(d) The figure "$7,287" contained in section 5533(c)(1)(A) of title 5, United States Code (as increased by such Orders insofar as such section relates to individuals whose pay is disbursed by the Secretary of the Senate), shall be deemed, on and after the first day of the first month commencing after the date of this Order, insofar as such section relates to such individuals, to refer to the figure "$7,724".

RICHARD B. RUSSELL,
*President pro tempore.*

APRIL 15, 1970.

## ADJOURNMENT TO 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 16, 1970, at 11 o'clock a.m.

## NOMINATIONS

Executive nominations received by the Senate April 15, 1970:

SUPREME COURT OF THE UNITED STATES

Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States vice Abe Fortas, resigned.

JOINT CHIEFS OF STAFF

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chairman of the Joint Chiefs of Staff for a term of 2 years, pursuant to title 10, United States Code, section 142.

Having designated Adm. Thomas H. Moorer, U.S. Navy, for duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of admiral while so serving.

U.S. NAVY

Vice Adm. Elmo R. Zumwalt, Jr., U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving, pursuant to title 10, United States Code, section 5081.

# HOUSE OF REPRESENTATIVES—*Wednesday, April 15, 1970*

The House met at 12 o'clock noon.

The Reverend Raymond E. Neff, Methodist minister, North Platte, Nebr., offered the following prayer:

*I will lift up my eyes unto the hills. From whence does my help come? My help comes from the Lord, who made heaven and earth.*—Psalms 121: 1–2.

Almighty God, we ask that divine guidance be given the Members of this legislative body as they carry the responsibilities of their high office.

In times like these we would remember the words of the Psalmist: "My help comes from the Lord, who made heaven and earth." We do indeed pray for Thy help in these difficult days.

We thank Thee for the freedoms we possess today, made possible by the struggle of our forefathers. Help us to guard our heritage well that we may pass it on to others.

Bless our land with Thy favor and, O God, speed the day when the nations of this world will settle their differences around a council table rather than on a field of battle.

In closing, we would remember our brave astronauts in outer space. Just now as we are thinking of them and praying for them, may Thy peace rest upon them. Grant them a safe return to earth.

This we ask in the name of the Prince of Peace. Amen.

## THE JOURNAL

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

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On April 10, 1970:

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located.

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone.

On April 13, 1970:

H.R. 514. An act to extend programs of assistance for elementary and secondary education, and for other purposes.

## MESSAGE FROM THE SENATE

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

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

S. 3637. An act to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes.

## GUEST CHAPLAIN—REV. RAYMOND E. NEFF

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

Mr. MARTIN. Mr. Speaker, it is a distinct honor and privilege for me to have Rev. Raymond E. Neff, retired Methodist minister, who is a valued constituent of mine from North Platte, Nebr., give the opening prayer today.

Reverend Neff has faithfully served for many years as a beloved minister to many congregations, primarily in New Jersey. With retirement, he returned to North Platte, Nebr., the former home of Mrs. Neff.

Reverend Neff is not only an outstanding minister of the Gospel, but in addition he has always been an outstanding citizen and community leader wherever he has resided.

He is a close friend of Dr. Latch, and they have worked closely together over the years.

It is a real privilege for me to have Reverend Neff with us today.

## PEACE CORPS AD

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

Mr. CONABLE. Mr. Speaker, an advertisement appeared in the Washington Post this morning, signed by 52 Peace Corps volunteers serving in Jamaica, asking the President to withdraw all foreign troops from Vietnam. I do not want to go into the merits of this position, which are not spelled out in any detail in the advertisement. My reaction to this ad was one of concern lest the Peace Corps volunteers serving this country abroad are mistaking their role in representation of this country. On checking with Joseph Blatchford, Director of the Peace Corps, however, I find that he was aware of the pendency of this advertisement, and that he had, in fact, encouraged this outlet in preference to similar activities in the host country which might create confusion and embarrassment for our country abroad.

Viewed in this light, I wish to compliment the Director of the Peace Corps, not only on his sensitivity to the concerns of highly motivated young people serving our country in this volunteer capacity, but also his sensitivity to the possible problems which heedless enthusiasm could cause in a host country. For those in this body who might be critical of this manifestation from Peace Corps volunteers, I would like to add that if Members of Congress can make such strong public statements on American Southeast Asian policy as have characterized this body over the past 4 years, there should be no reason why Peace Corps members should not be able to follow a similar course, so long as their purpose is to instruct and affect American public opinion and not to create confusion abroad about American policy.

## THE IMMEDIATE DANGER OF DEFOLIATION PROGRAM

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

minute, and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, last year during my investigation into the U.S. chemical and biological warfare program, I became concerned about the defoliation program that the United States is carrying on in Vietnam. This concern was narrowed to one particular defoliant, 2,4,5-T, when I learned that tests conducted out here in Bethesda, Md., at the Bionetics Laboratories, pointed out that this defoliant is teratogenic—it produces birth defects in test animals.

Reports followed from Vietnam about deformed children being born in defoliated areas, and even disturbing reports from within the United States where this defoliant was being used.

I urged on a number of occasions that this defoliant be banned from use because of the danger. I was immensely pleased then today to learn that the administration, having corroborated the tests by the Bionetics Laboratories that this defoliant is teratogenic, is banning the defoliant in the United States starting immediately.

I also understand that the Department of Defense is at any minute announcing a ban on this defoliant in Vietnam.

## BOLD APPROACH SUGGESTED IN POPULATION CONTROL

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

Mr. KUYKENDALL. Mr. Speaker, a story in yesterday's Washington Post notes that a student organization at Montgomery College is promoting a pledge among students that "if they marry they will produce only two children and if they remain single, they will limit their offspring to one."

The pledge is to be sought as a part of the Earth Day promotion to alert mankind to the dangers to earth's environment, including transportation.

As one who is well past 30, the new magic age when knowledge and wisdom is supposed to vanish, may I suggest to these young folks that if they would limit offspring of single people to none, then married folks who are willing to involve themselves in the responsibility of maintaining family life could have one more.

In any event I object to the formula of two children for married people and one for unmarried. I happen to be a third child and if that formula applied, it would have left me with a very limited choice, either not to be born at all or to be illegitimate.

## NOMINEES TO SUPREME COURT

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

Mr. HUNT. Mr. Speaker, some of the leftwingers, and the professional liberals who opposed the President's last two nominees to the Supreme Court, Judges Clement Haynsworth and G. Harrold Carswell, are now seeking to place the blame elsewhere.

The man they have picked as their scapegoat is Attorney General John Mitchell.

They are passing the word that the Attorney General let down the President by not picking ethical or competent men. This is nonsense, Mr. Speaker, and they know it.

They said Judge Haynsworth was unfit because to them he had given the appearance of impropriety. What they meant was that they smeared him then asked people to believe the smears.

They said Judge Carswell was mediocre and thereby indicted themselves because they had approved him unanimously three times before for appointment, first as a U.S. attorney and then twice as a Federal judge.

So having served as accuser, judge, and jury against these two gentlemen and having found them guilty, they now try to convince people that the man really to blame is the Attorney General. And they have called on him to resign.

Yes, Mr. Speaker, they have decided they can have their cake and eat it, too. They can reject Judges Haynsworth and Carswell and get John Mitchell's scalp in the bargain.

Mr. Speaker, they have misjudged their men. Neither Richard Nixon nor John Mitchell knuckles under to pressure; which is more than I can say for some of those who seek their scalps. I ventured to forecast that both the Attorney General and the President will be here long after the voters have turned out those who seek to destroy them.

## POLLUTION OF GREAT LAKES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–308)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Public Works and ordered to be printed.

*To the Congress of the United States:*

The first of the Great Lakes to be discovered by the seventeenth century French explorers was Lake Huron. So amazed were these brave men by the extent and beauty of that lake, they named it "The Sweet Sea".

Today there are enormous sections of the Great Lakes (including almost all of Lake Erie) that make such a title ironic. The by-products of modern technology and large population increases have polluted the lakes to a degree inconceivable to the world of the seventeenth century explorers.

In order to contribute to the restoration of these magnificent waters, this Administration will transmit legislation to the Congress which would stop the dumping of polluted dredged spoil into the Great Lakes. This bill would:

—Discontinue disposal of polluted dredged materials into the Great Lakes by the Corps of Engineers and private interests as soon as land disposal sites are available.

—Require the disposal of polluted dredged spoil in containment areas located at sites established by the Corps of Engineers and approved by the Secretary of the Interior.

—Require States and other non-Federal interests to provide one-half the cost of constructing containment areas and also provide needed lands and other rights.

—Require the Secretary of the Army, after one year, to suspend dredging if local interests were not making reasonable progress in attaining disposal sites.

I am directing the Secretary of the Army to make periodic reports of progress under this program to the Chairman of the Council on Environmental Quality.

This bill represents a major step forward in cleaning up the Great Lakes. On the other hand, it underlines the need to begin the task of dealing with the broader problem of dumping in the oceans.

About 48 million tons of dredgings, sludge and other materials are annually dumped off the coastlands of the United States. In the New York area alone, the amount of annual dumping would cover all of Manhattan Island to a depth of one foot in two years. Disposal problems of municipalities are becoming worse with increased population, higher per capita wastes, and limited disposal sites.

We are only beginning to find out the ecological effects of ocean dumping and current disposal technology is not adequate to handle wastes of the volume now being produced. Comprehensive new approaches are necessary if we are to manage this problem expeditiously and wisely.

I have therefore directed the Chairman of the Council on Environmental Quality to work with the Departments of the Interior, the Army, other Federal agencies, and State and local governments on a comprehensive study of ocean dumping to be submitted to me by September 1, 1970. That study will recommend further research needs and appropriate legislation and administrative actions.

Specifically, it will study the following areas:

—Effects of ocean dumping on the environment, including rates of spread and decomposition of the waste materials, effects on animal and plant life, and long-term ecological impacts.

—Adequacy of all existing legislative authorities to control ocean dumping, with recommendations for changes where needed.

—Amounts and areas of dumping of toxic wastes and their effects on the marine environment.

—Availability of suitable sites for disposal on land.

—Alternative methods of disposal such as incineration and re-use.

—Ideas such as creation of artificial islands, incineration at sea, transporting material to fill in strip mines or to create artificial mountains, and bailing wastes for possible safe disposal in the oceans.

—The institutional problems in controlling ocean dumping.

Once this study is completed, we will be able to take action on the problem of ocean dumping.

The legislation being transmitted today would control dumping in the Great Lakes. We must now direct our attention to ocean dumping or we may court the same ecological damages that we have inflicted on our lands and inland waters.

RICHARD NIXON.

THE WHITE HOUSE, *April 15, 1970.*

## THE PRESIDENT'S MESSAGE ON GREAT LAKES DISPOSAL

(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 President's message on Great Lakes disposal is another example of the tremendous leadership President Nixon is displaying in the effort to restore our environment.

For years I have urged a halt to the dumping of polluted dredged material back into the Great Lakes. I introduced legislation last year aimed at accomplishing that objective.

I am, therefore, greatly pleased that the President has thrown his support behind my efforts to stop this practice, which flies in the face of commonsense.

It it were at all feasible, I would favor a ban on dumping any dredged material back into the Great Lakes, whether such material was adjudged to be polluted or not. But of course finding adequate areas for land disposal of the dredgings is always a problem.

The administration bill to stop the dumping of polluted dredge spoil into the Great Lakes is most welcome. The Federal Government should be setting an example for the States, localities, and private industry in our effort to restore and preserve our environment.

The question of polluted dredgings goes deeper, of course, than finding a place to dump spoil. We should go behind that problem and prevent the entry of polluted soil into the lakes. Until the day arrives when we have accomplished that goal, however, it is vital that dumping of polluted spoil back into the lakes be stopped.

At the same time, we certainly need a study of ocean dumping as outlined by the President in his message to the Congress. I am glad to see that the President has ordered such a study made.

Mr. MINSHALL. Mr. Speaker, I am extremely pleased that the President has sent a message to the Congress today calling for legislation to stop the dumping of polluted dredged spoil into the Great Lakes. In doing, so he specifically pointed to the fact that almost all of Lake Erie has been polluted because of the "byproducts of modern technology and large population increases—to a degree inconceivable to the 17th-century explorers" who were so amazed by the vast beauty of these great natural resources.

In the 90th Congress and again on the opening day, January 3, 1969, of this Congress I have introduced legislation which would discontinue disposal of polluted dredged materials into the Great Lakes by the Army Corps of Engineers or other Federal agencies. I am gratified to note that the President's proposal not only is a forceful endorsement of the intent of my H.R. 1231, but lays down firm requirements for general disposal of polluted dredged spoil and strict enforcement regulations.

This is a giant stride forward toward saving not only Lake Erie but all of the Great Lakes and I shall immediately associate myself with the President's request by cosponsoring his Great Lakes disposal bill. I urge every Member of this Congress who shares my concern over our environment to join with me.

## GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks immediately following the message of the President today.

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

There was no objection.

## PRIVILEGES OF THE HOUSE

Mr. BELCHER. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, I have been subpenaed to appear before the District Court of the Fourth Judicial District of the State of Oklahoma at Enid, Okla., on April 28, 1970, at 9:00 a.m. to testify in the criminal case of the State of Oklahoma against Jessie Block.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved.

I, therefore, submit the matter for the consideration of this body.

The SPEAKER. The Clerk will report the certificate and subpena.

The Clerk read as follows:

[In the District Court of the fourth judicial district of the State of Oklahoma, in Garfield County, No. 1654]

THE STATE OF OKLAHOMA, PLAINTIFF, *v.* JESSIE BLOCK, DEFENDENT

CERTIFICATE AND SUBPOENA

The State of Oklahoma to the Honorable Page Belcher, city of Washington, District of Columbia, Greetings:

You are hereby commanded to appear before the District Court at Enid in Garfield County, State of Oklahoma, on the 28th day of April, 1970, at 9:00 o'clock A.M., then and there to testify as a witness in behalf of the State of Oklahoma in a criminal case pending in said Court at an Evidentiary Hearing wherein the State of Oklahoma is Plaintiff and Jessie Block is Defendent and remain from day to day and from term to term until discharged by due course of law.

Witness my hand this 7th day of April, 1970.

Attest:

ELOISE S. DEVINNEY,
*Court Clerk.*

J. RUSSELL SWANSON,
*District Judge.*

Service of the above and foregoing Certificate and Subpoena.

ACKNOWLEDGEMENT OF SERVICE

Receipt is hereby acknowledged of Service of the above and foregoing Certificate and Subpoena this — day of April, 1970.

Mr. ALBERT. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 917

Whereas Representative Page Belcher, a Member of this House, has been served with a subpena to appear as a witness before the District Court at Enid in Garfield County, State of Oklahoma at 9:00 a.m., on the 28th day of April, 1970, to testify as a witness in the case The State of Oklahoma against Jessie Block; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

*Resolved,* That Representative Page Belcher is authorized to appear in response to the subpena of the District Court of the Fourth Judicial District of the State of Oklahoma, in Garfield County; and be it further

*Resolved,* That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## FAMILY ASSISTANCE ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 916 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 916

*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. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, and any point of order against said bill pursuant to clause 3, Rule XIII, is hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. 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.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself 7 minutes.

Mr. Speaker, this begins the considera-

tion of one of the most important pieces of legislation which this House will consider during the 91st Congress, because it very specifically represents what I believe to be the breaking of new ground in the field of social legislation, particularly as it pertains to welfare and to those who fall in the category of the poor.

Mr. Speaker, House Resolution 916 provides a closed rule with 6 hours of general debate for consideration of H.R. 16311, to authorize a family assistance plan providing basic benefits to low income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs, and to otherwise improve such programs, and for other purposes. The resolution also waives any point of order against the bill pursuant to clause 3, rule XIII—which, of course, is the Ramseyer rule.

The bill, H.R. 16311, is designed to amend the Social Security Act to provide incentives for employment and training of certain members of needy families, to improve the adult assistance programs and to improve the public assistance programs.

Assistance for more than 2 million families who make up the "working poor" is included in this legislation with the idea of helping them achieve self-sufficiency rather than dependency upon welfare in the future. Training and work opportunities are provided as incentives to millions of families who would otherwise be locked into the welfare system for generations and the Federal Government, under this legislation, would make a contribution toward relieving the financial burden of welfare payments by State governments.

So, Mr. Speaker, there are two main objectives of H.R. 16311. The first is to encourage every dependent family in America to stay together, free from the economic pressures which might split them apart. Second, the bill is intended to convert the existing programs, which in too many situations have encouraged dependency, to an integrated program which will encourage people to become independent and self-supporting through incentives to take training and enter employment.

The Committee on Ways and Means, which reported this legislation, testified that this measure would make major improvements and reforms in the provisions of the Social Security Act relating to the programs which aid needy families with children, including coverage of the working poor; the programs which aid the aged, blind, and disabled; and the programs which provide manpower services, training, employment, and child care to welfare recipients.

It is estimated that in the first year of operation, it will cost the Federal Government $4 billion-plus above the costs required by the various welfare programs now in existence.

In fiscal year 1972 the cost is estimated to be something over $12 billion in addition to what the States will spend.

Mr. Speaker, this is a very controversial and complicated piece of legislation which some claim will change the philosophy of our family assistance program, but it is a bill which has been endorsed by the overwhelming majority of the members of one of the greatest committees in the House. So on that basis, Mr. Speaker, I urge the adoption of the resolution in order that the Committee on Ways and Means may be permitted to debate this issue and to explain the details of the bill.

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

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I have the usual question: What valid reason is there for bringing this bill before the House under a completely closed rule?

Mr. SISK. I believe the fairest answer I can give my friend from Iowa is that I have no basic argument to make to justify it.

This was a request by the Committee on Ways and Means. I would not assume it was unanimously agreed to by the members of the Committee on Ways and Means, but at least it was a request from the very distinguished chairman of that committee, the gentleman from Arkansas (Mr. MILLS), and the distinguished ranking minority member, the gentleman from Wisconsin (Mr. BYRNES), for a closed rule.

Of course, it does deal with a very complex and complicated issue.

I might say, there was a difference of opinion in the Committee on Rules. I found myself in the situation where I felt compelled to vote for a closed rule on this bill.

I am not in a position today to attempt to defend that vote to any great extent, because, I might say to my good friend, in spite of my great respect—and there is no Member of the House I have greater respect for than the gentleman from Arkansas, who I see is now on his feet—I have reservations about this bill, and strong reservations. In fact, to be honest about it, if I had to vote right now I would vote against the passage of this bill.

I am for the rule. I am here supporting the rule. I am supporting the right of the committee to debate the issue. I am terribly concerned about the implications in this bill. I do believe the distinguished members of the committee are entitled to discuss the issues before the House and to debate the merits and the demerits, because there are two sides to the issue. Then we can vote it up or down.

I might say to my good friend, that is not necessarily an answer to his question, but that is the best I can give him at the moment.

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

Mr. SISK. I am glad to yield to the gentleman from Arkansas for any comment he might wish to make.

Mr. MILLS. On the question raised by my friend from Iowa, it is my information that this bill would be subject to amendment, without the closed rule, not just for the many titles which are involved in the bill itself—and that is a great number—but even for other titles of the Social Security Act.

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

Mr. SISK. I yield further to the gentleman from Iowa.

Mr. GROSS. The gentleman does not even talk in terms of a modified closed rule to limit it to the subject matter of the bill, to the titles or sections or anything else.

Is it just simply fashionable? Is it a fashion that cannot be broken? Even mini skirts, apparently, are going to change; they are going to get longer. Even fashions do change.

Is it just fashionable that the Ways and Means Committee comes in with every bill under a closed rule, or almost every bill? Is it because of fashion, or what?

Mr. SISK. Seriously, let me say to my good friend from Iowa, I believe it is a rather complicated bill. There was serious consideration given to a modified rule. It was a proposal made, for a modified rule; that is, a rule which would make in order certain amendments.

The problem we were confronted with, as an example, was that the gentleman from Florida was desirous of offering an amendment having to do with food stamps, and the gentleman from Georgia and the gentleman from Texas (Mr. BURLESON) were interested in making in order a bill which they have which eliminates the so-called guaranteed annual income provision and the working poor.

There were some other proposals. It came down to this situation. Frankly, I can tell my friend from Iowa my position is, if you are going to open it up for one individual or one group to offer amendments, then it is unfair to deny the opportunity to others. So really our decision was finally made that, all right, if you are going to come down here with a wide open rule or a closed rule, then you should make it that for everyone. Generally, Mr. MILLS and Mr. BYRNES and others who discussed it made it pretty evident that in all fairness, for good procedure, we had probably better stick with the closed rule, and that was the decision that was made. Maybe it was a bad judgment, but, at any rate, that was our decision in the committee.

Mr. GROSS. I do not care to pursue this very much further, because obviously, or it seems to me obviously, nothing is going to be done about it and the rule will be adopted, although I think it ought to be defeated and this bill opened up to amendment on the part of Members. The House ought to have an opportunity to work its will on it. The point is we might as well adopt the rule and vote on the bill, because I think we are all reasonably well acquainted with the contents of it. Why waste 6 hours of time debating something that you cannot amend or do anything with? The gentleman from California himself says that as of now he thought he would be prepared to vote against the bill. I feel the same way about it. I do not see much point in wasting 6 hours of time, if it can be called wasted, in listening to it.

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

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

Let me say quickly that this is a very complex proposition. There are various philosophies involved. There are some innovative things in this bill. I am concerned about possible precedents and the direction in which we are going. I question as to whether or not there has been a case made for work incentives in this bill. I think the facts and arguments and discussions were brought before the Committee on Rules which raised the question as to whether there was work incentive in it. It is my understanding that Mr. MILLS, Mr. BYRNES, and I are concerned about getting a work incentive that will cause people to want to work and go out and improve their economic conditions and support their families. I am concerned that there is not sufficient incentive in this bill to do that. I want to listen, and I hope and urge Members to stay on the floor during the 6 hours of debate, because I think it could be very beneficial. There will be people here raising very important questions on this matter. If I could be convinced that the work incentive is in here to the extent that I know in all sincerity my friend, Mr. MILLS, feels it is in it, then I will support the bill, but I do have grave reservations about it and about the implications and philosophy of having a guaranteed national wage. I have always opposed it, because I think it contrary to our whole philosophy and to the private enterprise system in this country. That is why I am getting a lot of mail against, and I am sure that other Members are, also. It will be a very controversial issue as we go down the road in this discussion of this bill between now and the time when something may be done in connection with enacting a law.

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

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

Mr. LATTA. As a member of the Committee on Rules, I do not think we should leave the impression stand here that the Committee on Rules was powerless to write a rule that would take care of the objection raised by the gentleman from Arkansas (Mr. MILLS). We could certainly have written a rule that would have permitted the gentleman from Georgia (Mr. LANDRUM) to offer his bill and also one that would have permitted the gentleman from Florida to offer his substitute on the food stamp plan without putting the rest of the bill with the entire social security system in jeopardy. I want that on the RECORD so we do not leave that impression here.

Mr. SISK. Let me say to my good friend from Ohio that I agree with him. There is no question we could have written such a rule as I indicated to my good friend from Iowa. It was a matter of judgment on the part of the Committee on Rules, and the majority of the committee. It was not a unanimous vote by any means.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. SISK. Mr. Speaker, I yield myself 3 additional minutes.

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

Mr. SISK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I have only one question for the purpose of information only. Do I understand from House Resolution 916 as written only points of order pursuant to the Ramseyer rule are waived?

Mr. SISK. The gentleman is exactly correct. We waived it only on that point.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, then we will be able, is it fair for me to assume, to make other points of order within other rules of procedures of this House which would stand on their own merits if presented against the bill?

Mr. SISK. The gentleman states it exactly as I understand it.

