfare and to preserve an essential faith in fair dealing at the marketplace. But while the consumer may enjoy the effect of his National Government's vigilance in the antitrust field at the perimeters of his economic life and may owe a great deal to that protection—something more is required. The consumer needs greater power to give him the standing and the capacity to strike back at economic policies and practices which unlawfully harm him as an individual. Where such a potential cause of action lies submerged and immasculated in the individual citizen the larger protection has, a fortiori, broken down.

The treble damage suit provided private litigants by section 7 of the Sherman Antitrust Act—July 2, 1890, chapter 647, 26 statute 209, as amended—verifies the reality of the threat to the consumer and substantiates the fact of his individual weakness in the face of industry. But to successfully prosecute the antitrust lawbreaker the consumer requires an abundance of solid evidence which, because of its usually devious and complex effect upon him personally, and because of the great difficulties which he encounters in gathering it, is generally beyond his reach. Still more difficult is his burden in proving the existence and extent of his damages. He is very much in need of Government evidence in substantiating the depth, or even the existence of his cause of action.

Adding to the consumer's difficulty in this regard have been court decisions which have stated the belief that the primary purpose of section 5(a) of the Clayton Act is not to encourage and aid private litigants in treble damage actions, but is rather, to encourage defendants to enter into consent decrees with the Government. *United States* v. *Brunswick-Balke-Collender Co.*, 203 F. Supp. 657 (E. D. Wis. 1962); *cf. United States* v. *Ward Baking Co.*, 163 Trade Cas. 77, 499 (n. D. Fla. 1963), (held not conclusive). It has been estimated that 70 to 75 percent of all cases in which evidence is gathered by the Justice Department against antitrust law violators are not brought to trial but are settled by consent decree. A significant portion of antitrust criminal actions are brought under pleas of nolo contendre. The nolo contendre plea in an antitrust criminal action is considered the equivalent of a consent decree in its evidentiary effect upon private litigants. *City of Burbank* v. *General Electric Co.*, 329 F. 2d 825 (9 Cir. 1964). When a consent decree is entered into, as when a plea of nolo contendre is accepted, the evidence which was collected and utilized by the Government in bringing about the plea or decree—and which would have been used to more fully prosecute the case in court—is lost to the use of all other potential claimants, governmental and private. As a result, industry is granted an immunity against suit which must be seen as being in direct contravention of the spirit, if not the letter of the Sherman Act's treble damage provisions, and which mocks the avowed principal reason for the existence of the Federal Trade Commission—that of consumer protection. See *United States* v. *Standard Ultramarine and Color Co.*, 137 F. Supp. 167 (1955), at 171, 172.

But there are these reasons frequently given to justify the use of consent decrees: That the Government is unable to take to court all those against whom it has evidence of antitrust violations due to limited time and resources; that consent decrees are obtainable more easily and speedily than are court decisions; that industry's genuine cooperation in stopping questionable or unlawful business practices will more readily result if consent decrees are available, as opposed to perhaps harsher court decisions; and, that in many cases evidence obtained might not sustain a court judgment in favor of the Government while the same evidence may be sufficient to provide the bargaining power necessary to obtain a consent decree.

I believe there is merit in each of these reasons, but particularly in the last, is adequate to justify limited continuation of the consent decree "program." However, the Justice Department's asserted inability to handle prosecution of all potentially strong antitrust cases due to its limited resources speaks more clearly and urgently to the need for more adequate enforcement of the law to cope with a problem of this magnitude than it does to excuse continuation of a basically weak procedure. A temporary increase in lawsuits by Government at all levels and by private citizens would probably achieve the beneficial results which such action is thought to obtain in most every other area of the law.

The slow movement of the wheels of formal justice is a recognized fact, but it would be tragic if that problem, itself high on the current list of priority problems, should serve to further excuse the court's inadequate functioning.

Once industry becomes aware of a willingness in the Justice Department to take and assist cases to court, and of the courts' increasing ability to handle them with reasonable speed, its more thorough and willing cooperation can fairly be expected in preventing a greater number of abuses before they occur. This concept is at the heart of our system of punishment for the lawbreaker as a lesson for the morrow.

When a consent decree is entered or a plea of nolo contendre made for all intents and purposes the matter is terminated. At the time that the evidence compiled by the Government is marked inaccessible, investigatory activities generally come to an end as well. This sequence of events often presents the appearance of a silent conspiracy between the Government and the defendants to conceal and suppress evidence necessary for the establishment of guilt. Realization of this fact has gained governmental recognition in the form of "asphalt clauses" included in some consent decrees to facilitate an admission of specific wrongdoing. These have generally not met with much success however. See *United States* v. *Allied Chem. Corp.*, Trade Reg. Rep. (1961 Trade Cas. No. 69,923); see generally Kaplan, "The Asphalt Clause—A New Weapon in Antitrust Enforcement," 3 Boston College Indus. & Comm. L. Rev. (1962).

The machinery of Government is no more able to supervise enforcement of consent decrees than it is to bring antitrust suits to court. The large number of new complaints brought against industry, versus the number of contempt charges filed for violation of the terms of consent decrees suggests that either the Justice Department is not geared to follow up consent decree compliance or that industry cooperation is near perfect. The latter alternative appears less likely than the former.

The fear of treble-damage action is one of the most potent influences in securing compliance with antitrust laws. Neale, "The Antitrust Laws of the U.S.A.," 388 (1960). The greatest threat to monopolistic practice is the threat to the offender's pocketbook. This is inherently true when dealing with impersonal corporations. Hence, financial loss provides the strongest deterrent to a violation of the antitrust laws. *Bruce Juices, Inc.* v. *American Can Co.*, 330 U.S. 743 (1947).

Recovery of damages by private parties serves the additional function of canceling any illegal gain derived by the company from an antitrust violation. Loevinger, "Private Action—The Strongest Pillar of Antitrust," 3 Antitrust Bull. 167, 168 (1958). "The motivation for a conspiracy in restraint of trade is essentially financial. A financial penalty would thus seem to be an essential deterrent and, in some circumstances, afford a stronger therapeutic effect than criminal penalty or injunctive relief." Kaplan, "The Asphalt Clause—A New Weapon in Antitrust Enforcement," 3 Boston College Indus. & Comm. L. Rev. (1962).

Additionally the States and cities have an undeniable vital interest in the welfare and financial security of each citizen which is not at all in conflict with the higher order interest of the National Government in its concentric citizenry. Consequently, the States and cities have a stake in antitrust law enforcement which goes to the punishment of antitrust violators.

If treble damages are thought too harsh to permit widespread, feasible use as a tool of deterrence, perhaps the solution lies in reducing or creating a sliding scale of multiple damages. The answer is not, however, to reduce Government suit and prosecution and to imprison much-needed evidence.

The bill I have introduced preserves consent decrees and pleas of nolo contendere as means of enforcement where evidence of antitrust violation is incomplete or subject to a real possibility of insufficiency in a court of law, while at the same time making available all evidence collected and utilized in bringing them about. If evidence is truly insufficient to warrant either, then of course the Government has the duty to drop its charges and to withhold that evidence from the public.

The States and cities, as well as the individual victims of antitrust law violations should be assisted, not hindered, by the Federal Government in seeking their proper and lawful remedies.

I insert the text of the bill as well as letters from the corporation counsels of the county of Los Angeles and the city of New York and from Mayor John Lindsay endorsing the objective of the legislation.

The text of the bill and letters follows:

H.R. 16551

A bill to amend the Clayton Antitrust Act to provide accessibility to documentary evidence gathered in connection with certain antitrust actions brought on the behalf of the United States

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

SECTION 1. Section 5 of the Clayton Antitrust Act (28 Stat. 731; 15 U.S.C. 16) is amended by adding the following new subsection at the end thereof:

"(c) Upon the entry of a consent decree in any civil antitrust proceeding or the entry of final judgment after a plea of nolo contendere in any criminal antitrust proceeding, the Attorney General shall assemble all documentary evidence, in whatever form, gathered by the United States for possible use in the proceeding. In accordance with such reasonable procedures as he may prescribe, and notwithstanding any restrictions otherwise imposed by section 552 of title 5, United States Code, the Attorney General shall make the material assembled pursuant to this subsection available for inspection and copying

"(1) by any person duly authorized to act on behalf of any State or local governmental body, and

"(2) by any person."

COUNTY OF LOS ANGELES, OFFICE OF THE COUNTY COUNSEL,
Los Angeles, Calif., February 5, 1970.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. FARBSTEIN: This will acknowledge receipt of your inquiry of January 22, 1970, wherein you indicated a most understandable dissatisfaction with the order of Judge Curtis in the recent federal anti-trust suit against the automobile industry.

I most wholeheartedly agree with your reaction and approve of your intention to amend the Clayton Anti-Trust Act to provide access to governmental bodies to Justice Department evidence following a *nolo contendere* or consent decree order.

Please be assured that my reaction is reflective of the belief of members of the Board of Supervisors of this County and of those attorneys representing public entities seeking recoupment in civil anti-trust cases.

If this office may be of any assistance to you in processing this matter through the legislature we would be most happy to oblige.

With kind regards, I am

Sincerely yours,

JOHN D. MAHARG,
County Counsel.

THE CITY OF NEW YORK,
LAW DEPARTMENT,
January 14, 1970.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.
Attention Mr. Ellis Levin.

DEAR MR. LEVIN: Thank you for consulting us on your proposed amendment to § 5a of the Clayton Act. As you know, the City's hands have been tied on more than one occasion by the failure to obtain documents used by the Department of Justice in antitrust suits where consent decrees or pleas of *Nolo Contendere* have been entered.