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

Mr. SISK. I shall be glad to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman from California for yielding.

This is coming up under a closed rule; is that correct?

Mr. SISK. That is correct.

Mr. GONZALEZ. That is, no one who belongs to this House who is not a member of the Ways and Means Committee or for that matter the Rules Committee will have a chance to really offer anything meaningful in the way of amendments or modifications to the bill as put forth by the committee?

Mr. SISK. The gentleman speaks the facts as I understand them.

Mr. GONZALEZ. Will the gentleman explain to me why?

Mr. SISK. I would rather permit the gentleman from Arkansas and the gentleman from Wisconsin (Mr. BYRNES) to explain that. This was a request by the Committee on Ways and Means, and the Committee on Rules, after considerable discussion and after several other proposals had been offered, finally voted, in its wisdom, to grant a 6-hour closed rule. It might not have been the proper thing to do, but that is what was done.

Mr. GONZALEZ. Mr. Speaker, if the gentleman will yield further, I do not mean to put the gentleman as an individual on the spot. This is a very pertinent question. I think every conscientious Member of the House asks himself is there a special attribute that surrounds the Ways and Means Committee, since I am sure other committees would like to get closed rules?

Mr. SISK. No. Let me say, generally I do not think that is true. The facts are that the subject matter with which the Committee on Ways and Means deals covers taxes and social security which are extremely complicated matters. This does not mean that every Member of the House cannot be knowledgeable. But the facts are that it does deal with matters of balance where a minor amendment or what appeared to be a minor amendment in connection with either social security payments or tax law could throw the whole program out of balance. I think it has been generally considered a very difficult situation to attempt to amend or change tax laws or social security laws. These are, of course, the primary subjects with which the Committee on Ways and Means deals. They are not covered by this blanket rule.

Let me say that legislation coming from the Committee on Ways and Means is privileged legislation and I am sure my friend from Texas knows that they do not need a rule in order to bring a bill to the floor of the House for consideration. They can bring a bill to the floor any time they are ready, whether the Rules Committee looks at it or not because it is privileged. But the point is that they come to us for a closed rule.

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

Mr. SISK. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, there are 478 pages in the compilation of the social security laws alone. I do not know but what there are, perhaps, 3,000 or 4,000 social security bills that are pending before the Ways and Means Committee, all of which might be in order under an open rule. There are broad references to this Internal Revenue Code within the Social Security Act itself that could or could not open up the entire Revenue Code.

The purpose of the Committee on Ways and Means in asking for a closed rule, historically on tax matters and social security matters, is to as best we can provide for an orderly procedure for the consideration of the legislation presented before the House. That is the only reason.

The gentleman from California remembers that in the other body they operate without a closed rule.

And I mean to tell you they operate. The last Social Security Act contained better than 500 amendments to the social security bill, and every one of them cost a devil of a lot more than we had in the House-passed bill, and it was the responsibility of the House conferees to take the brunt of the criticism to get those amendments out in the conference.

Mr. SMITH of California. Mr. Speaker, I yield myself 12 minutes.

Mr. DENT. Mr. Speaker, will the gentleman yield to me to clarify a point of jurisdiction?

Mr. SMITH of California. I yield to the gentleman from Pennsylvania for a question.

Mr. DENT. Mr. Speaker, under this rule could the right be denied to a committee if it feels that its jurisdiction has been usurped by the conditions of this bill?

For instance, let me read:

> This bill will contain a new program for manpower training employment services to be administered by the Secretary of Labor through the State employment offices.

Am I right or wrong in that—that that is strictly the jurisdiction of the Committee on Labor?

Mr. SMITH of California. We will get into some discussion on that, I am certain, in the general debate, but I am not

going to yield all of my time on this rule. We have 6 hours to discuss this whole matter.

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

Mr. SMITH of California. Mr. Speaker, House Resolution 916, the resolution on the rule, provides for 6 hours of debate with a closed rule except for committee amendments, and waives points of order so far as the Ramseyer rule is concerned. No one except members of the Committee on Ways and Means—and I would assume that to mean the chairman himself, and probably with the agreement of the ranking minority member—could or would offer an amendment.

It means that none of us who are not on the Committee on Ways and Means, including those of us on the Committee on Rules, can do so. We are apparently not capable of having sufficient information or ability to offer amendments or suggestions to this new program.

The rule was requested by the distinguished chairman, by the distinguished ranking minority member, by the administration and by HEW. There was concern as to the fact that it might open up the entire subject.

Accordingly, the majority of us on the Committee on Rules voted for a closed rule.

One of the arguments was that if the rule is open, or if a special rule is made to open up the so-called guaranteed annual income payments, that they would probably be increased on the floor of the House. One Member testified before the Committee on Rules that he would like to have the rule open so that the amount could be increased, and one individual who was a visitor in the committee the first day during the entire day's session—and who was on television that night—stated that she thought it was a good program, but she thought it was not enough—that they want $5,500 a year to any needy family.

So apparently there is some feeling to increase the amount over and above the $1,600 for a family of four. I believe that after the bill is passed it will start growing a year from then, and from then on the sky will be the limit.

As to the bill itself, according to what the report states, the purpose of H.R. 16311 is to repeal the current jumble of federally assisted welfare programs, and to replace them with a unified program of aid to the Nation's poor.

This new program will provide financial assistance based unpon a formula to be applied nationwide.

Also included is a program of work training for those who require it, and child care, day-care centers to enable mothers to work.

Since 1960 the number of recipients within the welfare system has increased from 2.4 million to about 6.7 million and minor children make up most of this increase.

In this same period costs of the program have tripled to about $7.8 billion.

The Department of Health, Education, and Welfare estimates that the costs could double in the next 5 years under the present system.

This bill restructures that entire system. It places increased stress on work-training programs and the development of child day-care centers. It requires all of the adult recipients to register at employment centers and accept suitable work; and sets a nationwide scale of assistance payments to all eligible families.

Each family with children whose income is less than the family benefit level—computed at $500 each for the first two members of the family and $300 for each additional member—would be eligible to receive a payment. To qualify to receive such assistance, members of the family must meet the registration for work or training requirements. The amount of payment each family receives will be based on the difference between the family benefit level and the amount of income earned by the family. For example, the family of four with no income would be eligible to receive $1,600—$500 plus $500 plus $300 plus $300.

Every needy family in the Nation would be eligible to receive assistance, but a family with $1,500 or more in resources, excluding its home and household goods and personal effects, would not be eligible for any assistance. Certain types of income would be excluded in determining the total Federal benefit level. Excludible income includes:

First, the first $720 per year of each adult member of the family, plus one-half of the remainder.

Second, food stamps and other public or private charity, including veterans' pensions.

Third, all earnings of a child in school.

Each family member would be required to register for employment or work training with a public employment office. Exceptions to this rule are children under 21 who are in school, those who are ill or disabled, a mother with a child under the age of 6, one who is caring for an ill family member, or whose husband is registered under the program.

Any individual who refuses to register or to accept vocational rehabilitation will not be counted in determining the amount of the family benefit.

The several States will have to supplement the family assistance payments up to the level of their aid for dependent children programs or the poverty level—whichever is lower—in order to be eligible for Federal funds under medicaid and other welfare programs. States will not, however, have to supplement Federal payments to the working poor.

An appeals procedure is provided. Any person who disagrees with any decision relating to his eligibility for, or the amounts of his family assistance payments may obtain a hearing. Any final determination can be reviewed in the local district court, where factual determinations previously made by the Secretary of Health, Education, and Welfare would be conclusive.

The bill terminates the present work incentive program and creates a new one operated by the Secretary of Labor. Training would be provided all registrants who need it. Concurrently, State welfare agencies would be required to provide health and other benfits to facilitate the participation of individuals in the training program. Federal appropriations are authorized to cover up to 90 percent of the costs of the new training program with the State responsible for the remaining 10 percent. If a State fails to provide its 10 percent, Federal assistance to other welfare programs within such State would be reduced by the amount of the State's deficit. Each person in the training program will receive an allowance of $30 per month for incidental and travel expenses. Funds to cover such costs as transportation and other costs directly connected with the training program can also be paid out by the Secretary of Labor.

Day-care centers for minor children are to be provided. The Secretary of Health, Education, and Welfare is authorized to make grants covering up to 100 percent of the costs to public and private nonprofit agencies to assure that such assistance is provided for all training program participants who require it.

The present separate assistance programs for the aged, blind, needy, and disabled are eliminated. In their place, a new combined Federal-State unified program is instituted to cover the same groups of people. Following federally set definitions and qualifications, the State will be required to provide a payment sufficient to bring an individual's total income up to at least $110 per month. No restrictions such as residency or citizenship requirements could be instituted. The Federal Government would pay 90 percent of the first $65 of the average monthly payment, and 25 percent of the remainder, up to the limits set by the Secretary of Health, Education, and Welfare. Fifty percent of all State administrative costs would also be paid by the Government.

The effective date is July 1, 1971, with special provisions for States with statutes which prevent them from complying by that date.

The cost of the bill to the Federal Government in its first year of operation is approximately $4.4 billion above the costs required by the present welfare programs. The total Federal outlay in fiscal 1972, the first year of the new program, is estimated to be approximately $12.2 billion with the States expending another $5.5 billion. The cost of the bill is about the same as that proposed by President Nixon. The major change is that the reported bill treats the States differently, and in so doing will reduce the overall State expenditures by some $567,600,000. This results from a change in State matching supplemental payments which help States with higher benefit levels, and the increased minimum income standards which require States with low support levels to increase their fiscal effort.

Mr. Speaker, the gentleman from Texas (Mr. BURLESON), introduced H.R. 16600 on March 23 as a substitute. The Rules Committee did not make that bill in order as a substitute, so the provisions of that bill will not be before the House. It contains much of the language of the present bill, with the exception of certain guaranteed income payments.

It seems to me the idea that is presented in H.R. 16311 has been around

here for a number of years. It has been dusted off a little bit and some frosting put on it. It has been introduced as a welfare program. If it had been introduced by the last administration in the form it is in, many Republican Members would have opposed it very bitterly.

Almost everyone agrees that we need some welfare reform, that the present system is not working. But is this welfare reform? I believe it was introduced originally as welfare reform, but I do not think it turned out to be a welfare reform program. In my opinion, it is more of a welfare expansion program.

It has been estimated that the bill would add approximately 15 million people to the welfare rolls of the United States. The California State Department of Social Welfare has not been able to estimate the cost to the State of the welfare program.

Now, some of the problems: I refer you to pages 21 and 22 of the bill, where the conditions are set forth and the exceptions are set forth, and I particularly refer to the question of what is suitable employment. The person has to take suitable employment. What is suitable employment? Who is going to determine what suitable employment is?

Suppose an individual is trained and he is told to take a job 1 mile away. There is no transportation, public or private. He must travel 1 mile each way. He says:

I can't walk that far. I can only walk two miles a day, one mile to work and one mile back.

Would that be suitable employment? And after training, would he then go back on the welfare program? I do not know, and there is no language in the bill that will help definitely to determine that question.

Suppose a person does not like the job to which he is sent. In some plants employees cannot smoke. In plants manufacturing aircraft they have 15-minute breaks twice a day so that employees can go outside to certain areas where they can smoke. Suppose an individual does not like the job. He stays out 22 minutes. His foreman or supervisor says, "Where have you been?" He says, "I took a little extra time."

Suppose he does not like the work and throws a monkey wrench in the machinery and breaks it.

How long are the employers going to have to keep these people there if they do not like the job and think it is not suitable? It seems to me that we must have more definite, more specific language as to what suitable employment is going to be and who is going to enforce it and what we do if the individual who is trained will not take the employment. We have to have more specific language in this bill to tell us what we will do if this employment is not considered suitable.

Take domestics. In my area we cannot get domestic workers. I have some families where the father and mother both are working, one where they have three children, one of whom is semi-handicapped. They cannot get anybody to take the job. The State employment agency does not have anybody. No private employment agencies have. We have tried to get a woman in from Mexico who was willing to come up here. They cannot get certification from the Labor Department. They always place an "x" in the box that says there are plenty of available people. People apparently do not want to be domestic workers.

Are we going to train them for that? Will that be considered suitable employment, if they do not want that employment?

Take the engineers. Some have lost their jobs because of the shortage of contracts. They want jobs but there are not any. What do we do about those people? It seems to me we have to have some jobs available for these engineers who are out of work now.

I have talked to brokerage firms in New York, I talked to the heads of two of them yesterday. They told me that at the present time they are just barely able to keep their heads above water. They said, "Allen, why don't you solve a crisis in Washington?" I said, "What crisis do you have in mind?" They said, "Well, solve Vietnam or something, because we cannot keep going as we are."

I think the administration is trying to solve Vietnam, but it is not as easy as that.

I have two plants in my area, two corporation which a year or two ago sent in proposals saying that they were willing to train 200 people. This is not on-the-job training. They will have facilities, counselors, and teachers and all that is necessary to determine what work the people can do. They guaranteed they would train 200 people per year and guaranteed them jobs if the Government would simply pay half the cost of the expenses. I could not get a nickle downtown in the last administration or in this one. Yet the two corporations were perfectly willing to spend their own money to do that.

I think we have some problems from that standpoint, and I thought those two fine companies would have interesting pilot programs. They were interested in doing it.

I was talking to some executives the last time I was home, in a plant which is a subsidiary in my district, and they said they are scared to death because there are so many imports coming in they do not know how they can keep going unless conditions get better.

Now, what about the professional poor? There are a million or a million and a half of them. We will not let them starve. We do not believe in that. So if they will not work and they take the program and they register once, what are we then going to do about that?

I only mention these things because it seems to me the bill ought to be more clear. The proponents claim this will create incentives to work and keep families together. I certainly hope so, but I doubt it very much. None of us has a crystal ball. We cannot look into the future. They say, "Let us try the program." But we must keep in mind that we have other programs which are spending money in education, in clean air, water pollution, environmental control, veteran problems, Vietnam, and on and on. This program is going to cost more and more money.

Will we have to increase the debt before June 30? Will we have to have an extension of the surtax? People feel now that they are being taxed to death. If we keep on, they are liable to say, "Throw all the rascals out in Washington and replace the whole Congress."

This starts a Federal means test for the first time. I do not know whether that is good or bad. The facts will be placed into a computer. The answer comes out that the father does not make enough money to support his children. Do we then tell the children that your father is not capable of supporting them? Is that for the good of the children?

It starts a guaranteed income program. I am all for a guaranteed work program, but I am opposed to a guaranteed income program. There will be statements made by Member after Member that we now have a guaranteed annual income which was written into the law some years ago. From a practical standpoint, that may be true with the State programs and the social welfare, and so forth, and maybe there is a certain amount that certain families actually will receive.

But this is the first time to my knowledge that we will actually write into the Federal law that we will guarantee a family a certain amount of money per year depending upon that family. I believe the U.S. Treasury is liable to be opened wide for the first time in our history to pay people a certain amount of money.

I believe that this bill needs more study. I am all for improving the program, as everybody is, but I would hope that the committee would give consideration to further studying this program, to figuring out what suitable work is and who is going to decide it, what it is going to cost, and then come in here, and perhaps have a little better legislation than we will have under a strictly closed rule, if this bill reaches that point.

So far as I am concerned, I intend to vote against the bill in its present form.

Mr. Speaker, I reserve the remainder of my time.

Mr. SISK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, on March 11, I joined with my colleagues on the Committee on Ways and Means in reporting H.R. 16311. This bill symbolizes a great step forward in providing a basic level of financial assistance throughout the Nation to needy families with children. In addition, the bill is intended to convert the existing public assistance program from one which results in people remaining in dependency to one which will encourage people to become independent and self-supporting through incentives to take training and enter employment.

Since 1960, the number of recipients receiving aid under AFDC programs has increased from 2.4 million to about 6.7 million. Moreover, the proportion of children receiving assistance has been rapidly increasing—from 30 children per 1,000 in 1955 to about 60 children per 1,000 in 1970. In addition the costs of these programs have more than tripled during the last 10 years—to about $4

billion at present. Estimates made by the Department of Health, Education, and Welfare indicate these costs could more than double again during the next 5 years unless action is taken now to deal with the underlying causes of this crushing increase in both costs and numbers of recipients.

It is clear that the type of welfare legislation that has been enacted in recent years has not been very effective in dealing with the massive problems that are plaguing the welfare programs. It is equally clear that a new direction must be taken to handle these problems.

As reported by the Committee on Ways and Means, H.R. 16311 represents just such a new direction for family assistance. It is designed to carry out the committee's intent to reduce dependence on assistance and restore more families to employment and self-reliance. It is my firm belief that this will gradually reverse the present trend of spiraling cost and increasing dependence upon welfare.

Basically, the family assistance plan provides that each family with children under 18—or under 21 if attending school—whose nonexcludable income is less than $500 per year for each of the first two family members and $300 per year for each additional family member, and whose resources—other than those excluded—the home, household goods, personal effects, and so forth, are less than $1,500 would be eligible to receive a family assistance benefit.

Unlike present law, the family assistance plan contained in the bill includes needy families where the father is in the home and fully employed. The bill provides a uniform earnings exemption which is equally applicable to families with male and female heads and well as those who are fully and partially employed.

For purposes of Federal benefits under the family assistance plan, the first $60 a month in earnings would be disregarded plus one-half of the remainder. A family of four would therefore be able to receive some benefits under the program until its income reaches $3,920.

Under the program, a family without other income will receive $500 per year for each of the first two family members, plus $300 per year for each additional family member. These payment rates establish a Federal income maintenance floor which in most States will be increased by required State supplementation for all families except the working poor. The bill provides that each State that was making AFDC payments higher than the new family assistance benefit, would be required to maintain the levels of payments in effect as of January 1, 1970, or, if it is lower, a level corresponding to the poverty level as defined in the bill.

In order to assist the States in making supplementary payments, H.R. 16311 provides that the Federal Government generally would pay a State 30 percent of the amount expended by the State in making such payments each fiscal year, not including any supplementary payments made to the working poor. However, there would be no Federal payment for that part of the supplementary payment which exceeds the difference between the applicable poverty level and the sum of the family assistance payment and any income of the family not disregarded in computing the supplementary payments.

H.R. 16311 also provides much needed assistance to the States in meeting the costs of their public assistance programs. Under present law, in Illinois the costs of family programs of assistance were $158.1 million in 1968. The Federal Government bore $78.9 million of this cost, and the State paid $79.2 million. Under H.R. 16311, for 1968, these total costs would have been $173.6 million. The Federal Government's share would have been $127.4 million and the State's share, $46.2 million. Thus, H.R. 16311 would provide a total increase in assistance to families in Illinois of $15.5 million while decreasing the costs of the program to the State by $33 million.

I am also pleased that the Committee on Ways and Means included in H.R. 16311 significant improvements in the programs which assist the aged, blind, and disabled. The bill provides for combining the present categories for assistance to these groups into one combined adult assistance program and for uniform requirements for all States for eligibility factors such as the level and type of resources allowed and degree of disability or blindness.

More importantly, under H.R. 16311, States must assure that each aged, blind, or disabled adult will receive assistance sufficient to bring his total income up to $110 a month. In addition, incentives are provided for the States to enter into agreements for Federal administration of the combined program and a simplified Federal matching formula which will result in generally more favorable Federal participation in the cost of the payments. For instance, in my home State of Illinois, the difference between existing law and H.R. 16311 for the year 1968 would result in a savings of $6.7 million for Illinois and an increase in expenditures by the Federal Government of $11.5 million. The increase in payments of assistance under the adult categories in Illinois would be $4.8 million.

In summary, Mr. Chairman, I would like to state my strong support of this bill and urge the House to take prompt action on its approval. Overall, the bill will provide equitable treatment of working poor families; reduction in financial incentives for family breakup; reduction of variations in payment levels among the States through the introduction of a Federal floor for family assistance payments; establishment of a strengthened manpower training program; and improvements in the level of help and effectiveness of the adult assistance programs.

Mr. SISK. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Speaker, I find myself today in a most awkward position, yet awkward as it is I am not uncomfortable.

It is awkward for me to find myself in opposition to the distinguished chairman of my committee, and one of the most distinguished men of the Congress.

It is likewise awkward to find myself opposing the distinguished minority member of the Committee on Ways and Means, the gentleman from Wisconsin (Mr. BYRNES).

But, as I said, it is not uncomfortable. If such an incongruity as that statement implies appears to be impossible of acceptance, then allow me to ask the Members to study carefully during the next 6 hours of debate and discussion on this floor the incongruities in this piece of legislation, and what I just said will seem as compatible as a newly married couple.

In reflecting upon the provisions of this legislation and what I see in it for the future of this country, if the legislation becomes law, there comes to my mind the opening lines of Charles Dickens' "Tale of Two Cities." I hope the Members will indulge me if I recall those opening lines.

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way—in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

Now, in this bill we have some of the very best things. No Member of this House, and certainly no member of the Committee on Ways and Means who heard the testimony, can disagree with the fact that we need reform in all of our welfare programs and in our welfare legislation. But, in its entirety the bill is not really reform but revolutionary change that ought to be subjected to amendments which this rule precludes.

And, when you study carefully the innovations in this bill to bring about that reform, I think we must, of necessity, come to the conclusion that some of the worst things ever proposed to this Congress are contained in it, and one of them is a guaranteed annual income.

Make no mistake about it, ladies and gentlemen—make no mistake about it—you vote this legislation into law and you go down the road of no return, because you have guaranteed an income out of public funds to people employed and to people unemployed. To me that is not the age of wisdom; that is the age of foolishness; that is the age of recklessness.

To think that I must confront such a proposition with my responsibility as a Member of this body and report to my constituents that I am foreclosed from offering an amendment in the House of Representatives to give this body a

chance to vote on it, I have to say, as Dickens said, "This is the age of despair." That is because I cannot offer an amendment here under this rule to take out this objectionable feature of the guaranteed income. I have to swallow it if I want to vote for the improvements that are in this bill for aid to dependent children, for the aged, for the blind, and for the unfortunate of this country. So I despair to have to come here today and admit to myself that we are foreclosed by the leadership of this House and the leadership of this committee by the demand for a closed rule.

Incidentally, I was not a part of that request for a closed rule. I voiced my objections to it, as the chairman will recall, when the request was made in the committee.

The leadership of this House says, bring this on under a closed rule. Now, what is wrong with any Representative in this House facing up to an amendment that affects the course of welfare legislation of this country and changes the fundamental structure of our Nation more than any other single piece of legislation in the 18 years that I have been a Member of Congress?

What does a guaranteed income promise? Let us take two workingmen, two wage earners, working side by side, with equal skills, drawing the same identical wage. We will just use $2 an hour as an example. One, being rather prolific himself and perhaps having a prolific mate, has a large family, let us say five or six. And the other, not being so inclined or so constructed, has probably one or two. Yet, the one with the large family will draw from the Federal Government, just like the employees of the Federal Government, a check every month to supplement his income to bring him up to the level of income the Government says a family of his size should have. And, mind you, it will come from the wages of the man working alongside him simply because the man working alongside him chose to have a family of smaller proportions and does not receive from his Government a subsidy payment. But he pays his tax.

You cannot deny that, gentlemen. The leadership of this House cannot deny it, if they have studied this bill. My distinguished friends in the Committee of Ways and Means with their great capacity as legislators and as statesmen cannot deny it because they know it is here.

Moreover, Mr. Speaker, I cannot offer an amendment designed to stop provisions in the bill which will add literally hundreds of thousands of employees to the employment rolls of the Department of Health, Education, and Welfare. Why?

Mr. Speaker, we now have about 2 million people on the welfare rolls as I understand it—perhaps, a little less—but we are with this bill about to add 15 million as a minimum estimate, but as a maximum estimate in my judgment between 25 million and 30 million. And to administer the law for all these new welfare recipients literally thousands of new employees will be required. We are going to be saying in law as the distinguished gentleman from California said awhile ago, "Listen, fellow, your daddy is working; your daddy has got five children; you have got four brothers and sisters; your daddy has got a wife and there are seven in your family." In other words, he is working and he is making $6,120. To my way of thinking that fellow has a pretty substantial pride in his family relationship and in his accomplishments. He is not going to be able to furnish each one of those children two pairs of shoes all the time, the best cuts of meat all the time, two suits and he is not going to ride in Cadillacs, even though it might be a "welfare Cadillac." But his children have pride in the fact that their father is making them a living. Yet, we are coming in here on page 28 of this bill and saying to that man because he makes less than $6,120 and has that many children, he is in poverty. And, we are saying to those children, "Your daddy is in poverty. Your Government is going to keep you up."

Mr. Speaker, by doing this we will destroy the motivation of that child, we will destroy the incentive of that man to improve his skill. Further, we are proposing a statute, that does something we have never done before by telling a workingman—not a loafing man—telling a man working that because you make less than so much you are in poverty and the Government is going to take public money and pay you a subsidy.

That will require great sums of money. New revenue must be found. Surtaxes will be added and increased—not reduced or eliminated as now planned. Budget deficits will grow—not decline and all because we take the tragic step proposed in this bill of guaranteeing to a man—whether or not he works—annual income equal to a figure the Government decides he should have.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. LANDRUM. Mr. Speaker, this bill puts the benefits in this order: Cash, food, and work. So long as we keep the priorities in that order, gentlemen, we are going to be faced with the welfare recipient saying, "No; I am not going to work because I have already got that cash and I have also got my food."

Now, if you turn it around the other way and put work first and cash last, then we will get along the road that seems to me more American.

Mr. Speaker, I am perfectly willing to tax every man and woman in this country for what is necessary to take care of the aged and to take care of the unfortunates and to take care of those who cannot take care of themselves. But I am unwilling to levy a single copper of tax in America to take care of any person who simply will not work. And, that is exactly what you are doing with this bill.

Mr. Speaker, if I had the opportunity to amend it, I would take that out and vote for the other, but not having that chance to, I must say to my distinguished chairman and my distinguished friend from Wisconsin and my friends in the House, despite my concern for the training programs that are provided for in this bill, as well as other fine programs, I will have to oppose this bill because in my view we are going down the road of no return.

Mr. SMITH of California. Mr. Speaker, I yield briefly to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, there has been no discussion at all on how the Supreme Court's March 23 ruling on welfare is going to affect this program.

Briefly stated, the High Court ruled that it is unconstitutional for States and cities to stop welfare payments until they give recipients a chance to defend their rights to the benefits.

The Court ruled that a welfare recipient is entitled to a hearing before his payments are cut off and the hearing must include these four features:

First. The needy person must be heard in person. A written statement on his behalf is no longer good enough.

Second. The recipient must be allowed the opportunity to confront and to question any witnesses who say that he is ineligible.

Third. If the recipient wishes, he may have a lawyer at the hearing but this is not required.

Fourth. The official deciding eligibility must write out the reasons why he made his decision and cite evidence he relied upon.

Now, what does this ruling have to do with FAP The answer is: No one is sure.

We do know that under the family assistance program, a person receiving payments has his allotment scaled down as he makes more money. As for the so-called working poor, the same is true with a definite cutoff point at a certain level beyond which no more FAP money is given the recipient. What the Supreme Court ruling has at least made a possibility is that FAP recipients can now demand a full evidentiary hearing if the Government either cuts off or scales down their welfare payment.

Chief Justice Warren Burger alluded to this possibility in his dissent in the case when he said:

> Aside from the administrative morass which today's decision could well create, the Court should also be cognizant of the legal precedent it may be setting. The majority holding raises intriguing possibilities concerning the right to a hearing at other stages in the welfare process which effect the total sum of assistance, even though the action taken might fall short of complete termination. For example, does the Court's holding embrace welfare reductions or the denial of increases as opposed to terminations, or decision concerning initial applications or requests of special assistance. The Court supplies to distinguishable considerations and leaves these crucial questions unanswered.

In a footnote to his dissent, Chief Justice Burger noted that Los Angeles County alone employs 12,500 welfare workers to process grants to 500,000 people under various welfare programs. He said:

The record does not reveal how many more employees will be required to give this newly discovered "due process" to every welfare recipient whose payments are terminated for fraud or other factors of ineligibility or those whose initial applications are denied.

But the outlook is not good.

Ohio State Welfare Director Denver White says the Court ruling is, quote, "terrible."

It is going to cause a taxpayers revolt. Now we must have more scrutiny of anyone applying for welfare. Last month, we closed 3,000 cases . . . now we would have to have hearings on all of these . . . and that's 36,000 cases a year.

The New York Post the day after the Court ruling, reported that because of it New York State welfare officials may face the possibility of a huge administrative logjam because up until now they have given welfare recipients only a chance to reply in writing to contest their payment termination.

An additional danger of this Court ruling is that it will give welfare rights militants such as George Wiley, head of the National Welfare Rights Organization, a powerful new legal tool to combat and harass Government efforts to enforce welfare work requirements.

With FAP adding some 15 million additional individuals to the welfare rolls, the opportunity will now be greatly enhanced for militant welfare organizers to bog down the system by simply demanding hearings on every welfare termination, reduction, or denied application.

And there should be no doubt as to the way these groups feel about welfare work requirements. George Wiley was quoted recently in the Philadelphia Inquirer as saying:

We're going to fight against forcing people to work in order to get welfare. We're prepared to beat it in the streets. We're prepared to refuse to take jobs that are given us.

The goal of the welfare militants, Mr. Chairman, has always been to break down the present welfare system and substitute in its place a guaranteed annual income. As long ago as June of 1966, Joseph Loftus reported in the New York Times:

Activists who are impatient with the Johnson antipoverty campaign are firing up a campaign of their own. The objective, simply stated, is a guaranteed, Federally financed annual income. The strategy of the activists is to demand welfare payments for all who qualify . . . to . . . double the welfare rolls, and impel the politicians to accept a guaranteed income as a solution.

In short, the latest Supreme Court ruling on welfare coupled with the family assistance program, could open a Pandora's box of hundreds of thousands of frivolously requested welfare hearings which, in turn, could lead to a complete and total breakdown of the present welfare system.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the rule that would make in order the Family Assistance Act of 1970.

Most of the time thus far consumed under the rule has been spent I think in attacking the provisions of this legislation. I was not privileged to be a Member of this body back in 1935 when we adopted social security legislation. I feel quite sure that many of the fears and trepidations that assailed the Members of Congress at that time about the wisdom of embarking on so sweeping and far-reaching and novel a program as that, that many of those same doubts exist in this Chamber today.

Yet, I want to say that I think this afternoon of that night when I listened to the President of the United States in August of 1968 when he unveiled his idea of a new federalism, something that would refurbish and restore new strength and vigor to the institutions of this country.

At that time he spoke of the keystone in that arch as the reform of the welfare program. And those of you who believe in the federal system, if you want to nourish and reinvigorate the roots of federalism in this country, cannot ignore the problem that we face with respect to the welfare system in our country today.

I am not going to discuss the substantive details of that legislation. Let me in this time pay tribute to the distinguished chairman and the distinguished ranking minority member, the gentleman from Wisconsin (Mr. BYRNES) who for three days sat patiently before the Committee on Rules and gave us ample evidence of their complete expertise in this area. And I would hope our time this afternoon and tomorrow will not be wasted in 6 hours of debate in listening to those gentlemen and the rationale that they give you in support of this program. But I would suggest that if we really want to do something to reform this program we have to take a close look at this program, because really what it is is synergistic—I think that is the word—in its effect: That is, the sum total of this legislation, the impact that it can have on this country, is much greater than simply the sum total of the various parts.

That is precisely why the Committee on Rules gave a closed rule; not merely because of precedent, because there is ample precedent to do that, not simply because of the complexity of the legislation with which we deal, although it is complex, but because I think we ought to take the bit between our teeth and vote this bill up or down one way or another.

If we accept the premise that I do, that it can lead to real reform in this country, to the basic institutions in our country, then we ought to be proud to cast our vote for this legislation.

With respect to what my distinguished friend and colleague, the gentleman from Georgia (Mr. LANDRUM) has said, "We are going to be levying a tax, we are going to load the already overburdened taxpayer of this country still more, and tax him for those who simply will not work." Well, if I can understand the very clear and concise English with which the chairman and the ranking minority Member spoke, that is just not so; because if a man wants to qualify for this program, under this legislation he is going to be registered, he is going to be willing to work, he is going to be willing to take training, and he is going to be willing to do all of those things to qualify for a single penny, and I would submit we are not taxing——

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

Mr. ANDERSON of Illinois. Mr. Speaker, I will yield to the gentleman if I have time.

Let me suggest in the very few minutes remaining that I have that it would be utterly illusory this afternoon to assume that our job is done when we pass this legislation.

I would again salute the members of the Committee on Ways and Means for their complete candor in discussing this legislation with us when they said they could not give us any guarantee that it is going to work perfectly. I would indeed suppose that we will have to come back many times with amendments to this legislation perhaps in the light of experience and in the light of what we are able to do under this bill, and provide more training slots, make it easier for people to get the kind of training that will qualify them for the job market.

But it is a beginning. It is more than just a small beginning. It is a very large step in the direction that we want to go.

I talked to the Illinois director of public aid the other day when he was in Washington, and he said that next year in his State they are going to spend $856 million just on public aid, an increase of $186 million in 1 year alone. And he said more than half of the 18 percent increase in the public assistance rolls of Illinois, more than half of the people who were going to be added to those rolls, are going to be fathers who have deserted their families. And if there is one thing——

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, can the gentleman yield me additional time?

Mr. SMITH of California. Mr. Speaker I yield 30 additional seconds to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, if there is one thing that impresses me about this bill it is the fact that the basic thrust is to try to hold that family together, to keep the father from deserting his wife and children, and to preserve the very basic unit of American society.

For that reason alone—for that reason alone I think we will make history, and the right kind of history, if we adopt this legislation today.

I strongly feel that the administration's plan is the only sound and viable alternative to the colossal welfare mess which now exists. I do not think there is anyone in this Chamber who would defend the existing welfare system; there is general agreement among people of all po-

litical and ideological persuasions that it has been an enormous failure and that it is in drastic need of a complete overhaul.

The merit of a welfare system can be determined by the extent to which it helps those who are unable to help themselves and promotes eventual self-reliance and independence among those who are able to help themselves. Existing welfare schemes have failed the recipient on both counts: they have failed to adequately meet the needs of the permanently dependent and have also failed to elevate the potentially independent. In the decade of the sixties welfare costs doubled and the welfare rolls have swollen from 5.8 million to 10 million people. If nothing is done to change the present aid to dependent children program—AFDC—it is estimated that by 1975 its total cost will soar from today's $4.3 billion to $12 billion, and the poor will be just as entrenched and dependent as ever before, only in greater numbers. This can hardly be termed genuine and effective welfare; it is institutionalized poverty. President Nixon described this monumental mess best in his August 11, 1969, welfare message:

> The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all-too-often making it more attractive to go on welfare than to go to work.

The bill before us today provides for a comprehensive reform of the welfare system and goes to the very heart of the glaring deficiencies and failures of present programs. President Nixon has characterized the family assistance plan as, "a new approach that will make it more attractive to go to work than to go on welfare, and will establish a nationwide minimum payment to dependent families with children." Again, to quote the President:

> This would be total welfare reform—the transformation of a system frozen in failure and frustration into a system that would work and would encourage people to work.

Let me explain briefly how the family assistance plan would work and how it would encourage people to work. The family assistance plan would replace AFDC programs and would establish a basic income for all parents who cannot adequately support their families. For example, the Federal payment to a family of four with no more than $720 annual income would be $1,600. FAP payments would be uniform throughout the Nation and thus eliminate the gross disparities and inequities which exist in different States under present programs. As a family's income increases, it would continue to receive Federal income supplements in reduced amounts until the family has climbed above the poverty line. For example, that same family of four with an annual income of $2,000 would receive a supplementary payment of $960.

Another provision in FAP would require States having AFDC payment levels—as of January, 1970—which are higher than family assistance levels to supplement the family assistance level up to that level or the poverty level, whichever is lower, in order to continue eligibility under medicaid and other welfare programs. Federal matching funds for the State supplement would be available at a rate of 30 percent, except for the working poor. The State would not be required to supplement payments to the working poor.

For example, in my own State of Illinois, current AFDC payments to a family of four—one parent and three children—are $3,228. Under the FAP formula, a family of four with $2,000 annual income would receive a $960 Federal supplement and a $1,415 State supplement provided that the family is classified as nonworking poor, that is, a family in which no member worked over 30 hours a week. The total supplemented income of that family would be $4,375 per year.

So, to those who claim that the $1,600 Federal floor is too low a minimum benefit, I would like to point out that welfare recipients in 42 of our 50 States will also be receiving these State supplementary payments; and, in addition, families will also be eligible for Federal food stamps. So, our family of four having no income would not only receive a $1,600 annual Federal payment, and in most cases a State supplement, but $864 per year in food stamps as well.

Now let me move on to what I consider to be the real heart of this welfare reform proposal, the work requirements and the work incentives. As I pointed out previously, under the present welfare system, there is little or no incentive for a welfare family to become a workfare family. In my own State of Illinois a survey has demonstrated that while a large percentage of the mothers on welfare would like to work and would much prefer to work, they are disinclined to do so because they are getting a much better deal financially on welfare than they would in taking a job and thereby forfeiting welfare benefits.

The family assistance plan contains a requirement to register for work and strong incentives to accept training and employment. If a person fails to register for work, he will not receive the benefits; and if he refuses a suitable job or training, his benefits will be canceled. Only carefully defined groups would be exempted from the registration requirement. I know that some critics of FAP claim that the work incentive approach will not work and they cite the WIN program as an example. I think it is important at this point to say why certain WIN programs were less than successful, and to show how the FAP approach will avoid these pitfalls. Under the WIN program, a great deal of discretionary power was put in the hands of State social workers to define who was appropriate for referral to manpower training programs and employment. In the words of Jerome M. Rosow, the Assistant Secretary of Labor for policy:

> Many state welfare agencies circumvented the intent of the law by refusing to refer clients to the manpower program, or referred such small numbers as to seriously hamper training efforts to reduce the welfare rolls.

Because of the wide latitude in discretionary powers left to State welfare agencies, we find great disparities in the percentage of AFDC adults deemed appropriate for referral from State to State. In our two largest States, for example, New York and California, this point is borne out. In New York, where there were 703,000 potentially eligible people on AFDC, only 6.9 percent were deemed appropriate for referral. In California, on the other hand, where there were 200,000 potentially eligible people on AFDC, 35.8 percent were deemed appropriate for referral. And looking at one of our smaller States, Nebraska, where there were 52 potentially eligible people on AFDC, 100 percent were deemed appropriate for referral to manpower training.

The family assistance plan would strengthen the work requirement now in effect under WIN by completely eliminating these wide discretionary powers of referral. Instead, a new Federal agency would determine who is to register, and the guidelines on exemption would be explicit rather than discretionary and would be strictly enforced. Once a person has registered with the Employment Service, an individual employability plan would be worked out specifying what steps are necessary to insure permanent attachment to the labor force. And a team of specialists would be responsible for the follow-through on that plan. Job placement would be followed by the necessary coaching designed to prevent a high rate of job dropouts.

As I mentioned earlier, the family assistance plan couples work requirements with work incentives. The strongest work incentives, of course, are the natural market benefits which accrue to a wage earner. But there are other incentives built into the plan. These include the following:

First, there would be no reduction in benefits for the first $720 in earnings. This is double the present earning disregards.

Second, States would be required under Federal law to disregard earnings in computing benefits. The present system operating in 23 States for unemployed fathers still taxes 100 percent of income. Under FAP the incentive to work would not be choked off by this procedure since fathers would receive the same treatment on retention of earnings as mothers now on welfare.

Third, two new factors would increase the incentive to enter training programs. First, the amount of extra training bonus has been raised; and secondly, the manpower agency would reimburse trainees for the cost of attending training programs, such as transportation, clothes, and supplies.

Fourth, the family assistance plan provides for child care which will make

training and employment possible for a large number of mothers. An additional 450,000 child care opportunities would be available in the first year.

And finally, the family assistance plan provides for additional training slots for welfare recipients—an additional 250,000 slots in the first year.

Let me turn now to a controversial feature of the family assistance plan, the inclusion of the working poor. I realize that there are some who object to this on the grounds that we would be adding another 10 million people to the welfare rolls. And yet, it is my firm conviction that the inclusion of the working poor is the real key to the success of FAP. Let me quote from a question answer sheet issued jointly by the Departments of Labor and Health, Education, and Welfare:

> By providing help for the first time to fathers who work full time but for poverty wages, we reverse the present policy of penalizing work and rewarding non-work. No longer will a man have to quit his job or leave his family in order for his family to receive assistance. Rather, we offer a boost to the man who is already trying to climb toward ultimate independence and self-reliance.

Mr. Speaker, earlier I pointed out that one of the two criteria of an effective and successful welfare program is the extent to which we help those who are able to help themselves climb out of poverty. By assisting the working poor we would be rewarding rather than penalizing work and providing a ladder to enable the working poor to climb out of poverty.

I totally reject the argument that including the working poor under family assistance will create a new and permanent breed of welfare recipient. To quote again from Jerome M. Rosow:

> One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line every year. Upgrading efforts on the part of the manpower agency will increase this movement to self-sufficiency.

Finally, in connection with the workfare approach, let me address myself to what some critics call the myth of employability among the welfare population. These critics contend that very few welfare recipients are either capable or willing to take employment. Allow me to explode that myth by citing a recent study done by the Department of Labor in collaboration with the Urban Institute. That study concludes that, of those adults who would be covered by the Family Assistance Plan, 3.2 million or 47 percent of the adults covered could be made employable. The study goes on to point out that of the 1.4 million male family heads classified as employable, only an estimated 30,000 have done no work at all during a 12-month period. And even among the female family heads, some 60 percent have work experience during part of the year. In the words of Jerome Rosow:

> The employment goals of the Family Assistance Plan are neither unreasonable or unobtainable.

To make these work goals a complete success, it is obvious that we must rely heavily on the private sector to play its part. There is already substantial evidence that the private sector is willing and able to play such a social role. The JOBS program of the National Alliance of Businessmen is one such example of the way in which business and government can work together to satisfy manpower needs. We will soon be considering the administration's Comprehensive Manpower Training Act which is aimed at consolidating and improving Federal training programs and eventually turning them over to States and localities. I am proud to be a cosponsor of the Comprehensive Headstart Child Development Act of 1970 which would further expand child care opportunities which are so important to the working mother. All these programs and services will certainly complement what we are trying to accomplish under the family assistance plan which is a transition and transformation from welfare to workfare.

Mr. Speaker, I submit that if we do not come to grips with this problem now by adopting this comprehensive reform of our welfare system, the next time around we may be so helplessly and hopelessly bogged down in this welfare mire that we will be unable to take even one step in the direction of reform, and we will be guilty of assigning millions of Americans to a permanent state of poverty and dependency.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, let me say that I am opposed to a closed rule on this bill. I voted against a closed rule in the Committee on Rules and there were several other members on our committee who voted likewise, and for a modified open rule. I favor a modified open rule. I think it is pretty well known that the very able chairman of our committee favored a modified rule so that the gentleman from Georgia (Mr. LANDRUM) might have had the opportunity to submit his bill as a substitute. I do not think Members of this House should be precluded from amending such an important piece of legislation. They would have no opportunity to do so under a closed rule and would have only one vote—for or against the bill as reported by the Ways and Means Committee.

By voting for a modified open rule, we would not be opening up the complete Social Security Act for amendment as has been suggested.

I happen to believe that Members of this House should have the same opportunity to amend this bill as Members of the Senate will have when the matter is considered on the Senate floor. They will not be debating this bill under a closed rule and we should not be doing so in the House.

Mr. Speaker, there is a way left which will give us an opportunity to amend it on the floor. Vote down the previous question and then the issue will be opened up giving us an opportunity to amend this bill. I would urge that this be done.

Let me say, we have heard a lot on our side of the aisle that this is an administrative bill. Let me say, I do not take a back seat to anyone in my support of the President of the United States. I am one of those who supported him long before Miami, and I will support him long after this bill passes.

Let me say, this guaranteed income idea was not conceived in this administration. It has been kicked around by the ADA for many years. The only real difference being that they want to start at a much higher figure.

Back in 1966, if you please, a Presidential commission under President Johnson recommended a $3,000 guaranteed annual income. It got exactly nowhere.

So what do we have here today? We have a guaranteed annual income being presented to us under a different name—the family assistance plan. You are going to have to register for work and for training. This is a joke when one reads the section dealing with employment and then looks at the past record on retraining.

It was pointed out before the Committee on Rules, that it had only 81,000 in training or retraining last year—a mere drop in the ocean of need, if you please.

Let us not kid ourselves. Let us not kid the American people that Government is going to train or retrain the millions of people who will come under this program. Also, let us not kid ourselves or the American people that you are going to get these people all working under the terms of this bill because you have seven—mark this—seven escape hatches on page 21 and page 22.

If you will turn with me to page 21, let me read them to you. They do not have to go to work unless it is suitable employment. Look for a minute at this matter of suitability, on line 21 of page 21:

> In determining whether any employment is suitable for an individual for purposes of subsection (a) and part C, the Secretary of Labor shall consider—
>
> (1) The degree of risk to such individual's health and safety.
>
> (2) His physical fitness for the work.
>
> (3) His prior training and experience.
>
> (4) His prior earnings.
>
> (5) The length of his unemployment.
>
> (6) His realistic prospects for obtaining work based on his potential and the availability of training opportunities.
>
> (7) The distance of the available work from his residence.

If that is not enough—let us look at subsection (2), if you please, which says:

> In no event shall any employment be considered suitable for an individual—
>
> "(A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;
>
> "(B) if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law or are substantially less favorable to the individual than those prevailing for similar work in the locality; or

"(C) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

And I stress "company union"—it says nothing about joining an international union. Why require a person to join an international union as a matter of law? What about our right-to-work States, if you please? What does this language do to those States? Why, if a man in a bona fide way is referred for work in a plant having an international union and says, "I haven't ever joined a union. It is against my conscience," should he be precluded from benefits by such language?

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. LATTA. I appreciate my friends yielding me this time.

Let me say there are many provisions in this bill which will require more than 6 hours debate time to explain. We have heard about the goodies in this bill for the benefit of those not working. We have not heard anything about the burdens the taxpayers of this Nation—the little people the gentleman from Georgia talked about—are going to have to carry to pay the cost of such a program. We have not heard—nor will we hear at present—anything about the taxes which will have to be collected to support the 15 million additional people this bill will put on welfare.

We have a lot of proud people, hard-working people, in the Fifth Congressional District of Ohio who will never—never ask for a dime under this bill, but are earning less than $6,000 a year, with the requisite number of children placing them in the poverty classification under this bill. Nevertheless, these individuals will have to dig deeper into their pockets to pay this bill.

In conclusion, let me say that as I listened to the testimony before the Rules Committee and heard all about the goodies in this bill and what the Government ought to do I could not help but be reminded of a statement by the late President John F. Kennedy:

Ask not what your country can do for you, but what you can do for your country.

I fear not only what this bill could do to the country but what it could do to the incentive of a great many people to better their economic status in life on their own initiative and through their own labors.

Mr. SMITH of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. DENNIS) the remainder of my time.