For your information, I am enclosing copies of several papers related to the impounding of documents in cases in which the City was a party. In chronological order these are the order in the library editions of children's books suit which just impounded documents but did not allow us access to the materials; Judge Travia's order giving us access to similar materials in the maple flooring suit without resort to further court action, and our petition and memorandum in support thereof; and, the opinion in the automobile air pollution case which, on page 6, refers to the order denying us access to materials impounded until "good cause therefore can be shown." As you can see, the latter opinion was a backward step in the City's efforts in the antitrust field.

If I can be of any further help, please do not hesitate to call me.

Sincerely yours,

J. LEE RANKIN,
Corporation Counsel.
By EUGENE MARGOLIS,
Assistant Corporation Counsel.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., October 3, 1969.

Hon. LEONARD FARBSTEIN,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This is in response to your letter of September 17, 1969, with respect to antitrust litigation attacking the conspiracy by automotive manufacturers to restrict development of pollution controls.

Your suggestion that the City of New York intervene in the pending suit by the Federal Government is well founded. The City's Corporation Counsel, J. Lee Rankin, and Commissioner of Air Resources, Austin N. Heller, were following this litigation closely, even before the Justice Department announced on September 11, 1969 that it had negotiated and filed a proposed consent decree. Study of the proposed terms convinced Mr. Rankin that the decree, at least in its present form and on the basis of the limited information revealed by the Department, does not adequately serve the public interest. Accordingly, he decided (1) to intervene in the Government suit, for the purpose of objecting to the decree, and (2) unless further study should reveal some legal obstacle, to file an independent treble-damage suit against the defendants.

Today the City filed its motion for leave to intervene and a supporting memorandum with Federal District Judge Jesse W. Curtis in Los Angeles. In its moving papers, the City asks the Court to require the Government to produce a detailed statement and analysis of the evidence it has gathered and to demonstrate, if it can, that the proposed decree is indeed in the public interest. Alternatively, it asks the Court to require renegotiation of the decree to include admissions which will assist state and local governments in any treble-damage actions they may bring. The City is also asking the Court to order the Department of Justice to retain custody and control of all of the documentary evidence assembled for the grand jury which first considered the conspiracy and to make copies available to all state and local governments which file treble-damage actions.

This automotive pollution case illustrates some major weaknesses of the antitrust laws and the need for assistance from you and your colleagues in Congress. Because of your interest, I will outline below the gist of recent experience by this and other state and local governments.

New York City has been vigorously prosecuting treble-damage antitrust actions during my administration. The City's Corporation Counsel has successfully concluded seven such suits since early in 1966. These provide for refunds totalling more than $9,000,000 from companies which have conspired to overcharge the City and public authorities operating here. Seven other cases are in various stages of pretrial discovery and settlement discussions, and several more are in preparation. As far as we know, the special antitrust unit which we set up in the City's Law Department in 1967 is the only such unit in any municipality.

The Supreme Court has on numerous occasions stressed the importance of treble-damage litigation in carrying out the Congressional policy underlying the antitrust laws. To that end, it has said, "Congress meant to assist private litigants in utilizing any benefits they might cull from government antitrust actions." (*Emich Motors Corp.* v. *General Motors Corp.*) The theory is that the most meaningful deterrent to monopolistic practices is a threat to the offender's pocketbook.

Unfortunately, other considerations have led the Government to subordinate this purpose and to accept consent decrees which deny injured persons, including state and local governments, important benefits potentially available from Government cases. Such consent decrees, like the proposed automatic decree, typically omit any admission of wrongdoing. Under the Clayton Act, as now worded, state and local governments can then recover damages only by building their own cases *de novo*. Moreover, the Government does not make available the evidence it has gathered by interviews, FBI investigation, grand jury subpoenas, civil investigative demands and expert analysis. State and local governments are therefore forced to rely on laborious and time-consuming discovery procedures.

The admissions the City is seeking to have incorporated in the automotive decree as alternative relief are patterned on provisions the Department of Justice did insist on for a short period of time in the early 1960's. This type of provision is popularly known as the "asphalt clause." See *United States* v. *Lake Asphalt & Petroleum Co. of Mass., United States* v. *Bituminous Concrete Assn.*, and *United States* v. *Allied Chemical Corp.* The effect of the asphalt clause would be to give treble-damage plaintiffs a *prima facie* case on the key issue of whether there had been a violation of the antitrust laws.

Decisions in the more recent *children's*

books and *maple flooring* cases are precedents for the impounding and copying of documents obtained in the course of a Government investigation. In *children's books*, a consent decree much like the automotive decree was proposed in the Northern District of Illinois in 1967. New York City and others sought unsuccessfully to intervene and to secure an asphalt clause. On appeal, the Supreme Court upheld a denial of intervention and therefore did not reach issues relating to the proper relief. However, in the trial court and by subsequent motions in separate treble-damage actions, the City and its associated plaintiffs did ultimately succeed in obtaining documents which had been presented to the grand jury. But a great deal of time, effort and persistence was required. In *maple flooring*, the City was unsuccessful in opposing the acceptance of *nolo contendere* pleas, which have the same legal effect in criminal cases as consent decrees do in Government civil cases, but was allowed to inspect and copy all grand jury documents.

You may wish to consider several legislative remedies which have been suggested from time to time.

Senate No. 2137, now pending, would make *nolo contendere* pleas in criminal cases *prima facie* evidence in private treble-damage suits. The Antitrust Division went on record last year as favoring such an amendment.

In the 85th Congress, the House Antitrust Subcommittee conducted an intensive investigation into the antitrust consent decree program of the Department of Justice and reported:

"During the waiting period, private parties, who may be affected by the terms of the decree, *should be given an opportunity to intervene in the Government's case* in order to present their objections to the court for its consideration." (Italics added.)

As indicated by the *children's books* case, an injured state or local government presently faces serious difficulties in attempting to intervene in a Government case. That means, of course, that if the District Court does not heed its requests for modification or rejection of a consent decree, no further redress is open.

Another very useful legislative step would be clarification or confirmation of a state or local government's right to have prompt access (without the necessity of an adversary proceeding) to documentary and other evidence assembled by the Department of Justice—once the federal government's case is concluded. Protracted discovery and the opportunity for dilatory maneuvers by defendants in treble-damage actions would thereby be appreciably curtailed.

Mr. Rankin and I will be happy to place at your disposal any additional background material which may be requested in pursuing our joint interest in effective antitrust enforcement.

I am sending copies of this letter to your colleagues whose names appeared in your letter under your signature.

Sincerely,

JOHN V. LINDSAY,
Mayor.

WOMEN STRIKE FOR PEACE CALL FOR NEW PRIORITIES

(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, today members of Women Strike for Peace from throughout the Nation are in the Nation's Capital to present signatures which they have collected opposing the spending of American tax dollars for the war in Vietnam and Laos and urging the Congress to reallocate these funds for our Nation's desperate domestic needs—education, housing, jobs, health, environment, and the rebuilding of our cities.

Women Strike for Peace has continually expressed opposition to our involvement in Vietnam.

Unfortunately, voices of concerned citizens have been virtually ignored—first during the Johnson administration, and now by President Nixon, who said of the October 15 Vietnam moratorium:

> Under no circumstances will I be affected by it.

Although he promised a change of Vietnam policy during his campaign, the President has done little to change America's posture in the war.

The Nixon "Vietnamization" program is merely a rehash of what prompted massive American involvement in the first place—we were to train and arm the South Vietnamese, but it was their war, and they were going to do the fighting.

The new Nixon plan of Vietnamization, as described during the President's November 3 speech, is nothing more than the old Johnson policy.

As a result of this policy, some 40,758 Americans have died in hostile action as of February 28, 1970. Those who have been injured and maimed number 268,296.

The number of South Vietnamese who have been killed or wounded number in the thousands. These casualties include women, old people, and children. Those who have not been killed or wounded have often become refugees after their villages have been burnt to the ground.

How many more lives must be lost, how many more people must be maimed, how many more villages must be burnt before we realize that the policy of Vietnamization has left a plundered, barren nation which will never again be the same?

How long before we realize that a policy aimed at protecting democracy the right to self-determination based upon support of a government which is undemocratic cannot succeed?

The President has asked that his plan be given a chance. In October and November, several hundred thousands of Americans peacefully expressed their concern about the war. They are still concerned; especially concerned that their feelings have fallen on deaf ears. All they are asking is to give peace a chance.

Congress can give peace a chance. Congress has the power to deal effectively with foreign policy, but it has abdicated that responsibility. Congress should be able to learn from its mistakes. Look at where abdication of this responsibility led in Vietnam. Where is it going to lead in Laos?

Once again, the American people are being told that Americans are serving in Laos merely in an advisory capacity. We are told there have been no deaths as a result of our involvement in Laos. Then we are told there have been deaths, but that they did not result from combat activity.

The intervention in Laos had occurred without the approval or consideration of Congress. Although the Congress is receiving some information on our activities there, the President has refused to reveal the true extent of U.S. military operations. If Congress does not exercise its control over foreign policy, we well may be on the road to another war in Southeast Asia.

Because of my deep concern about Congress' abdication of its foreign policy responsibility, I have introduced House Concurrent Resolution 531, with 16 cosponsors which would create a Joint Congressional Committee on Foreign Policy. This committee would have the authority to make continuing studies and investigations of all foreign policy problems and then report back to the House and the Senate its recommendations on foreign policy.

Another area in which Congress has abdicated, or merely ignored, its responsibility is its power of the purse, refusing to assign priorities and to appropriate American tax dollars accordingly.

Fiscal year 1970 funds for defense total $69,640,568,000. In comparison, only $2,631,356,000 went for housing; only $1,929,738,630 went for transportation; and only $17,861,936,200 went for health, education, welfare, and poverty—as a result of the Presidential veto. This amount is lower than the original congressional appropriation and in addition, can be and will be cut back 2 percent by the President.

Thus, fiscal year 1970 appropriations for our domestic needs such as education, health, welfare, poverty, housing, and transportation was $22,423,030,830; less than one-third of our defense expenditures.