Mr. SISK. Mr. Speaker, I yield the gentleman 1 additional minute.

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

Mr. Speaker, I rise in opposition to the rule. I do it reluctantly, but I do it because I believe with the poet that "to sit in silence when you should protest makes cowards out of men," and this is such an occasion. We are being asked here today, Mr. Speaker, to adopt one of the most far-reaching measures we have ever been asked to adopt in this House. It is a measure which provides a direct subsidy out of the Federal Treasury for every poor family in the Nation. It is a measure which extends Federal relief for the first time to the working poor. It is a measure which abolishes and abandons the philosophy of welfare as an emergency relief, and enshrines it as a fundamental American right.

It is a measure which starts welfare reform by doubling the welfare rolls, and it is a measure which, to a large extent, if not completely, adopts the principle of the guaranteed annual income.

Now, I am not prepared to adopt a measure as sweeping as this without a lot more public consideration and debate than it has yet had, and I am not prepared to do it without a fair opportunity to debate it and amend it in this body. We are being asked to adopt a measure of this sweeping and fundamental character under a closed rule, with no possibility of being usefully heard or of changing a single thing on the floor. In my short time here I have conceived a great affection for this body and its Members and its procedures; but I tell you, we like to say we are the greatest deliberative body in the world, but when we come to consider a measure of this kind without any meaningful deliberation and without any opportunity to engage in debate which will lead to any significant action, we do not deserve the name of a deliberative body. To treat us like this is to denigrate the office of U.S. Representative. The procedure offends me.

It makes a rubberstamp out of Representatives. What are we here for if we cannot usefully debate a measure of this magnitude and consider it on its merits, but just have to take it as it is and vote it up or down?

I submit to the Members, in all good humor, that to take up a measure of this character and of this importance under a closed rule is practically to treat the Members of this honorable body as the idiot children of the whole political process. I do not think we ought to do it. I think we ought to debate this here with some chance to take some action if we want to.

Maybe—maybe if we did that, somebody could persuade me that this measure was entitled to my support. They cannot do it under this procedure. I intend to vote no. I hope Members will vote down the rule.

Mr. SCHADEBERG. Mr. Speaker, I am totally opposed to a closed rule on H.R. 16311, the Family Assistance Act of 1970. It is my firm opinion that any legislation as far reaching as this bill is, if passed or rejected, must reflect the will of the majority of the Members of the House and not merely the majority of one of its constituted committees.

Unless the House of Representatives is given the opportunity to clarify certain language in the bill; unless we can be assured that there are no other alternatives to correcting the overwhelming inconsistencies and failures of the present welfare system than this massive program which would add 15 million Americans to the present welfare load; and unless we have the opportunity to make constructive amendments that could prevent this Nation from galloping down the road to a guaranteed annual income, I cannot either in conscience, or in the best interests of my hard working, tax paying constituents, vote for the final passage of the legislation.

Mr. Speaker, I was a cosponsor of the original family assistance legislation. On two separate occasions I requested the assistance of my entire constituency in corresponding with me on the matter of welfare reform. I received several hundred informative letters. I made special efforts to meet with groups and organizations, both private and government, in order to give them the opportunity to make recommendations which would strengthen the bill and work out problem areas in welfare programs.

I corresponded and met with members of the Wisconsin Legislature in order to find out how various proposals would affect the State's programs and the State's financial obligations. I have been looking forward to the opportunity when I, as a Member of the House of Representatives, could represent these views in open debate on welfare reform legislation.

The closed rule on the Family Assistance Act of 1970 will preclude me from adequately representing the many people I have contacted, whose expressions have been made on the assumption that they could be brought to the House to be incorporated into Federal legislation. Instead of an open rule, under which I, and other Members of the House not on the Ways and Means Committee, could express the will of the people of the Nation, who will be required to pay for and comply with welfare reform proposals, the closed rule insures that the will of a majority of a committee must either be accepted or rejected.

Mr. Speaker, I cannot see the wisdom or the justice in denying the entire membership of the House of Representatives the privilege of improving this bill. When this legislation comes before the other body of Congress, its Members will be permitted to work their will. This will leave us with only two alternatives when the conference report comes before us for consideration: First, to accept the Senate version of a bill we in the House were not permitted to improve; and second, to vote against any possible improvement of a welfare system we all know is in need of correction.

If the House accepts a closed rule, I will be forced to vote against the passage of the bill. My constituents, who have expressed overwhelming support for responsible welfare reform, have in the past received my assurances that I would work for reform. I regret to say that the irresponsibility of a closed rule precludes me from doing just that. The entire membership of the House of Representatives will have been denied the constitutional obligation of contributing our will and that of the people who have elected us to legislate in the most responsible manner possible.

Mr. CLEVELAND. Mr. Speaker, I intend to vote against the rule under which the House will consider H.R. 16311. My principle reason for this is because the rule is a closed rule, and no amendments whatsoever can be offered from the floor.

Those of us who are on record as opposed to proposals for a guaranteed an-

nual income will not be afforded any opportunity to consider and debate amendments which would remove provisions which essentially enact guaranteed income provisions in this bill.

For a long time, Mr. Speaker, I have concerned myself with congressional reform. It is regrettable that this body, which we sometimes refer to as the greatest deliberative body in the world, has been so reluctant to bring its procedures up to date. It seems to me that this is a good example as to why our procedures are in serious need of reform.

This legislative proposal has been heralded as a welfare reform measure. It seems incongruous that legislation thus heralded would be considered by the House under a closed rule which makes it impossible to offer amendments, to consider amendments, to debate amendments, or to vote on amendments. It is true that welfare needs reform. It is even more true that the House needs reform.

Mr. RANDALL. Mr. Speaker, I intend to oppose the adoption of the resolution which would provide a closed rule with 6 hours of debate to consider the Family Assistance Act of 1970.

In nearly every instance I support the rule which sets the time and terms of debate for bills to be considered on the floor of the House. The reason is, I believe every Member should have the opportunity for open and adequate debate. However, it should be clearly recalled nearly all of the rules or resolutions which are presented for our approval or rejection by the Committee on Rules are what we call open rules under which the opportunity exists to offer multiple amendments which in many instances make good legislation after amendment out of poor or bad legislation as we first receive it on the floor of the House.

A closed rule such as we are asked to accept today denies Members an opportunity to offer amendments. Even to refer to such a rule as closed is too respectful and is being overgenerous. Such a rule should be labeled according to its true description and referred to as a gag rule. Because that is exactly what it is. Unfortunately, it seems that we Members of the House have visited against us these kind of gag rules only at the request of the Committee on Ways and Means.

For some reasons the members of this distinguished committee invariably insist upon the procedure of a closed rule. Now, I have great confidence in the Committee on Ways and Means but I know of no reason that the other Members of this body must accept in total or reject in total the legislative judgment of the 25 members that make up that committee. I know I speak like many Members of this House who regularly vote against a closed rule as an expression that they do not intend to abdicate to the members of the Committee on Ways and Means our responsibility to legislate for the people of the congressional district which each of us represent.

Is it necessary to recall that should the Family Assistance Act pass the House, which I sincerely hope does not happen, and the bill goes to the other body of the Congress, Members of that body will have carte blanche to make any changes to the amending process which the persuasion of the Member offering the amendment can accomplish.

Who on our side of the Congress can fail to recall the monstrosities the other body have sent back to us as a result of floor amendments from the north side of the Capitol on tax legislation on which we in the House were gagged, muzzled, and muted in the matter of amendments?

Oh, I suppose there could be some slight justification argued in behalf of a closed rule in purely tax matters, particularly those which are intended to raise revenue but that is not the case in this instance. This is a welfare bill and has entirely to do with the expenditure of revenue. There is no reason for a closed rule. Those who support such a gag rule in effect are voting to limit to 6 percent of the total membership of this House, which is the percentage of the membership on the Committee on Ways and Means bears to the total membership, the rights and responsibilities to legislate on a matter that will affect in one way or another all the people we represent.

Mr. ASHBROOK. Mr. Speaker, how appropriate that on the day when millions of Americans are paying their income taxes, we are being asked to consider enactment of a costly welfare program that virtually precludes any relief for them in the foreseeable future. To pay for the benefits proposed in the Family Assistance Act the surtax will have to be extended or some other special tax enacted. The coincidence is ironic indeed.

We are being asked today to consider approving a revolutionary welfare and income maintenance plan which proposes to build a multibillion-dollar superstructure on a shaky foundation that cannot be expected to withstand the inevitable pressures that will assail it from every side.

The Family Assistance Act of 1970 is underpinned in large measure by the following four weak and unproven premises: First, that the welfare mess would be improved by federalizing it and setting a national income floor; second, that the administration's plan will provide a financial incentive to encourage welfare recipients to work; third, that there is a strong work requirement which will be enforced; and, fourth, that although the costs of welfare will be much higher in the beginning of the program the plan will cost less later, that is, we will add 11 or 12 million more to the welfare rolls now and they will work themselves off.

CAN THE FEDERAL GOVERNMENT DO IT BETTER?

The assumption that the Federal Government can do a better job than the States in bringing order to our chaotic welfare system is completely unconvincing. In fact, experience with program after program emanating from Washington shows that the desk-bound bureaucrats here have a very myopic view indeed of local needs and desires.

Massive Federal aid to education programs encumbered by Health, Education, and Welfare dictation in the form of "guidelines" have not improved our school system nor given the promised help to disadvantaged children. Instead, as the Federal largesse increases, so does the redtape and inefficiency.

More important, HEW has shown an inclination in the past to thwart the expressed will of Congress. For example, the intent of Congress to prohibit busing and the setting of racial quotas for employment and in fraternity and sorority membership was spelled out in the Civil Rights Act of 1964. Nevertheless, despite assurances that none of these would occur and the language in the legislation, the bureaucrats flouted the law of the land enacted by the people's representatives. The busing situation and the imposition of the Philadelphia Plan are but two examples of how the bureaucrats rewrite our clear intentions to fit their social pipedreams.

Proponents of federalizing welfare point to the variations in State welfare payments as an inequity needing correction. These variations, however, generally reflect the prevailing income and living standards in each State. Differences, therefore, in welfare payments for dependent children in different areas of the country do not necessarily involve unequal support. Rather, a uniform minimum national income would create more serious problems than any it might solve. A standard high enough for greater New York City would be excessive in the rural South, and one that is low enough for the South would not meet basic needs in New York.

Moreover, the really acute expansion of welfare rolls has been in the main limited to California and New York, in which 36.1 percent of total welfare recipients live. Would it not make more sense to initially direct reform at the two States which account for more than one-third of the total national welfare load? New York, which in many ways represents a microcosm of the Nation, has for many years provided assistance to the working poor under a general assistance program. The New York system is similar to administration's proposal. What have we learned from the New York experience? The city's caseload rose by 160 percent between 1961 and 1967, and the number of father desertions increased by 335 percent. I have seen no data to indicate that what has happened in New York cannot be prevented from happening all over the country if the family assistance plan is implemented.

State responsibility is traditional to the American federal system and is the best way to insure that welfare provisions reflect local needs and concerns. As I pointed out in my remarks of March 4, it is strange indeed that a Republican President would propose a costly Federal takeover of what has historically been a State and private responsibility.

Moreover, the shift to a federally determined and federally financed income floor lays a red carpet at the feet of the welfare activists and expansionists as they seek to influence the President and Congress. Obviously, they can realize their goals much easier this way than

by attempting to influence 50 different Governors and State legislatures.

I do not believe any reasons that can withstand careful scrutiny have been advanced to support the proposed federalization of welfare. This legislation provides that a new agency would be established in the Department of Health, Education, and Welfare to administer the family assistance plan. Sprawling HEW already has enough far-flung programs under its aegis; it hardly needs another agency at a time when proposals are being made to separate its disparate functions into two departments.

Furthermore, it is pertinent to note in the Ways and Means Committee Report on page 31 after a discussion of some of the problems engendered by lack of cooperation among State agencies in implementing the WIN program, the following language:

Moreover, the problem of competing bureaucracies has not been restricted to the State level. Secretary of Labor Shultz stated in his testimony before the committee:

Unfortunately, our two Departments [Labor and HEW] have not always worked together as smoothly as they should. The study made by the Legislative Reference Service of the enactment of WIN establishes this fact. There have been gaps in communication, and a history of competition for running the work training program.

The Committee strongly supports Secretary Shultz's position that Health, Education, and Welfare and Labor should work with the maximum of coordination in the administration of family assistance. *This is essesntial to the effective operation of the proposed program.* [Emphasis supplied]

So we find that effective operation of the plan is premised merely on the hope that there will be inter-agency cooperation despite a history of friction. The two Federal Departments charged with the responsibility of administering the new welfare programs have not worked well together in the past but somehow they will work together well in the future.

WILL IT PAY TO WORK?

When the President first unveiled his plan—perhaps more accurately the product of Patrick Moynihan and other liberal advisers—he said:

I propose a new approach that will make it more attractive to go to work than to go on welfare.

I assumed, perhaps naively, that the architects of this proposal had at least performed some basic arithmetic calculations before selling this plan to the President and the Ways and Means Committee as the cure-all for the alarming expansion of welfare rolls. It seems, unfortunately, I may have given credit where was none was due.

The "new approach" is little more than a rehash of the notably unsuccessful work incentive—WIN—program, and the comparison tables for Ohio, I include with my remarks below clearly show that the family assistance program will make it more attractive to remain on welfare rather to go to work in most cases.

The figures in the two tables which follow tell the story better than words. We have compared the net benefits which families of four, five, six, and seven would receive in Ohio where no member of the family is working with the net benefits of similar families with wage earners at increasingly higher levels of income, from $50 to $110 per week.

Table A is based on medicaid benefits for welfare families calculated to be worth $710. This figure was furnished by the Department of Health, Education, and Welfare and obviously represents a potential benefit based on circumstances and not a cash benefit in all cases. We have figured work expenses at $720, which is the national standard set by the Family Assistance Act and also the upper limit of what it costs to work in Ohio, taking into account transportation, lunches, social security, and other taxes, and so forth. This figure was also furnished by HEW.

These data show that a welfare family of four could receive in net benefits $3,722. On the other hand, a family of the same size with a wage earner making $80 each week or $4,160 per year would, after deducting work expenses, be left with $3,440, or $282 less than the welfare family. This is so because the working poor families are not eligible for medicaid and no State supplementation of their incomes is required. Furthermore, at this level of earnings, this family is not eligible for food stamps in Ohio.

I did not pull these figures out of the air. They were obtained from HEW, the Department of Agriculture, and the Ways and Means Committee. I would point out, however, that they have been revised several times by those who supplied them, which indicates the difficulty in obtaining reliable data. Assuming, therefore, that we have finally obtained reliable data, can anyone question that welfare, at least in the case cited, is more attractive than work? Rather than encouraging work, this inequity would provide a strong disincentive to go to work, or put otherwise, a strong incentive to remain on welfare.

Table A, which compares net benefits of welfare families with those with a wage earner making from $50 to $110 a week follows:

TABLE A.—COMPARISON OF NET BENEFITS IN OHIO UNDER H.R. 16311,[1] FAMILY ASSISTANCE ACT OF 1970

| Family size | Benefits | Welfare family | Working poor family (earnings) | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | None | $2,600 | $3,120 | $3,640 | $4,160 | $4,680 | $5,200 | $5,720 |
| 4 | FAP | 1,600 | 1,600 | 660 | 400 | 140 | | | | |
| | Food stamps | 696 | 864 | 412 | 364 | 316 | | | | |
| | State supplement[2] | 716 | | | | | | | | |
| | Medicaid[3] | 710 | | | | | | | | |
| | Less work expenses[4] | | | −720 | −720 | −720 | −720 | −720 | −720 | −720 |
| | Total | 3,722 | 2,464 | 2,952 | 3,164 | 3,376 | 3,440 | 3,960 | 4,480 | 5,000 |
| | Differential | | −1,258 | −770 | −558 | −346 | −282 | +238 | +758 | +1,278 |
| 5 | FAP | 1,900 | 1,900 | 960 | 700 | 440 | 180 | | | |
| | Food stamps | 768 | 1,008 | 504 | 504 | 456 | 408 | | | |
| | State supplement[2] | 704 | | | | | | | | |
| | Medicaid[3] | 710 | | | | | | | | |
| | Less work expenses[4] | | | −720 | −720 | −720 | −720 | −720 | −720 | −720 |
| | Total | 4,082 | 2,908 | 3,344 | 3,604 | 3,816 | 4,028 | 3,960 | 4,480 | 5,000 |
| | Differential | | −1,174 | −738 | −478 | −266 | −54 | −122 | +398 | −918 |
| 6 | FAP | 2,000 | 2,200 | 1,260 | 1,000 | 740 | 480 | 220 | | |
| | Food stamps | 888 | 1,104 | 672 | 624 | 576 | 576 | 532 | | |
| | State supplement[2] | 704 | | | | | | | | |
| | Medicaid[3] | 710 | | | | | | | | |
| | Less work expenses[4] | | | −720 | −720 | −720 | −720 | −720 | −720 | −720 |
| | Total | 4,502 | 3,304 | 3,812 | 4,024 | 4,236 | 4,496 | 4,712 | 4,480 | 5,000 |
| | Differential | | −1,198 | −690 | −478 | −266 | −6 | +210 | −22 | +498 |
| 7 | FAP | 2,500 | 2,500 | 1,560 | 1,300 | 1,040 | 780 | 520 | 10 | |
| | Food stamps | 936 | 1,224 | 744 | 696 | 648 | 600 | 604 | 604 | |
| | State supplement[2] | 752 | | | | | | | | |
| | Medicaid[3] | 710 | | | | | | | | |
| | Less work expenses[4] | | | −720 | −720 | −720 | −720 | −720 | −720 | −720 |
| | Total | 4,898 | 3,724 | 4,184 | 4,396 | 4,608 | 4,820 | 5,084 | 5,094 | 5,000 |
| | Differential | | −1,174 | −714 | −502 | −290 | −78 | +186 | +196 | +102 |

[1] Source of data: Department of Health, Education, and Welfare, Department of Agriculture.
[2] No State supplement for working poor in Ohio under present law or requirement under H.R. 16311.
[3] No medicaid for working poor in Ohio under present law or requirement under H.R. 16311.
[4] Expenses attributable to work including taxes.

Table B is based on a more modest calculation for medicaid benefits—$400 per year—and work expenses of $600. This figure is midway between the stated range of work-related expenses in Ohio, which run between a low of $480 to a high of $720. In this table, therefore, we endeavor to give the benefit of the doubt to those who claim it will be more profitable to work.

Again taking the same two mythical families of four—one family subsisting on welfare, the other with a wage earner grossing $4,160 each year, we can still find no strong financial incentive to work. The working-poor family will net $148 more annually than the idle family. Can it realistically be supposed that many individuals would be encouraged to work 40 hours a week for a net gain of 7 cents per hour?

Again, I believe the figures speak for themselves and I insert table B:

TABLE B—COMPARISON OF NET BENEFITS IN OHIO UNDER H.R. 16311 [1] FAMILY ASSISTANCE ACT OF 1970

| Family size | Benefits | Welfare family | Working poor family (earnings) | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | None | $2,600 | $3,120 | $3,640 | $4,160 | $4,680 | $5,200 | $5,720 |
| 4 | FAP | 1,600 | 1,600 | 660 | 400 | 140 | | | | |
| | Food Stamps | 696 | 864 | 412 | 364 | 316 | | | | |
| | State Supplement [2] | 716 | | | | | | | | |
| | Medicaid [3] | 400 | | | | | | | | |
| | Less Work Expenses [4] | | | −600 | −600 | −600 | −600 | −600 | −600 | −600 |
| | Total | 3,412 | 2,464 | 3,072 | 3,284 | 3,496 | 3,560 | 4,080 | 4,600 | 5,120 |
| | Differential | | −948 | −340 | −128 | +84 | +148 | +668 | +1,188 | +1,708 |
| 5 | FAP | 1,900 | 1,900 | 960 | 700 | 440 | 180 | | | |
| | Food stamps | 768 | 1,008 | 504 | 504 | 456 | 408 | | | |
| | State supplement [2] | 704 | | | | | | | | |
| | Medicaid [3] | 400 | | | | | | | | |
| | Less work expenses [4] | | | −600 | −600 | −600 | −600 | −600 | −600 | −600 |
| | Total | 3,772 | 2,908 | 3,464 | 3,724 | 3,936 | 4,148 | 4,080 | 4,600 | 5,120 |
| | Differential | | −864 | −308 | −48 | +164 | +376 | +308 | +828 | +1,348 |
| 6 | FAP | 2,200 | 2,200 | 1,260 | 1,000 | 740 | 480 | 220 | | |
| | Food stamps | 888 | 1,104 | 672 | 624 | 576 | 576 | 532 | | |
| | State supplement [2] | 704 | | | | | | | | |
| | Medicaid [3] | 400 | | | | | | | | |
| | Less work expenses [4] | | | −600 | −600 | −600 | −600 | −600 | −600 | −600 |
| | Total | 4,192 | 3,304 | 3,932 | 4,144 | 4,356 | 4,616 | 4,382 | 4,600 | 5,120 |
| | Differential | | −888 | −260 | −48 | +164 | +424 | +640 | +408 | +1,928 |
| 7 | FAP | 2,500 | 2,500 | 1,560 | 1,300 | 1,040 | 780 | 520 | 10 | |
| | Food stamps | 936 | 1,224 | 744 | 696 | 648 | 600 | 604 | 604 | |
| | State supplement [2] | 752 | | | | | | | | |
| | Medicaid [3] | 400 | | | | | | | | |
| | Less work expenses [4] | | | −600 | −600 | −600 | −600 | −600 | −600 | −600 |
| | Total | 4,588 | 3,724 | 4,304 | 4,516 | 4,728 | 4,940 | 5,204 | 5,214 | 5,120 |
| | Differential | | −864 | −284 | −72 | +140 | +352 | +616 | +626 | +532 |

[1] Source of data: Department of Health, Education, and Welfare.
[2] No State supplement for working poor in Ohio under present law or requirement under H.R. 16311.
[3] No medicaid for working poor in Ohio under present law or requirement under H.R. 16311.
[4] Expenses attributable to work including taxes.

HOW DO YOU MAKE "WORKFARE" WORK?

The initial lack of widespread opposition to the President's welfare proposals can be traced in large measure to the mesmerizing effect of the work "work" on the hard-working, taxpaying Americans who were on the threshold of rebelling after years of working not only to support themselves and their families, but as well the families of those who, in many cases, chose not to work. What music to their ears. At last the chorus of more and more free handouts would be stilled and we would again be marching to our forefathers' theme: "A day's pay for a day's work."

Unfortunately, the presence of an illusory work requirement—certainly not the promised strong work requirement—has raised false hopes in the minds of the beleaguered taxpayers. There is no evidence that such a requirement would or could be administered effectively.

The committee states it has strengthened the work and training provisions "building upon the groundwork that has been laid in putting the existing work-incentive program into operation." This is a pretty flimsy foundation for the major thrust of the proposal—getting people to work—which is, according to the administration, the distinguishing feature between a guaranteed income and the proposed legislation. It is flimsy because the performance of the WIN program has failed to live up to expectations. Even the distinguished chairman of the committee has stated:

I have been greatly disappointed with the performance so far of the 1967 amendments, even though there is a requirement for training.

The WIN program has not worked in Ohio and the story is the same around the country, with some few exceptions. We are assured that six major corrections have been made in the WIN program. Yet none of these corrections are based on criticisms made in the official evaluation of the program required by the Congress for the simple reason that this report is not due until July 1, 1970.

So the "workfare" provisions in the bill are patterned after a program that has been unofficially found to be largely ineffective, a program whose efficacy has not been officially evaluated. Would it not make more sense to wait for the official report before forging ahead on an extravagant new program before all the facts are in?

Loopholes to avoid the work "requirement" abound. The work offered must be "suitable" and only refusals based on "good cause" will be acceptable. The Secretary of Labor in issuing guidelines "shall consider the degree of risk to such individual's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of his unemployment, his realistic prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of the available work from his residence."

Is it not realistic to expect that many individuals can avoid work on the basis of one of these many "outs"? HEW Secretary Robert Finch has informed me that "interpretation of the terms 'good cause' and 'suitability' will be made by employment service personnel, who are trained to make such interpretations, rather than by social workers, who are not." The subjective nature of the Labor Department guidelines will of necessity then be further broadened by interpretation by employment service personnel in offices all over the country, each with his own notion of what is "suitable" work for each registrant, what constitutes "good cause" for refusing to work, and so forth.

One further illustration of how the work requirement is held together by baling wire, a wing and a prayer. The committee report states on page 7 that—

The training and services would be similar

to those currently provided under the WIN program, including special work projects for the performance of work in the public interest through contracts with governmental agencies and nonprofit organizations.

But on page 33 we read that—

The Committee is also distressed that the special work project provision in WIN has only been implemented in a meaningful way in one State, despite the fact that the law required their implementation in *all* States. [their italics] The bill *renews* and emphasizes the special work projects and eliminates the complex financing arrangements which the Department of Labor declares has inhibited their growth. [emphasis supplied—It hasn't worked but we're going to keep on doing it.] Your committee fully expects wide implementation of special work projects [and apparently a lot of other miracles]. Your committee also believes that these projects may be of critical importance to the training and placement of welfare recipients if employment rates fall below existing levels.

Which brings to mind another loophole in the allegedly strong work requirement, for which we are prepared by the following sentence in the committee report:

The committee recognizes that in development of employability plans, there are factors over which the Secretary [of Labor] has no control, such as the condition of the labor market. With unemployment on the rise, the implications of this statement should be obvious. As George Wiley, head of the National Welfare Rights Organization, put it, "Somebody has got to be unemployed."

Also of interest is language in the Committee report stating that it is "not intended" that "these programs should provide assistance which would be supportive of firms or industries which have high rates of turnover of labor because of low wages, seasonality or other factors." Are all the registrants going to start out in the executive suite?

Even if we were to assume that the work requirement could be enforced, we should not fail to notice the reaction of the welfare militants, as expressed by their leader George Wiley:

We're going to fight against forcing people to work in order to get welfare. We're prepared to beat it in the streets. We're prepared to refuse to take the jobs that are given to us.

PAY MORE NOW, LESS LATER?

The estimated cost of the H.R. 16311 for fiscal year 1972 above current expenditures is based on what it would have cost the Federal Government to operate the program in calendar year 1968. We are advised that HEW was not able to furnish cost information for fiscal year 1972.

The Vice President has said the plan will have "startup" costs, which will be an investment of tax dollars to have money later as the plan begins to work. Those of us who are convinced the plan will not work are more interested in "endup" costs which no one, even with the aid of computers, would hazard a guess at. All we really have to go on is our experience with the reliability of estimates of the cost of previously enacted Federal programs. It would be difficult indeed to find a program, weapons systems or what have you that did not exceed the estimates given to the Congress. Particularly here, where data has been so difficult to obtain, does a huge margin for error and underestimation exist.

Beneficiaries of the program will not readily give up the Federal and State cash benefits, as well as benefits in the form of food stamps and medicaid. To our way of thinking it may be demoralizing to remain forever on the Federal dole, but there is no doubt that such status can become habit forming to some. The vision of millions working themselves off the welfare rolls and onto payrolls is exactly that—a vision. Anyone who would expect the costs of the program to decrease in the coming years is idealistic and not realistic.

Even if failure of the program became apparent and the costs staggering, as I predict they will, we will all undoubtedly be saddled with paying for it as long as we live.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members desiring to speak on the rule may have the opportunity to extend their remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SISK. Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. 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 205, nays 183, not voting 42, as follows:

[Roll No. 77]

YEAS—205

| | | |
|---|---|---|
| Adams | Burton, Calif. | Eckhardt |
| Addabbo | Bush | Edwards, Calif. |
| Albert | Byrne, Pa. | Eilberg |
| Anderson, Calif. | Byrnes, Wis. | Erlenborn |
| Anderson, Ill. | Carey | Esch |
| Andrews, N. Dak. | Carter | Fallon |
| Annunzio | Cederberg | Farbstein |
| Arends | Celler | Fascell |
| Ashley | Chamberlain | Findley |
| Aspinall | Chisholm | Fish |
| Ayres | Clay | Flood |
| Barrett | Cohelan | Foley |
| Beall, Md. | Collier | Ford, Gerald R. |
| Betts | Conable | Fraser |
| Biester | Conte | Frelinghuysen |
| Bingham | Conyers | Friedel |
| Blatnik | Corbett | Fulton, Tenn. |
| Boggs | Corman | Gallagher |
| Boland | Coughlin | Garmatz |
| Bolling | Cowger | Gaydos |
| Bow | Culver | Giaimo |
| Brasco | Cunningham | Gibbons |
| Broomfield | Daniels, N.J. | Gilbert |
| Brown, Ohio | Davis, Wis. | Gray |
| Broyhill, Va. | Dingell | Green, Pa. |
| Buchanan | Donohue | Griffiths |
| Burke, Mass. | Dorn | Gubser |
| | Dulski | Gude |
| | Dwyer | Halpern |
| | Hammer-schmidt | Mills |
| | Hansen, Idaho | Minish |
| | Hansen, Wash. | Mink |
| | Harrington | Monagan |
| | Harsha | Morgan |
| | Harvey | Morse |
| | Hastings | Morton |
| | Hathaway | Mosher |
| | Hawkins | Moss |
| | Hechler, W. Va. | Murphy, Ill. |
| | Helstoski | Murphy, N.Y. |
| | Holifield | Natcher |
| | Hosmer | Nedzi |
| | Howard | Nix |
| | Johnson, Calif. | Obey |
| | Jones, Ala. | O'Hara |
| | Karth | O'Konski |
| | Kastenmeier | Olsen |
| | Keith | O'Neill, Mass. |
| | Kluczynski | Patten |
| | Koch | Pelly |
| | Kuykendall | Pepper |
| | Kyros | Perkins |
| | Leggett | Pettis |
| | Lloyd | Philbin |
| | McCarthy | Pirnie |
| | McClory | Podell |
| | McCulloch | Pollock |
| | McDade | Preyer, N.C. |
| | McFall | Price, Ill. |
| | Macdonald, Mass. | Pryor, Ark. |
| | Madden | Pucinski |
| | Mathias | Quie |
| | Matsunaga | Railsback |
| | Mayne | Rees |
| | Meeds | Reid, N.Y. |
| | Melcher | Reifel |
| | Meskill | Reuss |
| | Miller, Ohio | Rhodes |
| | | Robison |
| | | Rodino |
| | | Rogers, Colo. |
| | | Rooney, N.Y. |
| | | Rooney, Pa. |
| | | Rosenthal |
| | | Rostenkowski |
| | | Roybal |
| | | Ruppe |
| | | Ryan |
| | | St Germain |
| | | St. Onge |
| | | Saylor |
| | | Scheuer |
| | | Schwengel |
| | | Sebelius |
| | | Sisk |
| | | Slack |
| | | Smith, Iowa |
| | | Smith, N.Y. |
| | | Springer |
| | | Stafford |
| | | Staggers |
| | | Stanton |
| | | Steed |
| | | Steiger, Ariz. |
| | | Stokes |
| | | Thompson, N.J. |
| | | Tiernan |
| | | Udall |
| | | Van Deerlin |
| | | Vanik |
| | | Vigorito |
| | | Watts |
| | | Weicker |
| | | Whalen |
| | | Widnall |
| | | Wilson, Bob |
| | | Wilson, Charles H. |
| | | Wyatt |
| | | Yates |
| | | Zablocki |

NAYS—183

| | | |
|---|---|---|
| Abernethy | Frey | Pickle |
| Adair | Fuqua | Pike |
| Alexander | Galifianakis | Poage |
| Andrews, Ala. | Gettys | Poff |
| Ashbrook | Goldwater | Price, Tex. |
| Baring | Gonzalez | Purcell |
| Belcher | Goodling | Quillen |
| Bennett | Green, Oreg. | Randall |
| Berry | Griffin | Rarick |
| Bevill | Gross | Reid, Ill. |
| Biaggi | Grover | Rivers |
| Blackburn | Hagan | Roberts |
| Blanton | Haley | Roe |
| Brademas | Hall | Rogers, Fla. |
| Bray | Hamilton | Roth |
| Brinkley | Hanley | Roudebush |
| Brock | Hays | Ruth |
| Brooks | Hébert | Sandman |
| Brotzman | Henderson | Satterfield |
| Brown, Mich. | Hicks | Schadeberg |
| Broyhill, N.C. | Hogan | Scherle |
| Burke, Fla. | Horton | Scott |
| Burleson, Tex. | Hull | Shipley |
| Burlison, Mo. | Hungate | Shriver |
| Button | Hunt | Sikes |
| Caffery | Hutchinson | Skubitz |
| Camp | Ichord | Smith, Calif. |
| Casey | Jacobs | Snyder |
| Chappell | Jarman | Stephens |
| Clancy | Johnson, Pa. | Stratton |
| Clark | Jonas | Stubblefield |
| Clausen, Don H. | Jones, N.C. | Sullivan |
| Clawson, Del | Jones, Tenn. | Symington |
| Cleveland | Kazen | Talcott |
| Collins | King | Taylor |
| Colmer | Kleppe | Teague, Tex. |
| Cramer | Kyl | Thompson, Ga. |
| Crane | Landgrebe | Thomson, Wis. |
| Daniel, Va. | Landrum | Ullman |
| Davis, Ga. | Latta | Vander Jagt |
| Delaney | Long, La. | Waggonner |
| Denney | Long, Md. | Waldie |
| Dennis | Lujan | Wampler |
| Dent | McCloskey | Watkins |
| Derwinski | McClure | Watson |
| Devine | McDonald, Mich. | Whalley |
| Dickinson | McEwen | Whitehurst |
| Dowdy | McKneally | Whitten |
| Downing | Mahon | Wiggins |
| Duncan | Mann | Williams |
| Edmondson | Marsh | Winn |
| Edwards, Ala. | Martin | Wold |
| Edwards, La. | Michel | Wolff |
| Eshleman | Minshall | Wright |
| Evans, Colo. | Mizell | Wydler |
| Evins, Tenn. | Montgomery | Wylie |
| Fisher | Myers | Wyman |
| Flowers | Nelsen | Yatron |
| Flynt | Nichols | Young |
| Foreman | O'Neal, Ga. | Zion |
| Fountain | Passman | Zwach |

NOT VOTING—42

| | | |
|---|---|---|
| Abbitt | Fulton, Pa. | Mize |
| Anderson, Tenn. | Hanna | Mollohan |
| Bell, Calif. | Heckler, Mass. | Moorhead |
| Brown, Calif. | Kee | Ottinger |
| Burton, Utah | Kirwan | Patman |
| Cabell | Langen | Powell |
| Daddario | Lennon | Riegle |
| Dawson | Lowenstein | Schneebeli |
| de la Garza | Lukens | Steiger, Wis. |
| Dellenback | McMillan | Stuckey |
| Diggs | MacGregor | Taft |
| Feighan | Mailliard | Teague, Calif. |
| Ford, William D. | May | Tunney |
| | Mikva | White |
| | Miller, Calif. | |

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Daddario for, with Mr. White against.
Mr. Feighan for, with Mr. Lennon against.
Mr. Mikva for, with Mr. Cabell against.
Mr. Ottinger for, with Mr. McMillan against.
Mr. Hanna for, with Mr. Stuckey against.
Mr. Miller of California for, with Mr. Abbitt against.

Until further notice:

Mr. Moorhead with Mr. Bell of California.
Mr. Brown of California with Mrs. Heckler of Massachusetts.
Mr. Anderson of Tennessee with Mr. Mize.
Mr. Patman with Mr. Riegle.
Mr. William D. Ford with Mr. Dellenback.
Mr. Kirwan with Mr. Teague of California.
Mr. Lowenstein with Mr. Diggs.
Mr. Kee with Mr. Powell.
Mr. Mollohan with Mailliard.
Mr. Langen with Mrs. May.
Mr. Tunney with Mr. MacGregor.
Mr. Burton of Utah with Mr. Taft.
Mr. Schneebeli with Mr. Lukens.
Mr. Fulton of Pennsylvania with Mr. Steiger of Wisconsin.

Mr. STRATTON and Mrs. GREEN of Oregon changed their votes from "yea" to "nay."

Mr. MADDEN and Mr. FINDLEY changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16311, with Mr. DINGELL 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 Arkansas (Mr. MILLS) will be recognized for 3 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 3 hours.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, H.R. 16311 is one of the most important bills this Congress will consider.

I recognize there is probably a great deal of feeling about the bill outside of the Congress.

I also believe there is a great deal of misunderstanding about the bill outside of the Congress. One organization, for example, took a position opposed to the bill 2 weeks before the committee reported it, not knowing, of course, what amendments had been adopted in the committee or what the language was, and then evidently expects Members to follow its recommendations on that kind of a basis. It is beyond me how they can do so.

Mr. Chairman, let me talk first about our committee consideration of the matter, the present situation, and what we are trying to do.

The committee conducted 4 weeks of hearings on social security legislation, principally in the area of welfare reform, last October and November. Commencing on January 19, the day Congress reconvened, the committee met regularly in executive session over a period of 7 full weeks in drawing up this legislation, and in studying the administration and the operation of the programs providing cash assistance for the needy, and the existing work-training and day-care programs for AFDC recipients. During its deliberations, the committee had the benefit of hearing from a number of State and local officials engaged in running our welfare and training programs and others who have studied particular areas of those programs. Through this process, we gained many valuable insights into the problems that exist and what should be done to correct them.

Mr. Chairman, this bill is essentially patterned after the bill presented by the administration but with some major changes, tightening, sharpening and improving many of the specific provisions. The committee also added some provisions of its own. Some of these changes are very important, as I will delineate later.

At the present time we have categories of assistance known as the old-age assistance program, the program for aid to families with dependent children and unemployed fathers, the disability program, and the program for the blind.

The program of old-age assistance, the program for the disabled, and the program for the blind have not in recent years presented any serious problems to the Ways and Means Committee or to the Congress. The number of people on the old-age assistance program has declined. It could have been expected it would be reduced as more and more of our people became eligible for social security benefits.

The program we added, allowing a social security cash payment to those who had become disabled and who had a work record, has naturally reduced the number who would be eligible for and want the welfare program known as the disability program, or the program for the blind.

Also it is significant to note that in the case of a widow whose husband has died and left her with minor children, the numbers who go on AFDC from that category do not rise, because of the survivorship benefits of the social security program.

The number of children in male-headed families has not risen over the years, and has remained essentially static for some 25 years, in fact.

Mr. Chairman, the program that has risen most, however, of all of these programs is that part of AFDC that has to do with children in female-headed families, where the father for some reason is absent from the home or, as a matter of fact, where there has never been a marriage with respect to that home.

Now let me talk to you a little bit about the runaway growth in case loads and costs under AFDC. In 1935 the original act was passed. By 1950 there was a total cost in the program of some $500 million. In 1969, for the fiscal year, which is the last year I have figures on, the number of families—and this is families—who were on AFDC has risen to 1.7 million and the total cost of providing for this program was approximately $4.5 billion. The cost of that program has doubled in 3 years. Think of that. If you project down the road this present cost on the basis of the way it has been rising in recent years, by the year 1975 it will be well over $8 billion, and some people within the Department think it could be as much as $12 billion.

The proportion of children in this country dependent on welfare has doubled over the last 15 years. Today, six children in every 100 are on AFDC, and the rate is still increasing. In some States the rate is almost double the national rate.

Now, that is the existing program we have. The level of spending is not determined by the Federal Government; it is determined by the State governments. Under existing law, we match the State of New York or any other State not less than 50 percent of the cost of this program regardless of where they fix the level. If you want an example of an open-ended proposition where we are completely helpless to put any restraints, controls, or limitations on it or make any improvements to it, it is in this present program.

Mr. Chairman, this program worries me greatly insofar as the cost is concerned, but there is another matter of concern to me. The AFDC program encourages family breakup. Do not think for 1 minute that it has not made a contribution to many, many fathers leaving their families in order that the family could eat and have clothing to wear. Yes. Take my word for it. The present AFDC program puts a premium and an incentive on the breakup of a home.

Yet, the Federal Government and the taxpayers in your State are paying the amounts provided under these various State formulas whether they pay the

same amount in that particular State or not. There is one State that pays in the range from zero to $49 a month for a family of four under AFDC.

Mr. Chairman, there are two States that pay as much as $250 to $299. Some of these States actually pay a family of four on AFDC, which is not, of course, subject to any tax, more money than a man working at a job can make at the minimum wage, working practically full time, all year long.

Not only is there this incentive to break up the family, this incentive in many States now for the person who is working to quit his job and go on AFDC—and do not think for a minute that does not happen. The Director of the program in the city of New York said that women quit jobs at department stores as salesladies and went immediately on welfare because they had minor children and could receive more than they could earn while engaged in that type of employment in the city of New York.

But, what else does the present program do? The present AFDC program is a tremendous disincentive for anyone to work. I shall try to give you some facts about this situation.

Many of you feel like there ought to be a reform, but when a reform comes down the road there are questions about it. Did you know that there was not one solitary substantive alternative offered in the Committee on Ways and Means during the course of the public hearings and in the executive sessions—and we were in executive sessions for days and weeks on end on this program—nothing of substance was offered by anyone in substitution for this program which President Nixon hopes to breathe life into. His administration has tried to breathe some life into this welfare program we now have.

Mr. Chairman, the Members of the House know I have not been satisfied with the present program. We passed amendments in 1962 in the direction of trying to provide some inducement for people on welfare to get off it. Why? Because, as I said before, 60 out of every 1,000 of our child population nationwide are on welfare. Ask anyone that is on it if that is a preferable way to raise a child. In a home where there are no work habits, in a home where there is hardly enough to eat, in a home where there are not enough clothes to wear and not enough to pay the rent. You will find there is very little incentive on the part of that parent to see to it, even though the State law may require it, that that child even goes to grade school.

Mr. Chairman, in 1967 we tried again and we provided an incentive. We put the mandate on the States to see to it that these unfortunate people who had no training or who had no jobs would be given an opportunity for such training if they were qualified to absorb the training and then be given a job in keeping with that training. Some of the States did a fair job. The State of California has done one of the best jobs of all States. The State of New York did not even start its program in a substantial way until a very few months ago. Whereas California has referred about 30 percent of the people on AFDC for training, New York has referred less than 7 percent. Why? Because certain people did not think it appropriate for any of these people to be assigned.

Why do I feel so strongly about this? After a woman gets her youngest child to the age of 18 and she is on welfare, what is left for her? In most States she may be 45 years of age at that time. She has no training. Of course, she knows how to sweep the house, but she has no industrial training nor anything to commend her for a job and no work habits. She is past the age where people want to employ a person for the first time. I think that is one of the greatest tragedies that perhaps exists on the domestic scene in the United States today—that we have not tried to do something to help that person to help herself, to learn some occupation before it becomes time for her to lose all opportunity for work and for training.

So what happens? She has to move into the home of one of her daughters who has minor children, and who is on welfare. This is why it is that in some States where a welfare program was initiated before the Federal program was enacted that you have as many as four generations, one after the other, four generations on welfare. Since the adoption of the welfare program in many States there is a percentage—yes, it is small, but a disturbing percentage to me even if it is one or two people—that represent the third generation on welfare.

So we thought it was high time in 1962 and in 1967 to try to do something about this because of the disincentive to work, because of the fact that it was conducive to the breaking up of homes, because of the States' variation in payments, because of the overall rising cost of this program.

Now, if there is a man or woman Member of this House on the floor today who is satisfied with the present operation of the welfare program in his or her State, I would be glad to yield so that they can tell me why it is so good, and why it is so perfect.

No, you cannot say it is, and I know it. Thus should we not repeal it? Should we not repeal it? That is what we are doing in this bill. We are repealing the welfare program as it has been known up to now. The 1st of July, 1971, there will no longer be a program of AFDC, there will no longer be a program of old-age assistance, or aid to the blind, or aid to the disabled.

What have we done? We have repealed three programs applicable to adults, and we have placed them under one program, and we apply the same formula of Federal assistance across the board in all three categories. And what are we doing? We are saying in the case of these adult programs under this bill that we in Congress think that the bare minimum of income that a man 65 years of age or older, who has no other income, needs to subsist on, is $110 a month. And we say to the States, every one of them, by July 1, 1971, you are going to pay those people who are 65 years of age and older, enough so that their total income will reach $110 a month and the same for the blind and the disabled.

We say we will pay 90 percent out of the Federal Treasury of the first $65 of the average payments to needy adults, and then we will pay 25 percent of that which remains above the $65—up to a limit set by the Secretary of Health, Education, and Welfare.

We are placing a limitation on our participation, but we are also placing a floor for the first time in Federal legislation to see to it that these people, these unfortunates referred to in the course of the debate on the rule, have enough to live on.

All right; that covers the adult part of the program, but it is a major part, in my opinion, of this bill, the care of these unfortunate aged, blind, and disabled individuals.

What do we do with the AFDC program? We repeal it completely, and we drastically change the approach and the concept. Why? Because many of the States found it impossible to even agree to the mandate of the Federal law on occasion, or even to avail themselves of opportunity to try to help these unfortunate people when we gave them that opportunity in 1962.

The 1st of July 1971, there will be a new Federal program replacing the States program known as AFDC.

This new Federal program will be called the family assistance plan.

Yes, we established Federal standards of eligibility—we changed it from top to bottom, because the Federal Government will pay the first $1,600 of benefits under that program, in all of the States, in cases of a family of four, provided they do the same thing.

What do they have to do under present law? They go to the welfare office and sign up. The Supreme Court says that if a man and his wife and children—because in my State we have not taken care of the unemployed fathers—if he cannot find a job in Arkansas, he can go to California where they have the unemployed father program and can apply for benefits the first day he lands in California. An individual can go from any State where benefits are low to a State where the benefits are higher.

You talk about a drain on the State treasuries? I do not know of any greater drain that we can experience on the domestic scene than the migration of people under the present program to those States that have been more generous with these unfortunate citizens.

There is another group—the so-called working poor. This is perhaps the bone of contention in this whole bill. I had serious doubts about covering them in the beginning. As I said publicly, the administration's new approach to family assistance was good in every respect in my mind except the fact that it might add 10 million or so people to the 10 million people already on welfare and that it would cost an additional $4.4 billion a year to do it.

But I became convinced that this was the right thing to do. Let me tell you how I reached that conclusion.

Where do the people who go on AFDC

come from in the first place? Do they come from good-paying jobs that enable them to own a home or to live in a very fine apartment in your cities or in your rural areas? Where do they come from? They come from this group of people that we have grown accustomed to calling the working poor. As fast as we have been able, under the present WIN program, adopted in 1967, to train people presently on AFDC, there have been two and three and four or more families added to the rolls in these States for every one that we have taken off.

So, that looks to me like you are making progress—retrogressively. We are making progress, but going backward at the same time in reducing the cost and reducing the numbers on the rolls.

Back in 1967, I had many, many letters from all over the United States. I had letters from New York City and from Chicago and from the bigger cities and from the rural areas. They were so pleased that the Congress then was moving in the direction of trying to provide some work incentive to try to get people who are on relief back to jobs.