The Americans whose signatures are being presented by Women Strike for Peace are tired of having their tax dollars misspent. Their flyer states:

> Today—our Congress wastes 66% of our taxes on war while hunger, sickness, crime, slums, and unemployment go unattended . . . and taxes and prices keep rising.

The Congress has the power to change this. It has the power to divert money into feeding the hungry, housing the homeless, providing jobs and security, healing the sick, eradicating misery and crime, cleaning up our environment, and turning our cities from centers of deterioration and decay to useful and desirable places to live.

In this decade of the 1970's, in this most technologically advanced nation in the world—we have the choice of using our vast resources and moneys for the creative use of rebuilding our society rather than using them for the materials of death and destruction.

Today, Congress is being summoned by the voices of Americans who want to see such a change. They are asking Congress to use their taxes for our many needs at home.

We must listen. We must not allow their voices to fall upon deaf ears. For in the end, we will be responsible for what happens in this country in this decade. We must fulfill our role. We must live up to our responsibilities.

LEGISLATION TO END MOTOR VEHICLE POLLUTION OF AIR

(Mrs. MINK asked and was given permission to extend her remarks at this

point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, today I am introducing legislation to end motor vehicle pollution of our air.

According to reliable estimates, motor vehicle emissions cause 60 percent of the ground-level air pollution in metropolitan areas. Part of this pollution is the introduction of millions of pounds of poisonous lead into our atmosphere each year.

There has been considerable discussion by automobile manufacturers and the petroleum industry concerning possible steps to remove lead from gasoline and also end other forms of pollution by the internal combustion engine. My bill would encourage these efforts by private industry.

The essential provisions are as follows:

First. After December 31, 1975, no leaded gasoline will be manufactured in or imported into the United States.

Second. After December 31, 1972, no vehicle with an internal combustion engine may be manufactured in the United States unless it operates on unleaded gasoline.

Third. After June 30, 1972, no new motor vehicle will be manufactured, sold, or imported unless it is equipped with proper antipollution devices.

Fourth. After December 31, 1975, no motor vehicle will be allowed to operate in the United States—except transient vehicles—unless it fulfills the existing antipollution standards.

To provide inducement for car owners to have their old cars adjusted to use unleaded gasoline, my bill increases the tax on leaded gasoline progressively from 4 cents in 1970 to 6 cents after September 30, 1972. In addition, it provides a Federal payment of 20 percent of the cost of State inspection programs to enforce exhaust emission standards.

In view of the danger to our health posed by motor vehicle emissions and consequent air pollution, I think it is imperative for Government and industry to begin at once to implement the program provided for in my bill. I am including with my remarks a position statement by an oil company outlining its concept of the best solution to the transition from leaded to unleaded gasoline:

THE TRANSITION FROM LEADED TO UNLEADED GASOLINE

THE SITUATION

Most of the nation's major refineries presently have the facilities and are capable of producing and distributing two grades of gasoline. In total these gasolines have an average research octane number (R.O.N.) of about 90 before the addition of tetraethyl lead. This "pool" of 90 R.O.N. gasoline is usually split at the refinery into two groups of about equal volume:

Regular Grade "Pool": 86 R.O.N., without lead.

Premium Grade "Pool": 94 R.O.N., without lead.

By the addition of an average of about 2.4 cc's of lead to the regular grade pool and about 2.8 cc's to the premium grade pool, these gasolines are converted to the following:

Regular Grade "Pool": 94 R.O.N., with lead.

Premium Grade "Pool": 100 R.O.N., with lead.

These leaded gasolines are necessary to meet the R.O.N requirements of the automobiles currently on the road. The nationwide percent "satisfied" by various R.O.N.'s is about as follows:

R.O.N.	Percent "satisfied"
88	10
90	20
92	40
94	60
96	80
98	90
100	98

As noted above, the addition of lead adds about 7 "numbers" to each gasoline's rating. The cost of the lead is about 6¢ to 7¢ per gallon. More severe refining processes can also add 7 octane numbers, but at an additional cost that is estimated to be 2¢–3¢ per gallon. In addition, several years will be required to construct the needed new refining equipment. The total capital cost of installing refining equipment nationwide to add 7 octane numbers is estimated to be between $5 billion and $6 billion. Because of limited construction capability, it is impossible for all major refineries to add such needed equipment in a time schedule that may be required by law.

THE BEST SOLUTION

A lead-free regular gasoline and a leaded premium gasoline could be provided immediately without increasing the average cost to the consuming public and without imposing extreme financial requirements and impossible construction schedules on the petroleum industry if the following procedure were adopted:

(a) Refiners could divide the existing octane pool into two groups, about as follows:

Lead-free "pool": 90–91 R.O.N.

Leaded "pool": 89–90 R.O.N., without lead, plus lead, 97 R.O.N., with lead.

These two gasolines would then replace the existing regular (94 R.O.N. leaded) and premium (100 R.O.N. leaded).

(b) Detroit's auto manufacturers have indicated that the 1971 models can be designed with compression ratios and other adjustments so that the R.O.N. requirements of the new models would not generally exceed 91. Further, it has been indicated that simple adjustments at low cost can be made to most existing automobiles (during a regular tuneup) so that a car's R.O.N. requirement can be lowered by about 3 R.O.N. By this procedure the automobile population percent "satisfied" curve could be shifted to the following:

R.O.N.	Percent "satisfied"
85	10
87	20
89	40
91	60
93	80
95	90
97	98

Thus, the 90–91 R.O.N. lead-free gasoline and the 97 R.O.N. leaded gasoline would adequately satisfy the current automotive population and also provide a lead-free gasoline for all 1971 and later models. As shown by the above data, about 50 to 60% of all cars could immediately shift to a lead-free gasoline. As the 1972, 1973 and later models (all holding to 90–91 R.O.N. requirements) replaced the high R.O.N. requirement cars of the 1960's, the percent "satisfied" by 91 R.O.N. and below would increase steadily. As this happened, the production of the 97 R.O.N. leaded gasoline would decline every year as the pre 1971 automobiles, through accidents and the junking process, disappeared. So, by about 1980, the need for a leaded 97 octane premium gasoline would have about disappeared. This procedure could enable the petroleum industry to shift eventually to a single grade unleaded gasoline.

However, it seems reasonable to believe that as the percentage of premium gasoline sold approached 5 to 10% of total gasoline sales, and the 90–91 unleaded gasoline sales approached 90 to 95%, the petroleum industry could start to take the lead out of premium, (say not later than 1978), as a result of refinery technology evolution, making high octane components available at a relatively reasonable cost. At that time a leadless 96–97 octane premium could become available and thus Detroit would have a choice of making low and high octane requirement engines again.

THE ALTERNATIVE SOLUTION

Another alternative currently being discussed by trade papers and pump suppliers is to immediately install a third pump and third tank in service stations in order to provide a special lead-free fuel for the 1971 automobiles. Presumably, this is being proposed in order to meet the new model gasoline requirements (e.g., 91 R.O.N. unleaded), without disturbing the existing pattern for the cars on the road (94 R.O.N. leaded and 100 R.O.N. leaded). Assuming that 200,000 stations need such conversion (out of some 300,000 total) the capital cost for this "temporary" third grade system, including necessary additional terminal tankage, is between $1 billion and $2 billion. This is obviously an extremely unwise use of the nation's (and the petroleum industry's) resources and should be avoided. As can be seen above, the trend is toward virtually a single R.O.N. grade of gasoline by the end of the decade. Installing a third grade system on a crash basis (or any other basis) makes no sense whatever. And, most important, only the 1971 and later model year cars would use leadless gasoline. This is in contrast with 50 to 60% of the existing cars going immediately to a leadless fuel made possible by modifying existing cars.

THE WRAP-UP

Through legislation or otherwise adopting the "Best Solution" as outlined above, the transition from two grades of leaded gasoline to two grades of unleaded gasoline would have been accomplished smoothly, with minimum cost to the public and with a sudden major reduction in lead pollution. Unwarranted, resource-wasting investments in facilities to distribute a third grade of unleaded gasoline and crash refining facilities to make high octane components by destructive resource-wasting techniques would have been avoided. Further, all new cars starting in 1971 would be using lead-free gasoline and a most rapid phase-out of existing cars using leaded gasoline would have been accomplished. The public, playing its role by having its existing cars derated in octane requirement in accordance with procedures established by Detroit and enforced through national legislation, would quickly enjoy less pollution in the atmosphere at minimum cost.

STUDY OF PENNSYLVANIA AVENUE PLAN FOUND "UNWORKABLE" AND "NOT ECONOMICALLY FEASIBLE"

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

Mr. SAYLOR. Mr. Speaker, perhaps at long last the final nail is to be driven into the coffin of the ill-conceived Pennsylvania Avenue plan. A recent study of the plan found among other things that—

Some of this negative response (on the part of architects) was directed toward the design features of the Plan *per se*, but a greater part of this reaction, we believe, stems from a serious study of the restrictions imposed by the Plan and judgments on the impact of those restrictions both from a design and an economic feasibility standpoint. To generalize, their reaction seems to be one of rejection of the scheme as wholly unwork-

able—at best, "a nice idea but not economically feasible."

The report also notes that the Pennsylvania Avenue plan seems to have been conceived without attention to the economics of development which typically attract the private developer. On this point, the report states:

Our analysis has shown that if more developers had investigated in detail the development implications of the Plan, they would have determined what perhaps they already strongly surmised, that the Plan as written precluded feasible general office development. However, it seems obvious that sophisticated local developers never took the Pennsylvania Avenue Plan seriously as a development opportunity.

The newest study of the plan was made by Development Research Associates, with offices at 1900 L Street NW. The study was conducted under a contract for the District of Columbia government, the District Redevelopment Land Agency, and the National Capital Planning Commission.