These women, whose husbands had divorced them or deserted them, and who described themselves by race and all in their letters to me, described their situations. They were living in an apartment house. They were working and had four children. But another woman who lived on the same floor around the corner from them had four children and they were on welfare and did not work.

In essence they were saying to me: "I think it is asking too much of me to work to support my children and pay my taxes—and some of my taxes go to keep up this lady and her children when she was further along in school when she quit than I was—and when she is just as able to work as I am."

It is getting pretty bad when a person points out the difference in status between neighbor and neighbor.

You can call this bill anything you want to, if you do not want to vote for changing the present system. I can make a good argument against the bill if I wanted to do so, because I used to debate and all of us who did had to be able to debate both sides of the question. I could make a better argument against this bill than any argument I have yet heard made by any of you, I believe, because the thoughts I heard expressed went through my mind, too, to debate against it. I think I could do it. Certainly I could make a plausible argument against it.

Those of you who say that you are never going to vote for a guaranteed annual income, let me talk to you a minute. I have said the same thing, and I will say the same thing, and when I vote for this bill I am not voting for a guaranteed annual income. What I am voting for is an amount, call it whatever you want to—subsidy, relief, income, whatever you want to call it—I am voting for a supplement to the income of the individual who is working and not making enough to supply his family with the ordinary needs of life, but who is not now on welfare. Why? Because I tell him, "I will do that for you, Mister, if you will go down to your nearest Employment Security Offices" and we have them in every county of the United States, in every State of the United States—"go down there, sign up for work, and see first, whether they can find a job that pays you more. If they do not, let them counsel with you. Go through their diagnosis. Let them prescribe a course of training for you that they think you have the ability to absorb, that will enlarge your capacities and make it possible for you to earn more money."

But, second, I will pay this supplement and get this man to the employment office because I am convinced that within that man's lifetime, if something is not done, he will be one of the additional millions that will be added to the AFDC program.

Oh, you say, "They will not accept it in my district."

I want to talk to my southern friends. I said this in the Rules Committee. Who are the working poor? What are they like? Over 50 percent of the working poor families covered under the bill live in the South; only 12 percent live in the Northeast. A high proportion of such families live in rural areas and on small farms. Seventy percent of them are white; 30 percent are nonwhite.

I have said to chambers of commerce and every group I could talk to in my own congressional district and in my own State that I am willing to pay any reasonable amount to help anyone in that position, to help him to improve so that he can better help his family.

What do I think about most in this whole affair? I think about the sad plight of many of these children. They have had nothing to do with the ability of their father and mother to earn, or the willingness of their father or mother to take a job. They have had nothing to do with that. They have had nothing whatsoever to do with whether the father has left home in order that they might go on welfare. But they are the ones who suffer in the long run.

Malnutrition and lack of medical attention from conception to 6 years of age, doctors tell me, can reduce a normally born child to the same mental condition as that of a child who was born with an injured brain.

What is the future for such children as these? Nothing but more AFDC.

Members can say what they want to about the definitions of suitable work. I could find 101 things in this bill I could fuss about if I wanted to. I have never told this House that any piece of legislation I have ever supported which comes from the Ways and Means Committee was perfect. But do not be misled. The term "suitable work" is mentioned in the unemployment compensation laws. That is one thing. We do not require a carpenter who goes to the employment security officer in our State, in Members' States or in mine, to get his unemployment check to lay aside his carpentry and take a job as a common laborer. No; that is not suitable employment within the definition of that act.

What does suitable employment mean here in this bill? Let me tell Members. It means employment that is suitable to that particular man's capabilities and his training, along with some other obvious things like the state of his health.

There is talk about all these ways we have left the door open for people to get out of the requirements to take work or training under the program. Well, Members can say a mother with children under 6 years of age ought to go to work. The committee did not. We felt that during those years before the child goes to school, the mother should not be required to take training, but when that child goes to school, then she will take training and she will take training knowing that the child of hers is receiving just as good care or better care during the time she is absent from it that day, in a day-care center.

We are going to arrange for this care with the schools, we are going to arrange it with private organizations, with nonprofit organizations. We are going to get the very best of day care possible for these children.

This lady with a child under 6 can, if she wants to, volunteer for training. Do Members know that in the State of California they have had more people with children under 6, volunteer for training than they have had with any other group of citizens?

So do not tell me these people do not want training. Do not tell me these people do not want a lifting hand to help them lift themselves up out of their economic circumstances.

Yes, we have a few people that do not work as hard as others. I have known doctors and lawyers and businessmen, who I could say did not work as hard as others in their profession. There are people in my district that do not think I work as hard, for example, as the gentleman from Virginia, DICK POFF, or the gentleman from Kentucky (Mr. PERKINS), whom I see here in front of me. Oh, yes, they get critical of us sometimes because they do not think we work as hard as another or the same hours as others, even though we get an equal amount of pay. Of course, many people do not know I have earned a great deal of overtime since I have been in Congress for which I do not get paid—and I know other Members have.

But, as I say, do not characterize these people generally as being lazy or shiftless or without motivation or desire. Most of them are without training. That is why they are where they are. So it is important, I think, that we pass this legislation and repeal what we have and start over anew.

If there had been any better way to do it than the way President Nixon gave us, we would have adopted it, but no suggestions came from within the committee or from the general public either about how to deal with it. This is largely the President's plan.

During its deliberations, the principal efforts of the Committee on Ways and Means were in the direction of strengthening the provisions of the legislation to assure the establishment of an effective work and training program, building upon the groundwork that has been laid in putting the existing work incentive program into operation. It is the clear intention of the committee, based upon

assurances given by the Secretary of Health, Education, and Welfare and the Secretary of Labor, that the work and training program will provide a method of guaranteeing that all adult members of families receiving assistance under the family assistance plan will receive all available training and employment services and other supportive services, including child care, necessary to assist them in obtaining employment and ultimately attaining self-support.

I cannot emphasize too strongly that all adult family assistance recipients, except for those specifically exempted by the bill, must register for training or employment. Contrary to the administration's proposal, under the committee bill this requirement applies to the working poor as well as to those who are unemployed or working part time. This is an essential difference and a material improvement in the bill. Under this modification, the employment status of many of the working poor parents will be improved and upgraded.

I would like to emphasize in the strongest possible terms, Mr. Chairman, that the Commitee on Ways and Means and its staff intends to monitor, constantly and closely, the operation of the work and training provisions of this legislation. We are relying heavily upon these provisions to take substantial numbers of families off of welfare or substantially reduce their dependency.

We placed reliance upon the provisions of the 1967 amendments establishing the work incentive program and were disappointed with the records of achievements in many of the States. I think we have at least gained much useful experience under the WIN program which we will benefit from in putting the work and training provisions of this bill into operation. For instance, we have learned that it is necessary to have a mandatory registration provision, requiring all those adult recipients who are not specifically excluded under the bill to register. We will no longer tolerate the situation in some States where the philosophical inclinations of social workers and administrators have replaced the basic intent of Congress.

I believe that the present WIN operations can be very easily adapted to the provisions of this bill, and I fully expect early and encouraging results. I also expect that the Committee on Ways and Means will be kept informed as to the progress that is made in the work and training program. The nature and extent of the information the committee has received concerning the WIN program has not been sufficient for it to do the oversight job it deems necessary, and the committee expects that an improvement in the WIN information systems will be forthcoming.

Mr. Chairman, another significant contribution of the committee in developing the legislation was the addition of a provision holding parents who abandon their families responsible for Federal assistance received by their families. This provision was added to the bill to act as a brake upon parental desertion and births out of wedlock, two of the most significant problems that plague the present AFDC program. This new approach plus greater emphasis by the Federal Government and the States in implementing the determination of paternity, the location of absent parents, and the enforcement of support provisions of the 1967 Social Security Amendments should have some effect in reducing the growth of the assistance rolls.

I think it well to remind that we did enact such provisions that were approved just a little over 2 years ago on January 2, 1968. In a sense, this legislation is building upon the welfare reforms we started at that time. These provisions have just recently been put into operation in most States and their effects are just starting to be felt. The committee discussed their operation with representatives of the Department of Health, Education, and Welfare in executive session and received assurances that they will be vigorously applied in the future. As I said with respect to the work and training provisions a moment ago, I repeat with respect to these provisions that the committee will be looking closely at their operation and expects to be kept fully informed concerning them.

The greatest loss of resources that we have in the United States, that we have had throughout our history in the United States, is the loss of that individual trained to the maximum of his ability.

I would hope that the House would pass this bill, finding it, as I am sure the Members will as they study it, far preferable to the provisions of existing law.

I have said very frankly I cannot give anyone any guarantee as to what is going to happen under it. I thought in 1962 there would be more people put to work when we gave the States the responsibility to administer the work-training program. I thought in 1967 there would be more put to work when we told the States certain recipients had to participate, but the States did not find enough of them suitable for training and work. That is why, under the bill before us, they have lost the opportunity to be copartners with us in this enterprise.

My friends from the South, I would urge you above anybody else in this House to be for this legislation. It will do more, in my opinion, for the Southern States than any proposition I have ever had the privilege of supporting or being for on the floor of the House. Think of it: 50 percent of the total number of all of these poor working families are in our several Southern States.

SUMMARY OF PROVISIONS OF H.R. 16311

Mr. Chairman, let me now briefly describe the principal provisions of the bill, including those which I have already mentioned.

This bill is introduced on behalf of myself and the gentleman from Wisconsin at the direction of the committee. I want to take occasion, Mr. Chairman, to express my appreciation for the attendance, cooperation, and assistance given us in the committee by every member of the committee, on both sides, in the development of the provisions of the bill.

This bill makes amendments in those programs of the Social Security Act that provide for cash public assistance payments to needy individuals and families. Specifically it provides major amendments in the public assistance programs under titles I, IV, X, XIV, and XVI of the Social Security Act; most significantly, in the program of aid to families with dependent children.

The bill consists, as Members can see from reading it, of four titles. Title I revises and improves the assistance program for needy families—part A of title IV of the Social Security Act, or "AFDC." This part of the bill replaces the existing AFDC program with the basic Federal family assistance plan for all needy families, including the working poor, and a program for State supplemental payments. This title includes new and expanded work incentives and requirements and an expanded and improved program for child care and supporting services. It also includes provisions under which the States could agree to have direct Federal administration of all of the cash assistance programs.

Title II provides for a minimum payment level of $110 a month for each recipient under the federally assisted adult public assistance program; a new Federal matching formula with respect to adult assistance which is more favorable to the States; and other improvements in the public assistance programs for the aged, blind, and disabled, consolidating titles I, X, and XIV in a revised title XVI.

Titles III and VI contain miscellaneous and conforming provisions and certain general provisions.

FAMILY ASSISTANCE

The bill would make basic reforms in the program which furnishes assistance to needy families with children by providing:

First, a new basic Federal family assistance plan, with federally assisted State supplementation, for poor families with children in place of the present program of aid to families with dependent children, but including for the first time coverage of poor families regardless of the work status of the father. The States would not be required to supplement payments to the working poor;

Second, requirements that, as a prerequisite to receipt of benefits, every adult in the assisted families—except those who are specifically exempted, such as mothers with preschool children or persons who are ill or of advanced age but including adults already working—must register at the employment office for work or training or sign up for vocational rehabilitation if handicapped;

Third, uniform, nationwide eligibility requirements and payment procedures, both for the basic Federal family assistance plan and the State supplementary payments; and

Fourth, new provisions holding deserting parents responsible for Federal payments made to their families under the family assistance or State supplementary plans.

WORK AND TRAINING

The bill improves the program of employment and training services and of

other services—including child care—needed by recipients who are registered at employment offices by providing:

First, a new program of manpower, training, and employment services to be administered by the Secretary of Labor through the State employment offices;

Second, a Federal program of full-cost grants and contracts for child care services to enable mothers who are required to register for training and employment—as well as those who register on a voluntary basis—to participate in work or training;

Third, a new system of providing services to support training or employment through agreements between the Federal Government and the States; and

Fourth, a more equitable, uniform, and effective system of incentive allowances and reimbursement of work expenses.

ADULT ASSISTANCE

The bill would substantially improve the effectiveness of the adult assistance programs under the Social Security Act by providing:

First, that the States assure that each aged, blind, or disabled adult will receive assistance sufficient to bring his total income up to $110 a month; and

Second, a simplified Federal matching formula which will result in generally more favorable Federal participation in the cost of payments.

I think we all would agree, Mr. Chairman, that the adult public assistance recipients—the old, the halt, and the blind—are most deserving of any additional help we can give them.

MISCELLANEOUS PROVISIONS

The bill also contains a number of miscellaneous and conforming amendments that are necessary in order for the family assistance plan to work in smoothly with the provisions of present law. While there are certain references to the medicaid program and to the parts of the law dealing with services for needy families, the committee is not making any substantive amendments to these programs at this time.

OTHER SOCIAL SECURITY LEGISLATION PENDING BEFORE THE COMMITTEE

The committee is currently considering additional amendments to the Social Security Act relating to the medicare and medicaid programs and we expect to consider amendments to the social security cash benefits program soon. And, the Department of Health, Education, and Welfare has indicated that it hopes to soon forward proposals relating to the social services provisions of the Social Security Act for our consideration. The bill before us today relates essentially only to cash welfare payments—it is not directed to issues relating to services for welfare recipients.

Some of you may recall that last winter, when we were considering the 15-percent social security cash benefit increase that was enacted in December, I indicated that we hoped to have additional amendments to the social security cash benefits program ready for consideration by the House by the end of March of this year. However, as I have said before, when we reconvened this January, it was the Department's wish—as expressed by Under Secretary John G. Veneman—that we first consider the welfare reform proposals. And, as I have indicated, our work on the welfare reform proposals has been very time consuming.

COST AND FISCAL IMPACT

Mr. Chairman, the American people want to be certain, and should be able to be certain, that when, of necessity, money is spent for assistance payments, it is spent in such a way as to promote the public interest, and the public well-being of our people. While this bill does entail substantial increases in Federal expenditures for welfare payments in the short run, I think we have built into the bill, for the long run, provisions that will mean that we can begin to hold the line in the future. For example, the Department of Health, Education, and Welfare estimates that over the period 1971–75, Federal payment costs under present law would increase by about 62 percent, whereas under H.R. 16311 they are expected to increase by only about 15 percent. This data is set forth in table IX on page 53 of the committee report, which I insert at this point in the RECORD:

TABLE IX.—POTENTIAL FEDERAL COSTS UNDER COMMITTEE BILL COMPARED TO EXISTING LEGISLATION, 1971–75[1]

[In billions of dollars]

| | 1971 | 1972 | 1973 | 1974 | 1975 |
|---|---|---|---|---|---|
| Committee bill: | | | | | |
| Payments to families with children | 3.8 | 3.8 | 3.7 | 3.6 | 3.5 |
| 30 percent matching of State supplementals | .8 | .9 | 1.0 | 1.2 | 1.3 |
| Subtotal | 4.6 | 4.7 | 4.7 | 4.8 | 4.8 |
| Federal share of adult category cost | 2.7 | 2.9 | 3.2 | 3.4 | 3.6 |
| Total | 7.3 | 7.6 | 7.9 | 8.2 | 8.4 |
| Existing legislation: | | | | | |
| Federal share of AFDC | 2.5 | 2.9 | 3.4 | 3.9 | 4.5 |
| Federal share of adult categories | 2.0 | 2.3 | 2.5 | 2.7 | 2.8 |
| Total | 4.5 | 5.2 | 5.9 | 6.6 | 7.3 |

[1] Assumes that, with constant benefit levels, family assistance gross payment decline slightly. Other cost items are assumed to increase at the same rate as they have during the last 3 years (see discussion in text above).

The new welfare proposal does ease the costs of welfare to most of the States, shifting a greater burden to the Federal Government. Overall, according to estimates of the Department of Health, Education, and Welfare, the bill developed by the committee shows slightly greater fiscal relief to the States than the bill that was originally introduced by the President. In general, the effect of the committee changes in the administration bill is to give more savings to those States which have been making greater fiscal effort in their welfare programs.

It is estimated that the combined impact of the family assistance plan and the program for adults will be a net reduction in State expenditures for cash assistance in all but about nine States. With regard to the States whose expenditures would be increased, there is a special saving provision in the bill which provides that, for the first 2 fiscal years under the program, the Federal Government will meet any additional State costs that result from the enactment of the family assistance plan or the proposed new title XVI for the needy aged, blind and disabled.

CONCLUSION

Mr. Chairman, this bill deals with a most controversial subject. It will not please everybody; it would be impossible to do so. Some will say that by providing benefits to working poor families, we would be starting down the road to a guaranteed income program. I do not agree, because the bill also requires the employable adults in these poor families—working or otherwise—to register for training or employment services, thus bringing them under a program that will assist them in improving their skills and increasing their income. My understanding of a guaranteed income system is one that gives an individual a choice of not working and settling at a certain income and living standard, the standard that is guaranteed. This the bill certainly does not do. It offers no such choice. It says to the employable adult members of assisted families: "You must accept suitable employment or training or lose your welfare payment, and if need be have the payments to your family made to someone outside the family." There is a great difference between this legislation and a guaranteed annual income.

It cannot be expected that this welfare reform proposal can solve all of our country's grievous social problems. But there is reason to think that it will be a highly significant step forward. It is designed to promote individual integrity and efforts toward self-help. It is designed to help to stabilize poor families. These are important goals, and if we start to attain them, we will have made a valuable contribution toward improving the lives of the needy people of this country.

The CHAIRMAN. The time yielded by the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes for the purpose of answering questions.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield for one question?

Mr. MILLS. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. There will be many questions raised later in the debate, but there is one point which I believe would help to clarify this at this time.

First I should like to thank the gentlemen from the Ways and Means Committee, speaking as a person not in favor

of this bill, for I would say the committee has been 100 percent helpful in providing information to me which I hope I can use to help in this debate to shed light on the subject.

I note that the gentleman in his remarks mentioned the situation under the present law where a family on welfare could get more than a family working full time at the minimum wage or near minimum wage, referred to.

I am sure the gentleman would not want to leave the impression this early in the debate that this bill would completely alleviate that situation.

Mr. MILLS. It may not in some States.

Mr. ASHBROOK. It would narrow the situation, rather than bring about a situation where there would be an absolute work incentive in every case.

Mr. MILLS. It would not cover all cases.

The gentleman very kindly gave me a copy of his figures. What he is doing in his figures is including many things that are not within this bill.

There is a reference to medicaid. The medicaid program may be available both under the welfare program and for the working poor, depending entirely on the State law.

The food stamp program may or may not be utilized by these people. It is not utilized by all of them. If it were it would cost several more billion a year, someone told me, and we do not appropriate anything like that amount for it now.

What I am talking about is what the individuals have in cash as a result of being on welfare, working and receiving this supplemental payment under the family benefit program.

Mr. ASHBROOK. On that point, will the gentleman not agree, regardless of whether he has another set of figures or what the case might be, nonetheless, even if this bill were to be fully implemented it would not totally alleviate the situation he referred to, where there is in some cases the ability to get as much or more when one is on welfare, as against when working. The gentleman told me they worked to narrow the disincentive.

Mr. MILLS. There is no question about the total.

Mr. ASHBROOK. Even if the bill passes, it could not be said we had alleviated the situation, where there would not be a situation where a nonworking welfare family would receive more.

Mr. MILLS. That is true. We are only helping them up to the poverty level, and it is my recollection that at least one State has a line of assistance under AFDC which is quite a bit above the poverty level and some of the other States have payments, depending on the size of the family in those States, that would be above the poverty level. So we are not going to help the States under this with levels above the poverty level. We help them up to that poverty level.

Mr. ASHBROOK. I thank the gentleman.

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

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. ICHORD. I want to thank the distinguished gentleman from Arkansas for his usually excellent presentation.

First of all, I want to state that I do not think there has ever been a bill in the Congress in the 10 years that I have been here that I have personally had more difficulty on in making up my mind as to how to vote.

I have two questions of the gentleman from Arkansas.

You mentioned the fact that the AFDC program had doubled in cost during the last 2 years previous.

Mr. MILLS. Three years, I say.

Mr. ICHORD. There are now 1.7 million families drawing AFDC.

Mr. MILLS. That is approximately 10 million individuals all together on all welfare programs.

Mr. ICHORD. The gentleman did not break that 1.7 million families down into those where the father, the male, had left the home for some reason or where there had been no marriage in the family. Would the gentleman advise me as to what part of this 1.7 million families fall in that latter category?

Mr. MILLS. About 75 percent where the father is not in the home. About 75 percent of the total number are in that category and about 25 percent in the remaining part.

Mr. ICHORD. One more question I would like to have the gentleman answer. The gentleman in his presentation has only spoken as to income requirements. Are there any asset requirements for eligibility under this?

Mr. MILLS. Oh, yes. We have asset requirements.

Mr. ICHORD. What are those?

Mr. MILLS. We disregard assets up to $1,500. A home or personal effects do not count against the $1,500 limitation. That is done in many States, anyway, under present law.

Mr. ICHORD. You mean the home would be exempt and not counted as part of the $1,500?

Mr. MILLS. That is right.

Mr. ICHORD. I thank the gentleman.

Mr. MILLS. I now yield to the gentleman from Pennsylvania.

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

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

I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I want the gentleman to understand my vote on the previous question does not indicate my final vote on the legislation one way or another. I voted in that instance because I would have liked to have seen an open rule in that we are studying the minimum wage laws. We are faced with the problem of creating a new base for that. However, under the minimum wage law and all of the major union contracts that I have seen there is no such thing as a family consideration for the payment of wages or income based on the number of children in the family and the number of dependents. The only program that was anywhere near like this program that I knew about was when we were studying the national levels of income with low rates. We found in France that they have a program whereby all employers paid into a fund but all paid the same wage. However, for each child over and above two in that family they had a common pool which would pay back into the family or to the head of the family enough money to give them an income, such as we are doing here. If a person has two children or four children, he would have a guaranteed minimum income under this law of $3,900.

Mr. MILLS. No. He would not have that much.

Mr. DENT. I am not talking about relief. I understand this better than some of my colleagues who have been condemning my vote on this. It gives a guaranted minimum income for relief——

Mr. MILLS. That is right.

Mr. DENT. But it does not increase the relief payment one cent. It might help the treasury of a State that does not have a higher payment.

Mr. MILLS. That is right.

Mr. DENT. Mr. Chairman, if the gentleman will yield further, what will happen is that those who are not working now under the present minimum wage law, if they worked 52 weeks a year and every eligible work day in that calendar year which they could work, if they have a family of 4, 6, 8, or 10, they can earn $3,338 total income under this bill. But we are saying that we have recognized that to be too small and I want you to know that I think it is too small at this time.

Mr. MILLS. It is the level to which one refers as the poverty level.

Mr. DENT. Mr. Chairman, if the gentleman will yield further, I want it clearly understood that we are now studying the minimum wage and we have to take a completely new view of it because in our consideration of the minimum wage we had to take into consideration the basic income and what would be the poverty level. Since these guidelines are in here we will have to establish the minimum wage on the same basis as the guidelines of a dependent child in the family, or else——

Mr. MILLS. What we are trying to do, if I may interject, to state the facts of the bill—what we are trying to do is to take care of a whole lot of people that do not even get your present-day minimum wage.

Mr. DENT. I understand that, I will say to the gentleman from Arkansas, but I want to explain clearly that if we do not do that, if we establish a minimum wage for a family of four on the basis of what you have established it here—and that is as high as you could probably go without creating a great deal of opposition at this time—if that same person happens to have four children will he be subsidized from the Government through the employer who is only paying the minimum wage?