The study strengthens my long-held contention that the President should drop the plan altogether; he should also abolish the Temporary Pennsylvania Avenue Commission. Additionally, the President should make a full report to the Congress and the Nation on the amount of money that has been poured into the Temporary Commission during the years of its "temporary" life. As an aside, I might suggest to some enterprising student of government to investigate the life of the Commission as a beautiful example of "boondogglism" at its best.

Congress cannot escape its share of the blame for the unnecessary expenditure of the public's money for the plan; happily, the Congress began a long overdue clampdown last year and it is my hope that the issue is forever buried as far as Congress is concerned.

As originally proposed, the Pennsylvania Avenue plan would have the taxpayers pay for destroying such expensive properties as the Willard, Washington, and Occidental buildings to create a so-called national square. At one point, the National Press Building was also designed for demolition but that "hot potato" was quickly dropped. The Willard Hotel has been forced to close as a result of the machinations of the authors of the plan. Unless the plan pushers are stopped now, other businesses will be forced to close their doors.

Knowing of the interest of many Members of Congress in the economic life of the District of Columbia, I am attaching to my remarks portions of the study made by Development Associates pertaining to the Pennsylvania Avenue plan. Following that is an article from the February 17 edition of the Washington Star concerning the long-range economic outlook for the District as revealed by the total study:

IMPACT OF LAND USE CONTROLS AND OTHER FACTORS UPON THE DOWNTOWN URBAN RENEWAL AREA

IMPACT OF MAJOR PUBLIC DEVELOPMENT PROPOSALS

In this section we treat the present and expected impact on downtown development of major public projects or development plans. In this connection we have considered in varying detail the following existing or proposed programs:

1. Southwest Renewal Area.
2. Pennsylvania Avenue Plan.
3. Downtown Urban Renewal Plan.
4. Planned freeway system.
5. Federal City College.
6. Municipal Center at Judiciary Square.
7. Federal office construction or office leasing.
8. The rapid rail transit system (Metro).
9. The John F. Kennedy Center for the Performing Arts.

AN OVERALL VIEW

In an effort to get an overall view of the impact of certain of these programs, we solicited the opinions of our retailer respondents. It was felt that retailers would have a more direct measure of the impact of these programs than either developers or financial institutions. The response of the retailers is shown in Table 9.

As can be seen in Table 9, the rapid rail transit system, the Downtown Urban Renewal Plan and the program of Federal office construction in the downtown received the most favorable response. The Pennsylvania Avenue Plan, the Southwest urban renewal area, Federal City College and planned freeway system were considered to have the least impact on downtown development. In all cases, with the exception of the Pennsylvania Avenue Plan, the retailers were not expressing a negative reaction towards these developments, but simply a lack of *favorable* impact either by reason of distance from their operations or function.

Pennsylvania Avenue Plan: Of all the public programs discussed, the Pennsylvania Avenue Plan received the greatest amount of negative attention. Because the Plan was a special requirement of our analysis, we prepared and delivered a special interim report on this subject. At this point, however, we reproduce excerpts from that report:

"Retailers expressed mixed reactions to the Pennsylvania Avenue Plan. Many felt that from a design standpoint the Plan provided an area of interest and quality which is lacking along the north side of Pennsylvania Avenue at the present time. Thus, from this standpoint, retailers tend to favor the current plans for Pennsylvania Avenue. However, in terms of the specific uses planned and their impact on downtown retailing, the retailer response was not so favorable. For the most part retailers feel that the specific plans would have little or no impact upon their retailing establishments. This, of course, does not include those stores which are faced with relocation as a result of the implementation of the plan.

"In response to a direct question as to the development impact the Pennsylvania Avenue Plan might have upon retail operations, some 62 percent of the retailers indicated that it would have a favorable impact. This response, however, must be compared with responses to a similar inquiry about other proposed developments. Retailers generally feel that *any* major development would have an impact more favorable than unfavorable upon their retailing operations. Therefore, of particular importance in this connection is the relatively large number of responses which considered the impact of the Pennsylvania Avenue Plan to be unfavorable or insignificant. Over 37 percent held such an opinion.

"Questions similar to those posed to retailers were asked of developers, architects and lenders. These questions elicited a response similar to that of the retailer group. Specifically, approximately 58 percent of all representatives of the local development industry indicated a favorable response to the question:

"Could space demand be strengthened by implementation of the Pennsylvania Avenue Plan?

"However, these survey respondents reacted positively to *all* the development possibilities put to them. Thus, again the point of differentiation becomes the percentage of negative reactions recorded against the various possibilities.

"By this measure it can be seen that the Pennsylvania Avenue Plan elicited a percentage of unfavorable reaction exceeded only by the question regarding possible compaction of downtown development areas. Accordingly, from this statistical analysis it can be inferred that the local development industry is less favorably disposed towards the Pennsylvania Avenue Plan than it is to other development programs for the downtown area."

TABLE 9.—RETAILER REACTION TO PROPOSED PUBLIC PROGRAMS

	Favorable impact		Unfavorable impact		No impact		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
A number of major improvements have been introduced or discussed. In your opinion what impact will the following have on downtown retailing?								
Rapid rail transit	17	100.0					17	100
Downtown urban renewal plan	15	88.2			2	11.8	17	100
Federal office construction	15	88.2	1	5.9	1	5.9	17	100
Municipal center expansion	12	75.0			4	25.0	16	100
Freeway system	11	68.7			5	31.3	16	100
Federal City College	11	64.7			6	35.3	17	100
Pennsylvania Ave. plan	10	62.5	2	12.5	4	25.0	16	100
Southwest residential development	8	50.0			8	50.0	16	100

Source: Development Research Associates.

For purposes of financial testing of the Plan, we conducted cash flow analyses of hypothetical developments constructed under the regulations of the Pennsylvania Avenue Plan. The conclusions of these tests are pertinent here.

"Under realistic present day cost and revenue factors, projects built under the Pennsylvania Avenue Plan fall far short of breaking even on a cash flow basis, to say nothing of return on equity requirements. Thus, assuming making a profit on real estate development is a motivating factor, it is not realistic to expect private speculative investment along Pennsylvania Avenue.

"Doubtless, any restrictions such as those contained in the Pennsylvania Avenue Plan render feasible development even more difficult. Certainly, developers who cannot achieve their accustomed return under optimum land control conditions are not going to consider speculative investments where land coverage is reduced, and building costs are increased, and where there is little possibility of increasing rents to offset these costs.

"Towards the objective of understanding the apathy shown by the private sector towards the Pennsylvania Avenue Plan, we can draw the following general conclusions from our discussions with the representatives of the local development industry.

"Some of this negative response (on the part of architects) was directed toward the design features of the Plan *per se*, but a greater part of this reaction, we believe,

stems from a serious study of the restrictions imposed by the Plan and judgments on the impact of those restrictions both from a design and an economic feasibility standpoint. To generalize, their reaction seems to be one of rejection of the scheme as wholly unworkable—at best, 'a nice idea but not economically feasible'.

"Developers and lenders are more favorably disposed toward the Plan. However, this would appear to reflect more of an attitude of community interest than one of pragmatic development economics.

"The reasons for this lack of interest (on the part of developers) seem to lie primarily in a complete absence of a community of interest between the planners and the presumed implementers. This does not seem to be just another example of poor communication between the public and the private sides. Rather the Plan seems to have been conceived without attention to the economics of development which typically attract the private developer. This, in effect, precluded developer participation.

"Our analysis has shown that if more developers had investigated in detail the development implications of the Plan, they would have determined what perhaps they already strongly surmised, that the Plan as written precluded feasible general office development. However, it seems obvious that sophisticated local developers never took the Pennsylvania Avenue Plan seriously as a development opportunity."

METRO IS ONLY HOPE IN DOWNTOWN STUDY

(By Christopher Wright)

Even a new subway system running under downtown Washington will not, by itself, be enough to halt the landslide deterioration of the city's once-prosperous retail center, says a special study being prepared for the District's Redevelopment Land Agency.

If the prevalent lack of confidence voiced by developers, architects, bankers and merchants continues to grow, and if nothing is done to solve current problems of poor image, rising crime, inadequate parking and staggering land prices, then the city will fail in its efforts to renew downtown, says the draft report being compiled by Development Research Associates, a local consulting firm.

"LITTLE CONFIDENCE"

"Retailing and private development industries have little confidence in the downtown renewal area as a location for future investment. Lack of confidence is expressed in particular by local lenders, retailers and office tenants," says the report.

The one bright spot, however, is the rapid transit system, which might be capable of helping turn around the downhill trend. The Metro, says the study, is "the one development which may be big enough and exciting enough to stimulate the revitalization of downtown if appropriate complementary programs are undertaken quickly and effectively."

The report strongly suggests a special Metro-oriented transit district to encourage building by giving zoning incentives for the downtown area around the two subway interchanges.

BONUSES OUTLINED

The report outlines a complicated series of "intensity bonuses" to encourage a return to the inner city. The principal item would be increased floor space allowed the developer for certain concessions, including choice of his site and design of the building.

The report concedes that the peculiar nature of Washington as the seat of government makes the downtown here "a uniquely dynamic area."

"Development patterns, which in other major cities can take years to form, can emerge and change very quickly here."

AVENUE PLAN IGNORED

However, the researchers found that at least one grand plan for development—the Pennsylvania Avenue Plan—had almost no effect on the makeup of downtown. The Kennedy-era design for a monumental avenue has been greeted with almost no interest on the part of developers, says the report.

"Their reaction seems to be one of rejection of the scheme as wholly unworkable—at best, 'a nice idea but not economically feasible.' "

On the other hand, such development as the Kennedy Center and the new Southwest have received high marks from downtown interests, who see any new construction as better than nothing.

The report traces the history of the demise of downtown, showing how cheaper land along Connecticut Avenue and K Street NW during the 1960's drew developers away from the congested, fragmented real estate market in the city's center.

VIEWED AS PROGRESS

At the time, says the report zoning officials saw the development to the west as progress and the ensuing slump in downtown as temporary. However, the decline in development east of the White House was accompanied by serious problems not related just to the price of buildings.

The decline brought a collapse of the area's image. "Suburban matrons," says the report, experience "a feeling of discomfort in the downtown shopping environment."

Rising crime has forced employers to seek offices in safer areas of the city. "Fear of crime makes it difficult for employers to recruit secretarial and stenographic help in the downtown area (and) office users are increasingly obliged to choose their location from the relatively crime-safe areas."

Congestion and lack of parking have compounded the well-heeled suburbanite's unwillingness to brave the trials of downtown. Merchants are increasingly catering to a 9-to-5 crowd which goes home at sundown and doesn't return.

Land ownership, says the report, is enormously fragmented in the downtown core, much of it held tightly by trusts and out-of-towners which makes it extremely difficult and costly to assemble enough land to build an economic building by today's standards.

TRANSITION PROGRAM SUCCESSFUL IN KANSAS

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

Mr. MIZE. Mr. Speaker, it was my privilege on March 13 to see firsthand how well the transition program is helping our servicemen obtain the skills they will need to get and hold a job when they return to civilian life. I spent the entire day in Manhattan, Kans. in company with educators, city and State officials and Army personnel, seeing how Federal and local agencies are working together to produce results in a program designed to ease the transition from military to civilian life.

The program there is a joint effort: The Manpower Development and Training Act under the U.S. Department of Labor provides the funds; the Manhattan Area Vocational-Technical School furnishes the instructors, curriculum, and equipment; and the office of supervisory guidance at nearby Fort Riley is the source of guidance and counseling, in addition to selecting the men.

We saw classes in auto body, auto tuneup, appliance repair, and welding. These are all 6-week classes. There is a 1-week class in postal work and two 10-week classes: One in radio and TV repair and the other in data processing.

To be eligible for the classes, the servicemen must be within 6 months of retirement or discharge. Presently there are 160 men enrolled in the classes, but all in all, 1,644 have taken the courses since the program started.

A checkup on last year's graduates shows that out of 174 who completed the class in air conditioning and electrical appliance repair, 54 percent received jobs related to their training. Out of 74 graduates in auto mechanics, 87 percent received jobs. There were 106 graduates in data processing and 88 percent of them had jobs. In welding, 70 percent had taken jobs related to their training.

This training gives the men the status of apprentices but when they complete the classes, they have taken that major first step toward a profitable career. They immediately enter the labor market after they leave the service and they are prepared for gainful employment.

I was impressed with what I saw and wish to commend everyone who is contributing to the success of this transition program, especially Darrell Brensing, director of the Manhattan Area Vocational-Technical School and Raymond W. Swanson, supervisory guidance specialist at Fort Riley.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the largest producer of sulfur in the world. In 1967 the United States produced 8,416,000 metric tons of sulfur or four times more than produced by Canada, the second ranking nation.

GATEWAY NATIONAL RECREATIONAL AREA IN NEW YORK

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

Mr. ADDABBO. Mr. Speaker, the Department of the Interior has proposed the establishment of Gateway National Recreational Area in New York as part of the administration program to improve the quality of life.

I welcome this desire to establish new programs in the area of environmental control, particularly since I have advocated Federal protection of Jamaica Bay for several years. I have recently asked the Secretary of the Interior to broaden the scope of the proposed Gateway Park to include all of the bay in order to fight the pollution which has already destroyed parts of this unique recreational complex.

Mr. Speaker, I insert in the RECORD the text of an editorial which appeared in the March 9, 1970, edition of the Long Island Press on this most important subject:

GATEWAY PARK MUST BE EXPANDED

Rep. Joseph Addabbo, Ozone Park Democrat, wants the Interior Department to enlarge the portion of the Jamaica Bay complex to be included in the proposed Gateway National Recreational Area.

His advice should be followed.

Interior rejected similar recommendations for enlargement of the bay and shorefront areas to be included in the park on the grounds that the Gateway park is to be non-urban, water-oriented and unencumbered. These are old criteria since many of the areas already included are as urban and non-urban as those rejected, all are water-oriented, and all are presently encumbered in one way or another.

But the strongest argument to include the entire bay in the park was made by Rep. Addabbo who pointed out to Interior the folly in cleaning up one area of the bay for the park and ignoring the pollution in contiguous areas. What poisons one portion of interconnected waterways poisons all.

REVERSAL OF ADMINISTRATION'S FAILING ECONOMIC POLICIES IS NEEDED

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

Mr. ALBERT. Mr. Speaker, President Nixon's construction statement, issued yesterday, is obviously an acknowledgment of the desperate straits in which this Nation's homebuilding industry now finds itself. Our current housing depression was foisted upon the industry by the Republican administration's maladroit economic policies. It resulted in a 40-percent drop in housing starts last year. This, at a time when the Nation's unmet housing needs were never greater. Tuesday's Wall Street Journal reported that nonresidential construction is also expected to suffer a marked decline in the months ahead.

I note, however, the total absence from yesterday's statement of any intention on the President's part to reverse the high interest rate, restrictive monetary policy which has been the paramount cause of our present tragic housing situation.

The President's announcement that he is releasing congressionally appropriated funds on Federal construction projects, clearly an effort to soften the recessionary slide of the economy, is most welcome. It is a small step in reversal of administration policy which has brought on increasing unemployment, shorter workweeks, a depressed housing industry, declining production, and disregard for the human effects of these failing policies. We believe the President's action resulted from the attention which we, in Congress, have focused on the administration's failures.

What is needed is further reversal of the administration's failing economic policies. The President needs to use the powers of his office more in the fight to bring into line the exorbitant increases in prices which are major contributors to the unusual increase in the cost of living under this administraiton.

Mr. Speaker, other interesting statements on the state of the economy emanated from the White House yesterday. Those attending a meeting with the President declared that the chances for a recession are nil. This must come as something of a surprise to the almost 4 millions of Americans out of jobs, and to the many millions more who are getting smaller paychecks because of shorter workweeks.

The administration spokesmen further said that the problem of inflation has been defeated. This must be something of a shock to the housewife whose grocery bill is up over 7 percent in the past year, and to the small businessman who has to give away a part of his business merely to get funds to continue operating.

We must put their statements in some perspective. Most significantly, I believe, is the believability of the statements. I must remind these same gentlemen that while their memory seems fuzzy, there are records which show them expressing much the same predictions as long as a year ago, and we all know how wrong these proved to be. These spokesmen said in March 1969 that the "high water mark" of inflation had been reached. And another predicting the rate of inflation was to be sharply reduced in 1969, without significant increase in unemployment was equally invalid.

As has so unfortunately been true in the past, the Republican record has failed to match Republican rhetoric. This Nation now holds the dubious distinction of simultaneously experiencing a deepening recession and rampant inflation.

NOISE CONTROL ACT OF 1970

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

Mr. RYAN. Mr. Speaker, yesterday, I was joined by 20 of my colleagues in introducing H.R. 16520, the Noise Control Act of 1970, which I originally introduced on January 20.

The cosponsors are Congressmen ADDABBO, BIAGGI, BINGHAM, BROWN of California, BUTTON, FARBSTEIN, HALPERN, HUNGATE, KOCH, LOWENSTEIN, MIKVA, MOORHEAD, NIX, OLSEN, POWELL, REES, ROSENTHAL, SCHEUER, TUNNEY, and CHARLES WILSON.

Every day the ears of Americans are buffeted with the noises which technological progress has generated.

Some Americans are exposed to noise each day in their jobs.

Others are exposed to noise each day on their way to work and in their everyday living.

Some cannot even escape noise during their hours of sleep. When we talk of the need to end pollution in this decade, the word pollution makes us think of the air, the water, and the land.

But somehow, we seem to forget about the noise pollution which plagues us daily. The cumulative effect of noise is as dangerous, if not more so, than the noise produced from a single source of noise, such as an explosion. The rate of noise has been rapidly increasing in this country—at the rate of 1 decibel a year.

We are beginning to reach the danger point of 85 decibels. At this point, ears can sustain damage.

As with the other types of pollution, noise pollution affects us physically and psychologically, and economically.

Physically, it can cause temporary or even permanent hearing loss, as well as serve as a serious interference with sleep.

In many jobs, noise is an occupational hazard directly affecting those working in jobs such as construction, powerplants, factories, driving trucks, buses, or large fire equipment, working in subways, or serving as flight mechanic.

In everyday living, traffic noise, subways, aircraft, construction, and emergency vehicles interfere with communication and are a strain upon citizens' ears.

At night, the assault of noise is not completely ended. Often, sleep is interrupted during the night by the sirens of emergency vehicles, jet noise, traffic, and garbage collection. In the future, sleepers will be subjected to sonic booms.

Psychologically this noise is also detrimental. In addition to the noise from outside, there is often noise from the inside, especially in apartment houses or in areas where houses are close together. These outside noises include television, stereos, radios, air conditioners, appliances, and so forth.

The younger generation has become a generation of noise. It has been reported that rock and roll bands, which have electric amplified instruments, are becoming responsible for a considerable loss of hearing in those persons who play them and for those who listen.

Noise pollution has its detrimental effects on the economy also. Noise serves as a negative influence on workers, who find it a distraction which keeps them from paying attention to their work. Employers find it difficult to hire perspective workers, who will have to work in a noisy environment and many businesses are moving to the more quiet suburbs.

Noise also affects the housing market. Many people are finding it intolerable to live in the flight pattern of jets coming into major airports. Eventually, they have no alternative to the noise than to move.

The questions are: How much longer can our ears take this constant bombardment of sound? And how much longer can we psychologically put up with the constant noise?

I feel that the problem is so serious that we must act now to preserve the hearing and the sanity of our citizens.

This is the reason why H.R. 16250 is needed. The purpose of this legislation is to provide for a comprehensive program for the control of noise in our environment.