What I want to do is to provide language in here with a percentage base over the poverty level rather than a per child dependent figure. Under that procedure, I think there would be an incentive for a worker who is working at the

present minimum because he will not be able under any minimum wage law to keep from working for an employer if he has 10 chilren and working at a minimum wage.

Mr. MILLS. We provide for training here, as the gentleman knows, but we still must have a program under any concept of relief which is based upon the size of the family and the needs of the family. We maintain that concept here.

Mr. DENT. I understand that and I compliment you, because something must be done about it. But what do I do about the minimum wage? What do I establish for a family of 4, 6, 8, or 10? What do we pay out of the Treasury? That is what I want to know.

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

Mr. MILLS, Mr. Chairman, I yield myself 2 additonal minutes.

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

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

Mr. MAHON. As the gentleman knows I have great admiration and respect for the ability of the gentleman from Arkansas and for his dedication.

Mr. MILLS. I know it is not my argumentative ability, and, as the gentleman knows, I have the greatest respect for him, and especially so when the gentleman and I are together on these matters.

Mr. MAHON. The thing that concerns me, and I believe many others, is that at times we pass legislation incurring additional expenditures without adequately considering whether or not the revenues are available.

Mr. MILLS. I am glad the gentleman brings that up.

Mr. MAHON. I would like to take a moment, if I may, to pursue this further. As the gentleman knows, under the administrative budget which was in use prior to fiscal year 1969, the budget for the current fiscal year would be in the red by the estimated sum of about $8 billion.

We have just voted for a pay increase for Federal civilian and military employees, and so forth. Many are very much interested in more money for education and more money with which to fight pollution. I, personally, cannot see how we can carry out these programs without raising additional revenue.

My question is this: Does the gentleman see any way that we can finance these programs without raising additional revenue? It is easy to get spending bills through but it is hard to get revenue-raising bills through, as the gentleman knows better than I.

I wish the gentleman would explain whether or not he thinks that the pending bill is going to cause additional spending, and cost additional revenue? And in view of the whole environment, the whole atmosphere, the trend of the times, is it inevitable that we will have to raise taxes, and probably early?

Mr. MILLS. Let me answer the gentleman this way. First of all, this does not affect the upcoming fiscal situation for fiscal year 1971 except to the extent that some day-care centers may be established, which are already provided for under existing law, to help care for the children of the mothers who will avail themselves of the WIN training programs which were established in 1967.

None of this goes into effect, none of it, in this proposed program, none of it, even the enlarged payments to the elderly, until July 1, 1971. That is the first day that any part of this can go into effect.

There are two reasons for this. First of all, all of the States will have to amend their laws in order to comply with the new adult assistance program; and, second, we are trying to do even better than the President himself was doing by not imposing any of those costs upon what I thought was already a very tight budget situation for the 1971 fiscal year. He did actually budget expense for some of this to go into effect in fiscal year 1971, but the committee decided we would let no part of it go into effect until 1971. And we have been criticized in some quarters because of that.

But to me this whole thing of Federal spending is a question of priorities, as I know the gentleman knows.

I will tell you one thing: I think some of these problems we have at home, and some of the trends that we have at home that can be corrected and improved by some new program that may cost some additional amount in the immediate future, must be related in importance to some of the programs that we perhaps have had on the books for many, many years. We have to determine whether or not those programs which have eaten deeply into the Treasury, are worthwhile programs, or whether there is something new we should adopt.

If we took the position that the budget was so tight because of all of our old programs that we could never do anything new, we would never solve any problems that might be on the horizon.

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

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

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

Mr. MILLS. Let me carry on just briefly, because I have not answered the gentleman fully.

You must also compare this new program, and what is capable of being done under it through proper attention and proper administration, with what will occur under existing programs, which, as I said, some people within the Department of Health, Education, and Welfare predicted for aid to families with dependent children and other elements of cash welfare, that it will cost around $12 billion just 4 fiscal years from now.

This new program altogether will be a material amount of money. It will cost somewhere in the neighborhood of $8 billion by fiscal year 1975, all added together. But I think the program under present law, contrary to some tables that we have in the report, even will cost us at least $4 billion more by fiscal 1975 because recipients will not be taken off and put to work under the existing law, and they will be under this program.

Mr. MAHON. Let us assume that this has very little impact in fiscal 1971——

Mr. MILLS. It does not have any.

Mr. MAHON. But there are many other programs not related to this.

Mr. MILLS. I am not in favor of delaying or stopping this program because the gentleman's committee may want to add $1 billion to something else. I might vote against that $1 billion amendment. I think this program is entitled to a very high priority, just as I think the education of our children enjoys a very high priority.

Mr. MAHON. Can we do the things that we are going to want to do without providing additional revenue?

Mr. MILLS. We are not providing for one penny of cost over the program that the President submitted to us.

The President mentioned this program as the first matter of legislation when he appeared here and gave us his state of the Union message. Welfare reform was the first thing he wanted done.

To me welfare is one of the most important domestic issues that faces us. If we can ever get out of Vietnam—if we ever get out of that problem we must avoid what the Department of Defense was able to do when we found with respect to the 1970 budget that we could cut back the dollar cost of Vietnam by $3½ billion. Who got it? You know who got it under the President's budget—both Presidents' budgets. What the Congress made available—the President did not spend it all—we gave right back to the Department of Defense for other purposes. I will say, I am not going to argue on priority here. But I do not know but what this has about as much priority as the solution of some of the things for which we spend the taxpayer's dollars today. I am not talking about defense, but I am talking about some domestic programs.

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

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

Mr. LANDRUM. Mr. Chairman, the gentleman, in response to a question propounded by the gentleman from Texas (Mr. MAHON) has not, in my judgment, answered categorically what ought to be stated here. It seems to me, the answer ought to be, "Yes, we are going to have to raise more money."

Mr. MILLS. No; I am not going to say that. If it becomes necessary, I will say I will be out on the House floor supporting it.

Mr. LANDRUM. Will the gentleman permit me to say one sentence further?

Mr. MILLS. Go ahead.

Mr. LANDRUM. Immediately following the disclosures last summer by President Nixon on television of his welfare reform proposal, there came on the screen a panel of folks in this field of welfare and among them was former Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen, and Mr. Moynihan of the White House—and Mr. Moynihan said, as I recall it, as we had all during our committee sessions, that this bill would cost no more than $4½ billion or $5 billion additional money.

Mr. Cohen, who supports this program and who is a part of its genesis——

Mr. MILLS. No, no.

Mr. LANDRUM. I am not talking about the bill—I am talking about the

program and I am talking about the philosophy of it.

Mr. MILLS. Oh, yes.

Mr. LANDRUM. He is a part of its genesis and we know that. We may as well admit that he is a brilliant man in his field. He said, "No, not $4½ billion or $5 billion, but it is much closer to $14 billion or $15 billion." I am talking of the fiscal year 1971, I am talking about this program that is on the way and there is not going to be any revision of the surtax.

Mr. MILLS. My friend, the gentleman from Georgia, has I think been misled by a lot of statements made by a lot of people. If Wilbur Cohen said that, he does not know what he is talking about. He does not know what he is talking about in some of these programs with respect to the costs—and he is a great friend of mine. Just do not be misled by that—do not be misled, I mean, by following just everything that Wilbur says. I just never could follow everything he said. But you ask him if he would not go further with this program and I will guarantee that he will say—yes. Maybe what he wanted was a program which cost $14 or $15 billion.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am one of those who is seeking guidance on this. I have not made up my mind one way or another.

Mr. MILLS. Before the gentleman asks me his question, would you not admit that the greatest loss of resources that we have is the idleness of these people?

Mr. LONG of Maryland. I agree with that, sir. That has a bearing on my question. The gentleman has indicated that one of the reasons why this bill might not cost us much as present programs, as many people think, is because there are incentives here to put people to work in other programs. It has been my understanding, and I have not made a study of this, but only heard of cases, that there has been a pilot program on the question of whether these guaranteed annual income programs would give people the incentive to work. My understanding is they have been generally inconclusive and do not show anything much in one way or another.

I wonder if the gentleman would throw some light on that?

Mr. MILLS. You do not want ever to draw a conclusion from an experiment like this conducted over, say, a year's time or some such limited period. A man conducting it will want you to give him 2 or 3 years to report on experiences under it. But the experience so far in connection with the New Jersey-Pennsylvania project, which is the one to which the gentleman is referring—and there is one about to begin in North Carolina if it has not already started—is that it indicates that their final report will indicate the success of that experiment. They have had success in different income levels up to date. But they could go on in the next month and something could reverse it. So far they have had no reversals.

Let me read just exactly what they say in the report. These are the preliminary results of the New Jersey experiment.

> We believe that these preliminary data suggest that fears that a family assistance program would result in extreme, unusual, or unanticipated responses are unfounded. There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.

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

Mr. MILLS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Obviously, the key to the success or failure of this program are the child care centers.

Mr. MILLS. Yes, I would agree to that, plus the attention you give to training.

Mr. PUCINSKI. The question I have, Mr. Chairman, because obviously the largest number of recipients under these programs are mothers with small children, is this: Is there an override in this legislation where a federally financed day care center which fails to meet local zoning codes or building codes can operate? One of the problems across the country, one reason why the program has been a failure, is that churches want to participate——

Mr. MILLS. There is no question but what churches and schools can have day-care centers. They have them. They can operate day-care centers. Schools can operate day-care centers. As I said earlier, nonprofit organizations can set them up. They can be set up by any group.

The Secretary has the authority to see to it that they are operated under sound health and safety rules.

Mr. PUCINSKI. If they fail to meet a local building code——

Mr. MILLS. If they do not meet a local building code you do not think the Secretary would qualify them, do you? If they cannot meet the present State standards, he will not talk to them. But if the State does not have any standards, then, of course, he can make up his own mind whether the program is operated in a healthy and safe manner.

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

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

Mr. VANIK. I appreciate the gentleman's thorough explanation of the bill, and I support the bill. I would like to inquire whether a fully trained unemployed worker covered by unemployment benefits with three dependents, who exercised his unemployment compensation benefits for prolonged unemployment, for better than a year, whether such a person would be permitted to participate in the program without disposing of his equity in his home or his equity in his automobile.

Mr. MILLS. He would. That is also true in the States that disregard the ownership of a home and take care of the family with an unemployed father. The gentleman knows about 50 percent of them do that now.

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

Mr. MILLS. I yield to the gentleman from New York.

Mr. CAREY. I wish to commend the gentleman in the well, the Chairman, for the way in which he has exonerated my reasoning and rationale on the old bill, the 1967 amendments that you brought forth. At that time I had a colloquy with the distinguished chairman and I predicted that with the rate of increase of beneficiaries coming on the rolls in New York City, the cost of the program would triple. I wish I had not been so accurate.

Mr. MILLS. I wish it had merely tripled. It is more than that.

Mr. CAREY. We could foresee that.

Mr. MILLS. We did not offer enough incentive, I guess, for the city to refer welfare recipients to work and training programs.

Mr. CAREY. Let me indicate why I think we are on the right track on this bill.

Mr. MILLS. Mr. Chairman, I yield to the gentleman from New York.

Mr. CAREY. Mr. Chairman, aside from the experiment the chairman referred to, in New York City, acting on our own initiative, faced with an increase of 20,000 new cases a month coming on the rolls, we undertook some experiments in allowing the workers to keep certain income from the welfare benefit, coupled with an incentive to work, and the requirement to take upgrading training. We found the flow of cases to the welfare rolls was beginning to decrease from 20,000 to 7,000 a month. We have seen movement off the rolls for the first time.

So much of what the gentleman is describing has been experimented with favorably in New York City. Therefore I think it deserves a chance.

Mr. MILLS. Mr. Chairman, let us see where we would be if we decided not to pass this legislation in the House, and I will leave it in the hands of Members and to their good judgment. We will be without any change in the present welfare system, because the committee and those on the outside, in looking at this whole matter, have been unable to come up with any other changes that we could make that would offer any hope of curtailing the rising costs of some of these programs. This is all we could think of.

We could not possibly get back to the floor any time this year with something new unless somebody who has not talked about it in the past would come forward with something new.

I think we ought to give them a chance to have this program. I think it can work. As I said to those in the administration, I hope they will give it the amount of attention required. They must see to it that the employment offices give to it the amount of attention needed in counseling these people and in diagnosing them and in training them and in offering them a job.

But, as we told the departments, let us not train these people for employment that does not exist. Let us not train them for jobs that have disappeared. Let us take the business community into this and let us find out what jobs within an

area are going begging—and they are going begging, my friends. Let us find out what they are. Let us train people for these jobs. The worst thing we can do from the point of view of the morale of these people is to spend 6 months training them only to have them find, when they walk up and down the streets, that nobody will employ them. Let us not have that happen. If we do not let it happen, then the program can succeed.

The CHAIRMAN. The Chairman advises the gentleman from Arkansas he has consumed 58 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 15 minutes. Mr. Chairman, I know of no more complex or serious problem, among the numerous problems that require solution, than the problem of dealing with our present Federal-State-local welfare program.

If we could find the perfect solution by waving a magic wand to insure that no families with children remain below the poverty level, we would all feel much happier. But that is not the situation we face. Instead, we have the existing program of aid to families with dependent children—AFDC—that was designed to assist families with children who have been deprived of parental support by death, incapacity, or continued absence from the home and who do not have sufficient income or resources to keep body and soul together, to provide food, clothing, and shelter. But we know that this AFDC program is a mess, is a can of worms.

This program is out of hand. It is accomplishing little while experiencing dramatic increases in the number of recipients and the costs incurred by the Federal, States, and local governments.

I would repeat what the chairman has said. I do not believe there is a single individual in this House who would defend the continuation of the program as it is now constituted. I do dot believe there is a soul who would defend the status quo.

Those who oppose this bill certainly are not doing so on the theory that what we have is sound, that we need not be concerned about the present program, that we should not adopt this legislation because what we have is appropriate, also let us recognize that we are going to be able to find questions and to be concerned about any new approach. I was concerned from the beginning. I am still concerned about the need to make this program work.

But my first concern prescinds from my knowledge that the present system will not work, because it does not reflect the philosophy that people should be transferred from the welfare rolls to the employment rolls and that individual efforts to achieve self-sufficiency should be a prerequisite to assistance.

What is the underlying philosophy of the present AFDC program? It is simply a guaranteed annual income. The States simply establish need levels for various family sizes and pay each family a cash payment equal to all or part of its needs. These payments, which today range from a low of $828 to a high of $4,164 annually for a family of four, are made with little or no regard for the efforts of the adult family members to achieve self-sufficiency through work or training.

This, Mr. Chairman, is a guaranteed annual income. The amount of the guarantee varies from State to State in accordance with the standards they have established. Let me give you some examples to illustrate the level of the present income we are guaranteeing. A family of four presently receives a guaranteed annual income of $2,220 in Alaska, $2,124 in Arizona, $2,292 in Colorado, $3,684 in Massachusetts, $3,468 in Minnesota, and $2,376 in my own State of Wisconsin.

We have all of the States listed, and this is available to the Members. That is the level of guaranteed income that we now have. If the Family Assistance Act simply extended the guaranteed annual income to more people, we would not be making any progress at all, and I would be unalterably opposed to the bill. Instead we are converting the present guaranteed annual income our welfare program provides to a system that condition assistance on individual efforts to work and take training.

This is an entirely different proposal from the one recommended by the commission that Mr. LANDRUM referred to. He was the gentleman who said that a commission under the last administration made a proposal that was the genesis of this bill. Were there any conditions imposed on the cash assistance provided under that proposal. Absolutely not. There was no condition that able-bodied adults had to take training or go to work. The basic concept involved a guaranteed income whereby the Government would make up the difference between the families income and their needs over a given period of time.

Our program is fundamentally different from both that proposal and existing law. Under this program we are no longer going to have a guaranteed annual income. Under this bill, society's assistance will be conditioned on the head of a family doing everything to help himself and his family that he is capable of doing. He must take training; get a job, and go to work.

If we are going to be honest with ourselves and with the public, we should stop talking about this bill making a radical change by introducing a guaranteed annual income. People who favor a guaranteed annual income may think the work requirements in this bill are a step backwards, and we have heard this position argued. The work and training requirements, which form the backbone of this legislation, are the big difference.

Let me say to you if this bill were only for the purpose of paying more money to more people, I would be up here opposing it with as much sincerity as I come here to support it today. But that is not the philosophy of this bill. The philosophy of this bill is to get people off the treadmill of welfare—dependency upon a government check—and enable them to become self-sufficient participants in the American economic system.

Nearly everyone from whom I have heard during our consideration of this bill has agreed that we should put the emphasis on work. I agree 100 percent.

Mr. Chairman, one of the opponents of this legislation, in a speech before this House, uttered words that I would adopt as my own. He said:

> It is essential that we recognize that occupational rehabilitation is the only corrective mutually beneficial solution to the problem of able-bodied, needy American adults with a work potential, and the conclusion is that only a program leading to a job and self sufficiency can succeed in reducing the welfare burden.

Mr. Chairman, that is the objective of this bill. That is where this legislation differs from the programs we have today.

Mr. Chairman, let me review with the Members some of my reasoning in becoming convinced that the present system is unworkable. The present system simply keeps people on the welfare treadmill, receiving welfare checks into the second and third generations. In my opinion it is the worst thing in the world for a child to grow up in a household where no one gets up and goes to work in the morning, but just goes down to a welfare office and picks up a check once a week. That is the poorest example you can establish. The best individual and family therapy in the world for these children is to imbue them with the American philosophy that there is a correlation between individual effort and economic well-being.

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

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 10 additional minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I became convinced that the concept of work is a fundamental ingredient in welfare reform. The present system rewards idleness and penalizes work.

If you are in a nonworking poor family, if you do not work, if you do not have a job, you are eligible for assistance in these States—about half of them—that cover the unemployed parent.

But if the family head is working, then the family is not eligible for benefits in any jurisdiction, even though the family income is below the needs standard established for welfare in the State.

How can you encourage unemployed people, to whom you are paying assistance, to go to work if you are going to penalize them by making them ineligible for assistance when they do go to work? If you want to move people from the nonworking poor into employment, you have to provide them with assistance or your attempts will be futile.

The present program keeps an individual and his family welfare as long as they are unemployed. But if they get up in the morning, go through the extra expense of working and come home tired at night, they are no longer eligible for assistance. They are no longer nonworking poor individuals, they are earning something, and the present law says we are not going to take care of them.

Now that issue—providing coverage

for the working poor—is the fundamental issue before us today.

This is the group of additional individuals we will be providing assistance to—some 19 million who would be under the new program as against 7 million individuals who are covered through the aid to families with dependent children program. This added group is fundamentally what we call the working poor.

Failing to cover the working poor results in two inherent defects of the present system. The first defect is the incentive for family break-up, the father leaving the home, if he was the breadwinner there, because his family would be economically better off if he deserted them and qualified them for assistance as an AFDC family. The second defect is the disincentive to work for those intact families where the father is unemployed—the problem I discussed earlier.

Let me just ask why a poor family with minor children should be ineligible for any assistance just because there is a man in the house who is working? Why should that automatically make a family ineligible for any assistance, even though their income is less than the need standard the State has established for AFDC families, to enable them to keep body and soul together.

Why should work make you ineligible for assistance in meeting your needs? We cannot give an answer to that. No one can give an answer to that.

That is why we covered the working poor. That is why I became convinced of the need to cover this group—to discourage family disintegration, to foster family stability, and to encourage work.

Let me take a simple illustrative case, using figures from a conservative and moderate State, the State of Wisconsin. The figures in States like New Jersey would provide a more compelling cure, because their welfare payments are higher, but I am selecting a moderate State to illustrate my point.

Take a family in the State of Wisconsin, with the male in the home working at $1.50 an hour. He has a wife and three children. His gross income at $1.50 an hour on a monthly basis is $260. If you deduct from these earnings his work expenses—such as transportation costs, social security tax, and special clothes that he has to have, all of which are estimated by the Department of Labor to be about $60 a month—he will have a net income of $200 a month for himself, his wife, and his three children. He is not eligible for any assistance under the aid to families with dependent children program.

But the AFDC family consisting of a mother and three children would get $189 a month from welfare under the Wisconsin program of aid to families with dependent children. This is practically as much as the family with the employed male gets in net income at the end of the month. Yet, the family with the mother and three children, receiving $189, has one less mouth to feed, one less person to shelter, and one less person to clothe. Economically, they are better off?

The family with the employed male would be ahead economically, if the father left and qualified them for AFDC.

This is the family breakup incentive the present program provides. There is an economic inducement for the father to leave. Certainly this is not the only reason for family breakups, but we are on unsound ground to continue a program which provides an economic incentive to the breadwinner to leave home, creating a fatherless household with no one working.

If we take the case of an individual with a wife and three children who is working at below the minimum wage—and there are between 6 and 7 million individuals working full time at below the minimum wage in this country—the incentive for family breakup is even greater. A man earning $1.25 per hour would have gross monthly wages of $215, and an economic income, after deducting work expenses, of $155 a month. He is not eligible for assistance because we do not cover the working poor. In this particular case the family is $48 better off if he leaves home, and there is still one mouth less to feed, one person less to clothe, and one person less to shelter. Can we continue a program that has these kinds of results? I do not think we can.

Let me give you some figures as to what an individual must earn in various States in order for his family of four to be as well off as a family of four on welfare.

In Illinois he must be earning $1.85 an hour for his family of four to be better off than a family of four on welfare. In Massachusetts, it is $2.16; Michigan, $1.95. In Wisconsin, as I indicated, it is $1.50. This is the encouragement we provide today for family disintegration. And these are the disincentives we provide for work. We must cover the working poor if we are going to avoid this.

Let me give you another case in my own State, and this could occur in about half of the States. Consider that intact family, which we have already discussed, with the father earning, after work expenses, $200 a month. The family is not eligible for assistance because the father is working. Then consider another family of four, with the father unemployed. Yet because he is not working, he becomes eligible immediately for a family benefit, in the State of Wisconsin, of $220. In this case it put $20 into his pocket to be unemployed.

Where is the incentive to work when we penalize work in a simple case like this? As I said, you can make cases in some States with higher welfare standards that involve a greater disincentive to work.

Does this system make sense? Of course not. What do we have to do? I think we have to adopt the underlying philosophy of this bill. We have to cover the working poor.

Additionally, we have to provide incentive to the individual to work. We do that in this bill in two ways. First, we let him keep the first $720 he earns annually—or $60 per month—without suffering a diminution in benefits in order to cover his work expenses.

Second, we let the man keep 50 cents out of every additional dollar he earns, reducing his assistance by only 50 percent of his earnings up to the break-even point—$3,920 for a family of four receiving a basic benefit of $1,600. This provides encouragement for him to get a job and go to work, and to continue working and improving himself.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, this is a little bit technical business, which the gentleman knows more about than I do, so I hope the gentleman bears with me. But the work incentive is one of the very important things in this bill.

Mr. BYRNES of Wisconsin. In my judgment, it is very important.

Mr. DENNIS. All right. That comes basically from the idea that after this first $720, the man is allowed to keep 50 percent of whatever additional he may earn? Is that correct?

Mr. BYRNES of Wisconsin. That is correct. Yes, a 50-percent income disregard is provided.

Mr. DENNIS. Is it correct, according to the people in this field, that we have to have the rate that low at least, that we cannot take away from him much more than 50 percent and retain any substantial incentive?

Mr. BYRNES of Wisconsin. Let me be honest with the gentleman. I do not know that we can say with any certainty that there is anything magic about the 50 percent.

Mr. DENNIS. At any rate, the gentleman will agree with that?