The bill would establish an Office of Noise Control within the Office of the Surgeon General of the United States. The main function of the office would be to act as a clearinghouse for all information on noise—its causes and effects, its prevention, control, and abatement. On request, it could then make this material available to the States, local governments, and private groups interested in the problem of noise and its abatement.

In addition, the bill would provide grants to deal with the problem of noise.

It would provide grants to the States, local governments, commissions, and councils for programs of noise control—research into the causes and effects of noise—and programs for the investigation of existing causes of excessive noise in our society and research into new ways of controlling, preventing, and abating noise.

It would provide grants to any public or nonprofit private agency, organization, or institution, or would provide for a contractual agreement with any of these to conduct research into the causes and effects of noise, means for prevention and abatement, and study and evaluation of the factors significant to the causes, effects, and abatement of noise.

These grants would also be provided for training of professional and technical personnel in ways to effect proper control, prevention, and abatement of noise.

Also, the grants would be provided to establish and conduct demonstration projects to develop new techniques, approaches, and methods in noise control, prevention, and abatement.

My bill would also provide for a Noise Control Advisory Council, which would advise the director of the Office of Noise Control on his responsibilities and the reviewing of all proposed project grants.

This council will be made up of nine individuals appointed by the Secretary of Health, Education, and Welfare who are interested in the problems of noise and its control and are skilled in the fields of medicine, psychology, government, law or law enforcement, social work, public health, or education.

The problem of noise pollution is going to become progressively worse. We have the opportunity to do something before the level in noise in this country does us all irreparable damage.

We have the opportunity to stop noise pollution from reaching this dangerous level. My bill will comprehensively work to this end.

ST. PATRICK'S DAY REMARKS BY THE HONORABLE G. ELLIOTT HAGAN AT THE SINN FEIN SOCIETY BREAKFAST

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

Mr. PHILBIN. Mr. Speaker, I include in the RECORD, a very inspiring, brilliant speech delievered by my esteemed and beloved friend and colleague in the House, and our Armed Services Committee, Hon. G. ELLIOTT HAGAN, before the historic Sinn Fein Society's St. Patrick's Day celebration in Savannah, March 17, 1970.

Congressman HAGAN is one of the most highly respected, dedicated and efficient Members of this House.

He serves his district and our Nation with outstanding ability, devotion, diligence, and concern for his constituency, the security defense of our country, and the cause of freedom in the world.

His speech is uniquely adapted to the cause of the great Sinn Fein Society which throughout many years has made such memorable contributions to the struggle for Irish independence and freedom, which lasted for more than 700 years, and ended in the glorious establishment of the Irish Free State.

It is noteworthy that our very able, distinguished colleague, the gentleman from Georgia (Mr. HAGAN), should have addressed Sinn Fein on the occasion of the anniversary celebration of our blessed Irish patron saint.

I want to join the Sinn Fein Society in complimenting him upon his eloquent remarks, and his touch of humor, that so enlivened its effect and enthusiastic reception by this renowned, Irish Sinn Fein, famed in history for its fighting spirit, indomnitable will and allegiance to human freedom and the Divine Maker.

REMARKS OF REPRESENTATIVE G. ELLIOTT HAGAN

Participating in this Sinn Fein Society Breakfast and all the other wonderful St. Patrick's Day festivities here in Savannah has always been a prime highlight of each year.

Every year that I've attended the St. Patrick's Day affairs, I have marveled at the magnitude and scope of the various activities.

And I have remarked at the seemingly staggering logistics of the whole day. I was reminded of this recently, when I was doing some research for a maritime speech I was to make.

I came across some records from the USS Constitution, a frigate that played such a vital role in the naval aspects of the American Revolutionary War. I discovered that the Supply Officer of the USS Constitution had no small job when it came to logistics.

The Constitution sailed out of Boston Harbor on August 23, 1779. Her log shows she was loaded for a mission to harass and destroy shipping in the English Channel area.

She departed Boston with 475 officers and men, (at least a third of whom had Irish forebears) 48,600 gallons of fresh water, 7400 rounds of cannon shot, 11,000 pounds of black powder and 79,400 gallons of rum on board.

Making Jamaica on October 6, she took on 826 pounds of flour, and 68,300 gallons of rum.

Then she headed for the Azores, arriving there on November 12.

She provisioned with 550 pounds of beef and 64,300 gallons of Portuguese wine.

On November 18, she set sail for England.

In the ensuing days, she defeated five British Men-of-War and captured and scuttled twelve English merchantmen, salvaging only their rum.

By January 27, the Constitution's powder and shot were exhausted. Unarmed, she made a raid up the Firth of Clyde.

Her landing party captured a whiskey distillery and transferred 40,000 gallons of the product aboard by dawn. Then she headed home.

The USS Constitution arrived in Boston Harbor on February 20, 1780, with no cannon shot, no powder, no food, no rum, no whiskey . . . but 48,600 gallons of stagnant water. . . .

So you can see why that ship's log reminded me of St. Patrick's Day in Savannah. That's all . . . Erin Go Braugh!

GEORGE A. WALTON

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

Mr. BIESTER. Mr. Speaker, one of America's distinguished educators, George A. Walton, died in Newton, Bucks County, Pa., on November 26, 1969. I knew George Walton from the time I was a young student during his last year as headmaster at George School until the time of his passing. Most recently we corresponded over many subjects as his concerns embraced many of our world's problems. Principal among the objectives he sought was a spirit of reconciliation among nations, people, and races. At a time when such a spirit is so sorely needed, his passing, even when rich in years, is a particular loss. Many articles have been written since his death about his achievements, but this one written by his close friend, William Hubben, for the Friend's Journal, I found summed up many of my thoughts on his passing and I commend it to my colleagues:

GEORGE A. WALTON, 1883–1969

The educator, more than most of us, lives in the realm of imperfection. That is especially true of life in a boarding school where drafts from the windy corridors of the adolescent mind are unceasing. What, or who, could be more unfinished than the adolescent—so painfully conscious of his, or her, resentments and longings?

Yet the tensions in a school community are also full of promise. An educator has to live with the young in the future while moulding with them the present for the goals of maturity. His students project themselves forward. What in later life is vaguely called hope tends for them to be certainty. And theirs is a faith beyond personal reaches. It encompasses nothing less than human totality. Faith, for the young, is a habit of the heart. That is no small matter in a world as unauthentic as ours.

George Walton spent his entire life in this exciting climate. There were moments of discouragement, but the focus on growth was never absent. Each year at commencement when he called each one of the graduates by his full name the audience and the students became once more aware of the symbolism in this gesture. The principal of George School knew them as well as he had known many of their parents or even grandparents.

He came to their homes, attended weddings and funerals, shared their meals at Quarterly Meetings, and was truly the "pope" (father) to the generations. His leadership in Philadelphia Yearly Meeting and Friends General Conference injected a note of spirituality into these assemblies that was the fruit of silent contemplation. The authority that carried George Walton's presence never created the pontifical aloofness often associated with high office. He loved nothing more than a spirited decision to which others might give more than he pretended to contribute. His vocabulary employed the question mark more frequently than the exclamation point.

The most significant period of George Walton's headmastership of George School (1912–1948) was, I believe, the eight-year experiment from 1932–1940, when a large group of independent and a few public high schools embarked on the attempt to explore the needs of academic life beyond the confines of college requirements. A group of colleges collaborated, and there was a stimulating interchange of experiences and experiments; there were successes, failures, and hopes. It was a mind-stretching exercise for all participants; it also was a season demanding patience, labor, and tolerance. Freedom, this concept so dear to Americans, was there—the freedom to teach and learn. But it was harnessed to self-discipline and devotion. Energy and time

were made accountable, and teachers and students worked as much as ever.

George Walton, too, never tired of new jobs to be done. Only those who knew that the realm of imperfection is at the same time also the promise of growth were able to move forward on the rough terrain of this enterprise. The kids loved it, although many were as bewildered as some of their teachers. George Walton had to interpret again and again methods and objectives to a board unaccustomed to the lingo of change. He succeeded.

This demand of always "remembering the future" dominated most of George Walton's years. When he took the risk of inviting a sizable number of foreign teachers from Europe to his faculty, it was more than the calculated risk of which he used to speak. It was an act of faith to give an opening to untried strangers, and his vision of the unity of all men everywhere moved him to do so. We who came from disturbed conditions must have been as awkward in speech and action as some of the students. George Walton and his wife Emily were tactful and sensitive guides in this strange milieu and we newcomers soon realized that we could not have found a better school community to let us grow into American life.

When George Walton died in an accident, he had set out to attend an ecumenical meeting and lost his way. The unity of all churches was a concern close to his heart. Here, again, he lived in the realm of faith . . . convert to the ecumenical cause.

One more facet of his personality must be mentioned: his sense of planning and timing, both of which are the fruit of psychological economy. We saw it functioning over the years when curriculum changes were initiated and on other occasions as well; finally, we saw it at his retirement. There have been headmasters of rare virtue, but resignation was not always one of their virtues. George Walton could have stayed on in service, yet he knew when it was right to retire.

He felt his remaining years should be given to other concerns. He remained close to the school where life was holding its vigorous sway.

As long as he had been in service, he had the happy faculty of switching off school worries when going home to join his wife, Emily. After her death, he lived alone in his apartment at the Newtown Friends Home with a few of his books, his photographs, visitors, and the rich memories of the past. There, on his desk, his daughters found after his death the Christmas cards ready to go that some of his friends received almost like a greeting from the great beyond.

Critical he could be at times, George Walton did not have much patience with faultfinders. There was so much to be thankful for; so much to be done; and new life always rushed by like a view from a train window. There was beauty and truth, and the intimations of the higher life were abundant for those willing to perceive them. George Walton invested his faith in the young and those who served them. He knew that faith must aim at more than insurance and safety. Faith implies the taking of risks. Faith lives in the realm of tomorrow and of a future whose ultimate design is eternity itself.

George Walton had a richer vision of it than is granted to most of us.

THE PRESIDENT'S CONTINUING EFFORTS IN THE WAR AGAINST CRIME

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

Mr. GERALD R. FORD. Mr. Speaker, the distinguished House majority leader is continuing to play the oldest of political games—setting up strawmen and knocking them down.

That can be the only explanation for the absurd attack made by the majority leader Tuesday on the Nixon administration's crime-fighting record and the President's continuing efforts in the war against crime.

I am amazed that the majority leader would have the temerity to seek to exploit the crime issue in 1970. Since he has done so, we will let the facts—particularly the facts he omitted from his statement of Tuesday—speak for themselves. They will be answer enough.

The majority leader cited the fact that crime rose 11 percent nationwide in 1969, according to the FBI's Uniform Crime Report.

What the majority leader failed to mention is that the 11-percent rise in crime in 1969 represented a sharp drop in the rate of crime increase—a sharp drop that took place during the first year of the new Republican administration. This is Republican progress, and we expect to do better.

The majority leader also naturally forgot to mention that the 11-percent increase in crime in 1969 was the lowest increase in the last 4 years.

He forgot to mention that the rate of increase under the Democrats in 1968 was 17 percent, as compared with 11 percent in the Republican year of 1969.

He forgot to mention that with one exception increases in every category of violent crime were down in 1969 under the Republicans.

The majority leader flatly asserts that neither Attorney General John N. Mitchell nor the administration has a program to combat the growing rate of crime, and yet big-city crime was down throughout the country in 1969 under Republicans. The FBI reported only a 9-percent increase in crime in cities of over 250,000 population in 1969, as compared with an 18-percent rise in 1968. For suburbs the rise in 1969 was 13 percent as against 18 percent in 1968; and for the rural areas, it was 11 percent in 1969 as against 12 percent in 1968.

In light of the facts, it is ridiculous for the majority leader to accuse the Nixon administration of failing to have an anticrime program. After all, it is his party which controls the Congress and let the entire first session slip by without enacting even one of the 17 Nixon anticrime bills into law. Only now is that Democrat-controlled Congress belatedly bestirring itself with regard to the administration's sorely needed anticrime bills.

The majority leader would have the Congress and the people believe that the Nixon administration seeks to seriously underfund the war against crime in fiscal 1971.

The facts are that in fiscal 1971 Federal anticrime outlays proposed by the President total more than $1.257 billion. This is the first time in history that any administration has sought more than $1 billion in new obligational authority for the Justice Department. The total of $1.257 billion compares with $947 million estimated to be spent in fiscal 1970 and is 91 percent more than the outlays for fiscal 1969.

Major emphasis will go to programs for improving State and local criminal justice systems and for assisting anticrime efforts in local communities.

Of the $1.257 billion for fiscal 1971, $518 million or 41 percent will be for programs or projects which help State and local governments fight crime.

Outlays of the Law Enforcement Assistance Administration, set at $368 million, would be more than double the 1970 outlay of $177.5 million and nearly seven times as great as LEAA expenditures in fiscal 1969.

Apart from its direct assistance to local communities through LEAA, the Nixon administration is greatly abetting their anticrime efforts with its highly effective war against organized crime. Whether or not the majority leader recognizes it, violent, individual street crime often results from the machinations of organized crime. Many street crimes flow from drug addiction, for instance, and, of course, the flow of addictive drugs is a consequence of organized crime along with such evils as prostitution, gambling and loansharking. Unless we root out and destroy organized crime, we will never succeed in controlling the aimless crimes of violence which tear at our society. As organized crime is curbed, so also will mindless street crimes of violence be reduced, and our people will be safer on the streets and in their homes.

The Democrat-controlled Congress has an obligation to the American people to approve President Nixon's legislation which would give the Attorney General more tools to fight organized crime and the narcotics traffic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MESKILL (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of influenza.

Mr. MILLS (at the request of Mr. BOGGS), for today and the remainder of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BIESTER), to revise and extend their remarks and include extraneous matter:)

Mr. RIEGLE, for 15 minutes, today.

Mr. STEIGER of Arizona, for 15 minutes today.

Mr. HOGAN, for 1 hour, today.

(The following Members (at the request of Mr. PREYER of North Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. HAMILTON, for 20 minutes, today.

Mr. RARICK, for 30 minutes, today.

Mr. FARBSTEIN, for 30 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. HARRINGTON, for 60 minutes, on March 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RYAN, to revise and extend his remarks in the RECORD on March 16 prior to the passage of H.R. 15700 and that these remarks appear in the Extension of Remarks today.

Mr. EDMONDSON in three instances and to include extraneous matter.

Mr. MADDEN and to include extraneous matter.

Mr. SLACK to extend his remarks following those of Mr. KEE today on the bill S. 952.

(The following Members (at the request of Mr. BIESTER) and to include extraneous matter:)

Mr. BERRY.
Mr. BURTON of Utah in five instances.
Mr. GUBSER.
Mr. FRELINGHUYSEN.
Mr. ZION.
Mr. HALL.
Mr. ASHBROOK in two instances.
Mr. ROUDEBUSH in three instances.
Mr. CRAMER.
Mr. MORSE.
Mr. SCHERLE.
Mr. HOSMER.
Mr. BROTZMAN.
Mr. CARTER in three instances.
Mr. HORTON.
Mr. MCCLORY.
Mr. WYMAN in two instances.
Mr. BOB WILSON in two instances.
Mr. REID of New York.
Mr. RAILSBACK in two instances.
Mr. SCOTT.
Mr. QUILLEN.
Mr. NELSEN.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. BOLAND in five instances.
Mr. PATTEN.
Mr. BOLLING.
Mr. JACOBS in three instances.
Mr. RARICK in four instances.
Mr. FRASER in two instances.
Mr. DOWDY in two instances.
Mr. SCHEUER in three instances.
Mr. FARBSTEIN in two instances.
Mr. STOKES.
Mr. EILBERG.
Mr. LONG of Maryland.
Mr. DINGELL.
Mr. GONZALEZ in two instances.
Mr. MANN.
Mr. LOWENSTEIN in five instances.
Mr. KYROS in two instances.
Mr. TIERNAN in two instances.
Mr. O'HARA in two instances.
Mr. FOUNTAIN.
Mr. NIX.
Mr. HOLIFIELD.
Mr. DADDARIO in five instances.
Mr. MILLER of California in five instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 858. An act to amend the Agricultural Adjustment Act of 1938 with respect to wheat.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, March 19, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1793. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development, and for other purposes; together with a report of the National Advisory Council on International Monetary and Financial Policies (H. Doc. No. 91-281); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

1794. A letter from the Chairman, National Labor Relations Board, transmitting a list of employees, a list of cases heard or decided, and the financial statement of the Board for the fiscal year ended June 30, 1969, pursuant to the provisions of section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

1795. A letter from the Secretary of Defense, transmitting notification of certain transfers of amounts appropriated to the Department in the Defense Appropriation Act, 1970, pursuant to the provisions of section 6363 of the act; to the Committee on Appropriations.

1796. A letter from the Deputy Assistant Secretary of the Interior, transmitting copies of the public laws enacted by the 10th Guam Legislature, pursuant to the provisions of section 19 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

1797. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for benefits through the increased use of competitive bidding to award oil and gas leases on Federal lands, Department of the Interior; to the Committee on Government Operations.

1798. A letter from the Comptroller General of the United States, transmitting a report relating to management improvements needed in U.S. financial participation in the United Nations Development Program, Department of State; to the Committee on Government Operations.

1799. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1800. A letter from the Postmaster General, transmitting a draft of proposed legislation to authorize the Postmaster General to enter into certain service contracts for periods not exceeding 4 years, and for other purposes; to the Committee on Post Office and Civil Service.

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. DAWSON: Committee on Government Operations. Report on unauthorized Bureau of Land Management subpena regulations (Rept. No. 91-916). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Our waters and wetlands, how the Corps of Engineers can help prevent their destruction and pollution (Rept. No. 91-917). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee of conference. Conference report on H.R. 11959 (Rept. No. 91-918). Ordered to be printed.

Mr. PHILBIN: Committee on Armed Services. H.R. 15998. A bill to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile (Rept. No. 91-919). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16289. A bill to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile (Rept. No. 91-920). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16290. A bill to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 91-921). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16291. A bill to authorize the disposal of chrysotile asbestos from the national stockpile and the supplementary stockpile (Rept. No. 91-922). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16292. A bill to authorize the disposal of corundum from the national stockpile (Rept. No. 91-923). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16295. A bill to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile (Rept. No. 91-924). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 16297. A bill to authorize the disposal of molybdenum from the national stockpile (Rept. No. 91-925). Referred to the Committee on the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 4599. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; with an amendment (Rept. No. 91-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on the Judiciary. S.J. Res. 88. Joint resolution to create a commission to study the bankruptcy laws of the United States; with amendments (Rept. No. 91-927). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8673. A bill to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes; with an amendment (Rept. No. 91-928). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 16525. A bill to increase the penalties for the illegal use or possession of explosives; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 16526. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 16527. A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions and proposals for technical improvement made by employed persons; to the Committee on the Judiciary.

H.R. 16528. A bill to create a body corporate known as Daughters of Union Veterans of the Civil War, 1861–1865; to the Committee on the Judiciary.

H.R. 16529. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 16530. A bill to establish a diversion program for burley tobacco and for other purposes; to the Committee on Agriculture.

By Mr. COLLIER:

H.R. 16531. A bill to amend the Gun Control Act of 1968 to require certain records to be kept relating to the sale or delivery of explosives; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 16532. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. BROYHILL of North Carolina, Mr. DERWINSKI, Mr. FLYNT, Mr. WILLIAM D. FORD, Mr. HALPERN, Mr. HORTON, Mr. SIKES, and Mr. WOLFF):

H.R. 16533. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

By Mr FULTON of Tennessee:

H.R. 16534. A bill to amend title 10 of the United States Code in order to eliminate the requirement that a person must be 60 years of age or older in order to receive retired pay for nonregular service in the Armed Forces; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 16535. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. JARMAN:

H.R. 16536. A bill to amend the Public Health Service Act to include marine biomedical sciences within the research and research training functions of the Institute of General Medical Sciences; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 16537. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Services.

By Mr. MILLER of California:

H.R. 16538. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

By Mr. MILLER of California (for himself, Mr. FULTON of Pennsylvania, and Mr. HECHLER of West Virginia):

H.R. 16539. A bill to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council; to the Committee on Science and Astronautics.

By Mrs. MINK:

H.R. 16540. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 16541. A bill to amend the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. DANIELS of New Jersey, Mr. DULSKI, Mr. WILLIAM D. FORD, Mr. HANLEY, Mr. OLSEN, Mr. CHARLES H. WILSON, Mr. CUNNINGHAM, and Mr. SCOTT):

H.R. 16542. A bill to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POAGE (for himself, and Messrs. JOHNSON of California, EVANS of Colorado, LANDRUM, BURLISON of Missouri, ALBERT, SCHERLE, NICHOLS, BURLESON of Texas, EDMONDSON, FISHER, SKUBITZ, ALEXANDER, DICKINSON, McDADE, EVINS of Tennessee, ZION, STRATTON, MELCHER, HAYS, WOLD, WHITTEN, BLATNIK, SHRIVER, and HANSEN of Idaho):

H.R. 16543. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriuculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. POAGE (for himself, and Messrs. MATSUNAGA, KYL, BURTON of Utah, PREYER of North Carolina, BARING, KYROS, HAMILTON, STEIGER of Arizona, VIGORITO, STAGGERS, ULLMAN, CONTE, MILLS, PICKLE, BYRNES of Wisconsin, FOLEY, OBEY, and ROBISON):

H.R. 16544. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 16545. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. SEBELIUS (for himself, Mr. SHRIVER, Mr. HANSEN of Idaho, Mr. BROCK, and Mr. HALL):

H.R. 16546. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 16547. A bill to amend title II of the Social Security Act to provide that a woman may become entitled to full old-age insurance benefits at age 62 (or to reduced benefits at age 60); to the Committee on Ways and Means.

H.R. 16548. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax retirement benefits received under a public retirement system; to the Committee on Ways and Means.

By Mr. ABBITT:

H.R. 16549. A bill to amend title II of the Social Security Act to increase from 22 to 23 the age at which an individual otherwise qualified for child's insurance benefits on the basis of school attendance can no longer be entitled to such benefits; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 16550. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN (for himself, Mr. MIKVA, and Mr. BROWN of California):

H.R 16551. A bill to amend the Clayton Antitrust Act to provide accessibility to documentary evidence gathered in connection with certain antitrust actions brought on the behalf of the United States; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 16552. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. RYAN:

H.R. 16553. A bill to provide a supplemental appropriation to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970; to the Committee on Appropriations.

By Mr. SCHEUER (for himself, Mr. PERKINS, Mr. O'HARA, Mr. DENT, Mr. ESCH, Mr. WILLIAM D. FORD, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HAWKINS, Mr. MEEDS, Mr. CLAY, Mr. POWELL, Mr PUCINSKI, and Mr THOMPSON of New Jersey):

H.R. 16554. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. FISHER:

H.J. Res. 1139. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.J. Res. 1140. Joint resolution establishing the Commission on U.S. Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KING:

H.J. Res. 1141. Joint resolution authorizing the President to proclaim the last Friday in September as American Indian Day; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. Con. Res. 549. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. KYROS:

H. Con. Res. 550. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. BURTON of California, Mr. FRASER, Mr. GUDE, Mr. HALPERN, Mr. HORTON, Mr. HOSMER, Mr. KOCH, Mr. KYROS, Mr. MORSE, Mr. OTTINGER, Mr. POWELL, Mr. ROBISON, Mr. ROSENTHAL, Mr. ST

GERMAIN, Mr. VIGORITO, Mr. WHITEHURST, and Mr. WOLFF):

H. Con. Res. 551. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of Northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. DIGGS (for himself, Mr. DENT, Mr. HARRINGTON, Mr. BUTTON, Mr. GILBERT, Mr. VAN DEERLIN, Mr. RYAN, Mr. JACOBS, Mr. VANIK, Mr. TUNNEY, Mr. ROYBAL, Mr. LEGGETT, Mr. WALDIE, Mr. MIKVA, Mr. MOORHEAD, Mr. REID of New York, Mr. BRADEMAS, and Mr. HECHLER of West Virginia):

H. Res. 882. Resolution restricting Governor Maddox as a guest in the House of Representatives dining room; to the Committee on House Administration.

By Mr. MORGAN:

H. Res. 883. Resolution providing for expenses of conducting studies and investigations authorized by House Resolution 143; to the Committee on House Administration.

By Mr. SMITH of New York:

H. Res. 884. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MURPHY of New York introduced a bill (H.R. 16555) for the relief of Antonio Accardo, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

334. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to continuing Penn Central rail service, which was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII,

419. The SPEAKER presented a petition of the common council of the City of Mount Vernon, N.Y., relative to a national holiday in honor of the memory of Dr. Martin Luther King, Jr., which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DR. EDMUND B. BOATNER AND THE AMERICAN SCHOOL FOR THE DEAF

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1970

Mr. DADDARIO. Mr. Speaker, the American School for the Deaf in West Hartford, Conn.—the oldest such school in the Nation—was founded in 1817 by the famous Thomas Gallaudet. During the past 153 years it has provided broad educational, recreational, and specialized training programs for many thousands of young deaf children. Moreover, it has supplied the type of pioneer leadership that has led to the establishment of other schools for the deaf throughout the country.

This week in Hartford, community leaders and educators of the deaf gathered for a testimonial dinner to honor the retiring Superintendent of the American School for the Deaf—Dr. Edmund B. Boatner. Dr. Boatner came to the American School in 1935. Spearheaded by his driving initiative and boundless energy, the school has grown and flourished during these past 35 years of his leadership. Wide community and public support has been mobilized and directed toward the improvement of the quality of education for the deaf at the American School. The physical plant has more than doubled. New staff, courses, and educational techniques have been added. Dr. Boatner pioneered with the late Walt Disney the use of captioned cartoons in deaf education. With his wife he collaborated to produce an idiom dictionary that has been used in deaf educational programs everywhere.

Dr. Boatner has also been a national leader among deaf educators, appearing as a frequent and persuasive witness for the Convention of American Instructors of the Deaf at hearings over the past decade that have resulted in new Federal programs for the deaf such as the Captioned Films Act, the National Technical Institute for the Deaf, and other measures.

Mr. Speaker, Dr. Boatner has not only rendered long, faithful, and distinguished service in our community and State, but has also helped to make possible a better, more productive life for countless young people with hearing difficulties. I join in saluting him for his significant achievements in his profession and wish Dr. Boatner and his wife, Maxine, much happiness in their retirement years ahead.

A WORLD SALES TAX

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1970

Mr. ROUDEBUSH. Mr. Speaker, I was critical recently of reports that the United Nations was considering a world sales tax.

Mr. Bob Ward, a highly skilled and informed columnist for Howard County News & Observer, in Greentown, Ind., has written a column on this subject which should be read by all Members of Congress.

Bob makes some excellent points in this article and I offer it for the RECORD. The article follows:

[From the Howard County News & Observer, Feb. 26–27, 1970]

LOOKING AROUND

(By Bob Ward)

UN WANTS TO TAX YOU

A couple of items in the news recently suggest that the United Nations may soon become something a bit more onerous than the expensive and impractical joke it has been for 25 years.

One of these is a proposal due to go before the international organization soon, for a world sales tax on certain items.

By some easily explained irony, most of these items are things which are produced, distributed and purchased chiefly in the United States.

Suggested for a one-half per cent sales levy are automobiles, power boats, television sets, dishwashers, washing machines and other large ticket household gadgets.

The overwhelming bulk of these items are American made and bought so this so-called sales tax amounts to nothing more than Uncle Sam—that's you—to bankroll even more heavily than now the useless and wasteful projects dreamed up by that highly unrepresentational world body.

There are things calling themselves nations in the UN that don't have enough souls to make a medium-sized city in America. Yet each of them has one vote, which is all the 200 million Americans have.

Yet the Liberals—who would cram one man-one vote down the throats of state legislatures—object not at all to this inequity.

Americans once fought a war about taxation without representation yet we will be asked now to accept a tax imposed by a minority on the goods produced for the majority and the proceeds to be used for the benefit of the minority.

Aside from the blatant theft involved here there is the matter of American citizens being taxed by a body other than their own government. Under this plan Americans would be asked to yield power to a body wherein they have virtually no representation and whose members they do not elect.

Most important at all, no limits have been established on the amount of authority the U. N. would have over individual American citizens. This sales tax would be the first instance of the UN acting on individuals instead of dealing with the member governments. How far and to what areas of life would this authority extend?

This issue of UN authority within the borders of a nation has been spotlighted by the revival of the antigenocide pact.

This misnamed treaty which the U. S. signed in 1949 but the Senate failed to ratify, brings the police power of the United Nations into every small town of the nation.

Its definition of genocide is so broad as to create the crime of group libel so that to insult or degrade any nation, ethnic, racial or religious group would be punishable by law.

If a signing nation fails to enact the appropriate laws, the accused could be tried by the UN itself.

It is clearly time to take a look at what this international bauble is up to. When the freedoms that you and I enjoy as individuals under our Constitution may be voted away by people you never heard of, you didn't vote for, and represent a tiny minority of humanity, it seems that more than just talk is called for.