Mr. BYRNES of Wisconsin. There are those who contend, as we have heard the gentleman from Ohio (Mr. ASHBROOK), that the income disregard is too low, that we do not provide enough incentive, particularly when we calculate the disregard under cases that will involve State supplementation. If the limitation in the value of food stamps with increased income is included, the disregard is somewhat smaller, or conversely, the "marginal rate" is somewhat higher.

Mr. DENNIS. But at any rate, if we take away more than half of what he earns in addition, this reduces his incentive to work. We have to agree on that.

Mr. BYRNES of Wisconsin. Yes, or it increases his incentive to become unemployed, if he is working.

Mr. DENNIS. Yes. This is the technical part, but is it not a fact that under the provisions of the bill where the allotment for food stamps and so forth is affected and is reduced by the amount he is allowed to keep, that as a matter of fact, although we talk about 50 percent, we are keeping him from retaining substantially more than that?

Mr. BYRNES of Wisconsin. That is why I responded that there are those who suggest that the total incentive may be insufficient. But the incentives provided in the disregard included in this bill are an improvement over existing law, so that the bill cannot be challenged because we have not gone far enough in taking care of the working poor.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, is it true

that actually the rate gets up in the seventies and above rather than in the fifties when we calculate the food stamp allowance?

Mr. BYRNES of Wisconsin. There are cases where that will be true, but again we cannot generalize because in the first place food stamps are not available in all areas. For instance, I have many counties in my congressional district that do not have food stamps. I do not know if or when they will have them, but not every area has food stamps. We cannot fault this legislation because of provisions that are in the Food Stamp Act.

Mr. DENNIS. But we have to consider everything together to find out what we are talking about taking away from the man and what our taxes come to.

Mr. BYRNES of Wisconsin. I will agree there are cases where the marginal rate is above 70 percent, but for most income levels it is substantially below that. We must compare that with the greater disincentives found in present law.

Mr. DENNIS. But the gentleman is more than doubling the welfare rolls, to begin with. His hope of a future reduction—that is all it can be now, a hope—depends on this incentive. I am suggesting to the gentleman, if the incentive is in fact much less than we generally contend, the hope decreases materially.

I believe it is fair to point out that certain knowledgeable people, such as Professor Friedman, testified to that effect before the committee.

Mr. BYRNES of Wisconsin. Professor Friedman did feel that we were taking away too much of the individual's earnings that we had not made the disregard high enough when we included food stamps and other factors.

What is done by this is to fault the bill on the basis that we are not spending more money than is proposed under this bill, that we are not enlarging it beyond what the bill calls for, that we are not doing more for the working poor than what we have done in this bill. But some individuals are contending we should not even cover the working poor. We must do this, it seems to me, if we are to get rid of the underlying concept of the present program and implement the philosophy that people should go to work.

That is the only argument I can make in favor of the incentive we have here, that it is much more than we have today.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I want to compliment the gentleman on this very clear statement and the description of this legislation. I agree generally with the philosophy in the bill.

There is one question I have. In connection with the inducements to secure employment and to receive training for employment I question the provision with regard to the exemption of women who have children under 6 years of age. I wonder whether it is not possible that a woman might continue to have children one after another so that she would have one or more children under 6 years of age for an extended period of time, and thus defeat this inducement we are trying to develop through this legislation.

Mr. BYRNES of Wisconsin. I doubt that we will find many people who will think they can come out ahead at the end of the year on a basis of a $300 bonus, if that is what one wants to call it, for an additional child.

We have had a lot of correspondence recently saying that a $600 deduction in the income tax was not enough to take care of the cost of a child and that we were not making the proper allowance. So in the last tax bill we did try to move in the direction of an improvement in that situation.

I do not believe we will find that anyone is going to look at it as an economic incentive to have more children to get the amount of the allowance we provide in this bill for each individual child.

The CHAIRMAN. The time yielded by the gentleman from Wisconsin has expired.

The Chair advises the gentleman from Wisconsin that he has consumed 40 minutes.

Mr. MILLS. Mr. Chairman, I hope before he concludes the gentleman will allude to one matter in the bill I did not refer to; that is, these special works projects we have included in the bill for the purpose of seeing that people who do not find jobs in regular employment may have the opportunity to get work in those projects.

The CHAIRMAN. Does the gentleman from Arkansas yield time to the gentleman from Wisconsin?

Mr. MILLS. I will yield time to the gentleman, Mr. Chairman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for an additional 5 minutes.

Mr. BYRNES of Wisconsin. I dwelt on the work incentives because this is tied in to the fact that you cannot just deal with the problem of the nonworking poor. If you are going to move in the direction of getting people to work, to become self-sufficient, you cannot then turn your back on them as soon as they become working poor. That is why we have this incentive and this encouragement to work built into the bill.

Let me point out another important provision in this bill that is not in present law. Under present law we require the States to refer "appropriate individuals" to the employment service for work training and work. Who makes that determinations? The social worker, the welfare worker. What has been the result? It has varied all over the lot between States, but in too many cases the social worker has decided that it was not appropriate, for a mother with children to work. Not only have they said, I would say to my good friend from Illinois, that it is not appropriate for a woman with preschool children to work, but they say it is not appropriate for any woman with children to work.

We do not use the word "appropriate" in this bill to determine who shall be referred for work and training. We say everyone shall be required to register and take training and work, with a few exceptions specifically written into the law—such as mothers with children under 6 and the disabled. But even in the case of the disabled we require them to register with the rehabilitation agency to see if their disability can be corrected.

We encourage mothers of preschool children to volunteer and provide them with child care. We direct the employment service and the Department of Labor to train these people and to give them equal opportunities even though their participation is voluntary.

By spelling out the exceptions in the statute we do not leave to the discretion of some welfare worker whether an individual should be referred to work and training. The emphasis in this bill is on employment, so we charge the employment service with this responsibility under carefully specified conditions. The responsibility is with our principal manpower and employment agency—right where it belongs.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. CLEVELAND. I thank the gentleman for yielding. I have some questions concerning this legislation. I have been told the only pilot project which has been conducted for precisely this type of program for workers on welfare is one in New Jersey. I understand it was carried on under the auspices of the Office of Economic Opportunity. I was further informed it was based on an enrollment of 80 to 90 families and that only 1 year of the project was considered, and it had another 2 years to go. Is that rather sketchy information correct?

Mr. BYRNES of Wisconsin. Not entirely. I do not recognize the figures you refer to as being those associated with that study. We can make available to the gentleman the conclusions of this study, because we did call in the group that conducted the study, and they are developing further information now.

But this study was not concerned with welfare cases. It had to do with the person who is currently working, and whether a supplement to these families would discourage them from working and improving themselves. Their conclusion was that there was an incentive to work even though there was some assistance being given to this individual.

Mr. CLEVELAND. Am I right that this was a New Jersey study under the auspices of the Office of Economic Opportunity?

Mr. BYRNES of Wisconsin. The Office of Economic Opportunity participated in it and the overall contract was under their auspices.

Mr. CLEVELAND. Mr. Chairman, if the gentleman will yield further, am I correctly advised that the study has not been fully completed?

Mr. BYRNES of Wisconsin. Oh, no, it has not been fully completed, but it has gone to the point that they were able to draw conclusions.

Mr. COLLIER. Mr. Chairman, will the gentleman yield to me at that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Illinois.

Mr. COLLIER. I would like to add

something to that. The idea of providing incentive and encouraging people to work is not new. This is not a new program. For years out in my State where general welfare assistance and welfare programs were conducted by the various township supervisors and administrators of general assistance, this was a common practice. I happened to have served in that capacity for 4 years in a township. It was not unusual at all to help a lower income family by getting them either a part-time job or by getting them training, whether it was to work in a local gas station or what not. It worked, I can tell you that. It worked in more than one town. This is not a new concept. It is just as basic as apple pie.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield further,

Mr. BYRNES of Wisconsin. Yes, I yield further to the gentleman.

Mr. CLEVELAND. I do not wish to get into a debate on this precise point. But I have had experiences with the earning limitation on social security. I know about that and I hope to goodness that the members of the Committee on Ways and Means know that many people when they get up to the earnings limitation, they stop work even if they could still get $1 out of every $2 earned after that limitation.

Another question; what would be the chance of a college student who is married and, perhaps, has one or two children, with no earnings income or no assets? Would he or would he not qualify as one of the families under this program?

Mr. BYRNES of Wisconsin. The individual, if my memory serves me correctly, and correct me if I am wrong here—would probably be eligible on the basis that he was the head of a household taking training.

Mr. CLEVELAND. And this would be so regardless of whether his father was a millionaire or not? In other words, do you go into the family background to see if there is sufficient income to take care of this particular situation? Do you stop right there with the new young family itself?

Mr. BYRNES of Wisconsin. We do not impose a father's responsibility for an adult child. But we do have a minor child provision. In fact, there is a new provision in this bill. To the degree that that the Federal Government is paying family assistance to any child or the wife of an individual, he now has a financial liability to the Federal Government for the amount that has been paid by the Federal Government to support his family. I assume this is an independent household with, perhaps, a child. We would look into that individual's resources.

Mr. CLEVELAND. I am talking about the family case where the college student is married and has a couple of children and maybe is in postgraduate school because his family has been able to arrange for him to continue education, start a family, and stay out of the draft by providing postgraduate training. There he sits as an independent family. I am wondering whether he is entitled to these benefits or not.

Mr. BYRNES of Wisconsin. The question is, are the resources of this parent available to this child. If they are, then this child will not be eligible.

Mr. MILLS. Mr. Chairman, would the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the distinguished Chairman.

Mr. MILLS. Mr. Chairman, on the point raised by the gentleman from New Hampshire (Mr. CLEVELAND), first of all I would say to the gentleman from Wisconsin (Mr. BYRNES), that we must bear in mind that the individual was required to make himself available through the employment office, to call there for a job. Of course, he most likely would not be in need of any training, and if they found a job for him he would have to take that job. If he could not earn enough to bring his income up to the standard he might get some supplementation but in that particular case I do not think there is any real possibility that he would be eligible for benefits.

Mr. BYRNES of Wisconsin. I do not think a graduate student would be covered, but the individual who is still an undergraduate might be, because he might be considered in training.

Mr. CLEVELAND. And would it be true for a technical or vocational school or how about college or an engineering school?

Mr. BYRNES of Wisconsin. If it is considered to be part of the appropriate training for this individual.

Mr. MILLS. That is right.

Mr. BYRNES of Wisconsin. For work.

Mr. CLEVELAND. That is why people want to go to college, and why we want everybody to go to college, to get an education and prepare for work.

Another question; how about a couple on social security, and they adopt a grandchild or even have had a child? Would they be eligible for relief under this?

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

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, in reply to the gentleman from New Hampshire, I think that they could be.

Mr. CLEVELAND. My reading of the bill, which I admit is somewhat cursory, leads me to believe they might be, because if the person were in need and had a dependent in the family under 21 years of age, and that would be the adopted person or child I am referring to, they would be eligible.

Mr. BYRNES of Wisconsin. I think the gentleman is correct. Of course, their social security income would reduce their family assistance benefit dollar for dollar, as there is no income disregard applicable to unearned income. The registration and work requirements would also be applicable to this individual unless he was unable to engage in work by reason of his advanced age.

Mr. MILLS. Mr. Chairman, if the gentleman will yield further, even though a person may be in training he cannot prescribe his own type of training and then run down to the welfare office, and say "I am in training, so send me a check." He must undertake that course of training prescribed by the employment office. The employment office must say to the fellow that as part of the training we think appropriate for him he is going to the vocational school. If he does not go, then he would not be eligible.

Mr. CLEVELAND. Continuing the suggestion that the chairman has given us, if we take this young married person, if he has two children and a wife, and he goes down to the employment office, and if he tells the employment office "I might be able to go to college if I can get a little help for the family," are you telling me the employment office would not approve that, as going into training?

Mr. MILLS. I do not know what they would do because it is not intended to supply money for those in school. Let us get that point clear. But it might be that the employment office would decide that in order to train a person who is already on AFDC that it would be necessary for them to at least complete another year of school, but this program is not intended to apply to people going to college, whatsoever.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says this has no application to a person to go to college?

Mr. MILLS. That is right.

Mr. GROSS. No application whatever to the person under this program?

Mr. MILLS. They are not available for full-time work in the first place.

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

My BYRNES of Wisconsin. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I would like to point out in regard to the question raised by the gentleman from New Hampshire that you just cannot do it under this program, there is not enough money in this whole project. We are talking about 80 cents a day to feed a child. You are not going to be able to feed one for that price unless you are willing to do something else to earn income. And we are only talking about for adults a little more than that per day, so there is just not enough money in the whole program to do the kind of things the gentleman is pointing out even if it were legally possible.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Ohio.

Mr. LATTA. To me, the gentleman's argument on this bill is based on the fact that you are attempting to keep the father in the home and keep the family together so that he does not have to absent himself from the family in order for them to get some relief. Is that not one of the purposes of the bill?

Mr. BYRNES of Wisconsin. That is one of the problems encouraged by the present law and this bill attempts to correct it.

Mr. LATTA. Let me give you a hypothetical situation under this bill and see whether or not by splitting up a family of a husband and wife and four children,

the way this bill is now written, you would not come up with more money.

Take a family of a husband, wife, and four children. Under the terms of this bill, they would get $2,200. It would be easy to figure under the composition of a family as set forth on page 11 and 12. If you are really looking out for dollars and cents, which you are trying to get away from through the present system, under the provision of this bill the father could take two children and the mother could take two children and each set up a home and so get $2,600 as opposed to $2,200.

Mr. BYRNES of Wisconsin. As a matter of economics, if you get down to the precise figures there are additional costs in setting up a completely separate household rather than staying in one household. I do not think you have a very good case when you consider the additional cost they are going to incur.

Mr. LATTA. That is the same argument, however, that the gentleman is using and that the proponents of this bill are using against the present welfare system, where the husband would stay away from his home State or go to another place to live and go where he could get more money. But now you are saying you cannot use those same arguments against this situation. I would suggest to the gentleman to clear up the language of this bill and prevent this situation from happening when it goes to conference.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS. The gentleman from Ohio in the Committee on Rules raised the question about the language of the bill.

As I said in my opening remarks, I am certainly not going to contend that every word in this bill is perfect. But I do not see, if we made even one mistake or two in the bill, that that is any excuse for killing the whole theory of the redirection of this program.

Actually, I do not think we have made all these mistakes. But, if we have, this legislation will be amended just as all other legislation is amended.

In the instance that the gentleman mentions where the father is in the household, he would have to register for work and employment. Whereas now both the father and the mother would have to do that.

Mr. BYRNES of Wisconsin. Additionally, the father would have a liability to Uncle Sam for the amount of Federal funds paid to his wife and child as a result of the father leaving them. I doubt that he would find this would be a very advantageous situation.

Mr. LATTA. Is the gentleman inferring that there is no liability now?

Mr. BYRNES of Wisconsin. There is no Federal liability.

Mr. LATTA. I know that. But how about State liability?

Mr. BYRNES of Wisconsin. There is to the extent the State enforces it. But now we make it a Federal responsibility. We do this to make sure that there is proper enforcement and also to assist in the problem that occurs when a father absents himself from the State and it becomes difficult for the local authorities to trace him into another State. This is new under this legislation—the imposition of the Federal responsibility.

Mr. LATTA. If the gentleman will yield for just one further question—as has been pointed out by the gentleman from Arkansas and the gentleman from Wisconsin, that this not only requires the husband to go out and seek employment but also puts the responsibility on the mother in the case where she has children above the age of 6.

Mr. BYRNES of Wisconsin. Right.

Mr. LATTA. As I pointed out before the Committee on Rules, as the gentleman remembers, I am very much opposed to this because I think a mother's place is in the home when they have children 6 and 7 years of age.

Mr. BYRNES of Wisconsin. Well, you differ with the gentleman from Illinois who is criticising the bill because we do not make the mother with children under 6 register. That shows the difficulty we have in trying to reach a happy medium.

Mr. LATTA. My friend, the gentleman from Illinois, does not cast my vote nor does he think for me.

Mr. BYRNES of Wisconsin. I know that.

Mr. LATTA. But I am stressing the fact, and I am hoping your great committee, when you get this matter into conference will give a little thought about keeping the mother in the home, as well as the father.

Mr. BYRNES of Wisconsin. I think it is most important to respond to that. First, if there are no children under 6 it means that the children are in school during the daytime. The mother in this case does not have to be there during the daytime to take care of these children. Why should she not be at work.

Second, it seems to me the greatest therapy for these kids is to have them see somebody get up in the morning and go to work and not just grow up in a family that has had to rely on a welfare check. So as far as my particular viewpoint is concerned, I see nothing wrong at all in requiring mothers with children who are over 6 years old to register to take training and to take work. That is why I disagree with the gentleman.

I must yield the floor at this time.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. BROYHILL) such time as he may require.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 16311 because I believe it is a move in the right direction.

If there appears to be a suggestion of some hesitancy in my voice, there is. But the engulfing welfare mess we are now in has convinced us all that the present welfare system has failed. While I do not have the confidence that the family assistance plan will lead us quickly from our dilemma, it is a new approach, a new hope, that can lead those caught in welfare and the poverty cycle to the greener pasture of self-sufficiency and off welfare rolls onto tax rolls.

For those who are concerned, as I am, about guaranteed annual wage, the family assistance plan is not that. It adds to the current "guaranteed income," if you will, of present welfare handouts, the condition that qualified ablebodied members register—take training—and get to work or improve themselves for a better job. By contrast, the Heineman Commission report contains no such condition to its income maintenance payments.

I am convinced that too long we have heard the voice of the social theorists overpersuading poverty level persons that they have a right to welfare, that the almighty Government owes them a living whether they work or not. I am against force that destroys human dignity as much as the social theorists. But studies now bear me out that this coddling attitude has been wrong all along. If we listen to the mothers on welfare and to the majority in the poverty cycle, they want to work, if they can have some help on child-care needs and training.

Even in this bill, mothers with children under age 6 are exempt from the registration requirement, though such persons may voluntarily register and enter a training program, utilizing day-care assistance.

How many of us know families in the middle income, and even affluent group, who have working parents, with children under age 6 at home or in special facilities? Why must we continue to force a coddling attitude on those on welfare, when they prefer to respond to opportunity. A survey in New York City among welfare mothers showed that six out of 10, who had children under age 6, said they would prefer to work if they had child-care help.

We need to get rid of the overkill approach to welfare. Even in the family assistance plan there is this lurking element in the day-care plan. Federal funds will provide 100 percent of the rehabilitation and renovation of the proposed day-care centers. The emphasis in meeting the day-care needs appears to be directed toward elaborate centers with specially qualified professional persons.

But it does not require a genius to take care of a child. One study showed that retarded children reared by women with IQ of less than 80, became productive workers, while a controlled group of similar retarded children left behind in the care of an institution never became productive in their lifetime.

Without denying the value and need of such day-care centers, it is my apprehension that the emphasis of the administrative professionals is to go heavy in this direction. This is despite the fact a majority of welfare and working mothers would prefer to make their own child-care arrangements, either with a relative or neighbor, rather than transport their child to a more distant elaborate center. The working families who live in your neighborhood and my neighborhood do not have a day-care supervisor for their children with a master's degree.

What the poverty families want is not overkill. They are not demanding a Cadillac, but they could use a compact. They

want basic help, opportunity for training for a job that exists after taking that opportunity, and some financial help with day care while taking that training and working.

I also am concerned that disappointment may set in when it is realized that the task of providing training for jobs that exist cannot be met overnight for all those for whom this program is intended to serve. We are taking a big bite that will take us longer than we think to digest.

But I do like the more positive approach to this program. It has been shown that rising economy itself reduces gradually the number of persons in the poverty levels of income, yet our welfare rolls have increased with this burgeoning economy.

I am glad that this plan recognizes the working poor—the folks who have been wearing the white hats. It is time that we give a helping hand to those who have not shirked in their effort to break out of the poverty cycle, despite the present incentive to join their more affluent neighbors on welfare.

It is a program designed to help families stay together.

It establishes Federal standards to reduce the flow of welfare-oriented families to the urban areas.

It seeks to do something about holding deserting fathers—and mothers—financially responsible for their families.

It raises the level of adult assistance for the aged, blind, and disabled to $110 a month.

It brings a measure of financial relief to the States.

And, importantly, it places a lid on the ceilingless Federal payments that have been growing by leaps and bounds for aid to families of dependent children.

Mr. Chairman, I recommend the bill.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I rise in full and complete support of the Family Assistance Act of 1970. As a member of the Committee on Ways and Means who helped formulate the bill before us today, I commend my chairman (Mr. MILLS), as well as the ranking minority member (Mr. BYRNES). I believe the bill as it is before us today represents a substantial improvement in the proposal submitted by President Nixon to Congress last year.

The bill offers a meaningful step forward toward easing the burdens of welfare in this Nation, not only for those who desperately need assistance but for those citizens who must pay the bill.

I commend the committee particularly for important improvements in categories relating to assistance for the aged, the ill, the handicapped, and the blind.

Mr. Chairman, none of us are ever completely satisfied with a bill when it leaves the committee, and this bill, no matter how revolutionary, is no exception. I, among others, strongly urged the committee to raise the minimum levels per family. I believe the proposed allotments now in the bill of $500 for the first two members of a family and $300 for each additional member, are simply not adequate to provide a satisfactory base.

I would hope that once this program is implemented, it will become clear to the administration that minimum levels must be raised in the next fiscal budget. Nevertheless, I view the bill in its present form as an important first step that must be taken and I am hopeful that a majority of the House will so agree.

This bill is, of course, as controversial as any that will come before this body this year. But let me discuss briefly just several of the provisions in the bill that, to me, make its passage essential.

The bill will extend family assistance coverage from 7 million persons to 20 million Americans. And in the critical area of programs for the aged, the blind, and the handicapped, coverage will be extended from 3 million to 4 million persons.

And for the first time, our social welfare program will encourage, rather than discourage, a male head of household to remain in the home and help provide needed balance to his family.

For the first time, welfare is recognized as a national rather than a local problem. This bill will not only ease the overwhelming financial burden on local governments, it will at last put an end to the need for the heartbreaking migration of untrained rural citizens to our Nation's cities.

Mr. Chairman, my own city of New York has long carried out the most liberal of family assistance programs. And as the costs grew ever more awesome, attempts were made periodically to "weed out" the so-called welfare cheats. But, even though there have been some spectacular exceptions, the general conclusions of these investigations proved simply that a great many people had valid cause to be on welfare rolls.

The inescapable fact is that a great many of our citizens do need assistance if they are to survive. I believe it is the responsibility of Government to offer that assistance until such time as they can be helped to become self-supporting citizens once again.

If I may, Mr. Chairman, let me close with these simple thoughts. Our Nation is one of wealth and abundance. In less than 200 years we have fashioned the most progressive, forward-looking Nation ever to exist. We believe devoutly in fundamental freedoms, in justice, equality, and opportunity. We have shared our riches with many nations; indeed, we have often been more generous abroad than we have at home. Let us now use part of our resources to help our own people. I believe it is an investment this Nation will look back on with pride, for after all, it is an investment in our own future.

Mr. MILLS. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, it grieves me to find myself in opposition to my chairman and my friend from Wisconsin. The chairman was reminiscing to me the other day about the two greatest mistakes he made since he was in the Congress, and I would say to the chairman that, compared to what you are doing today, those others will fade into insignificance.

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

Mr. ULLMAN. I yield to the distinguished chairman.

Mr. MILLS. I have been praying the Lord that he will deliver me from all of these many mistakes I have made.

Mr. ULLMAN. I am hopeful, too, Mr. Chairman.

The chairman very eloquently pointed out the deficiencies of the present welfare system, and I think most of us would concur. But I would say you do not have to adopt this remedy to cure the deficiencies that he pointed out. For example, the problem of the family breakup. All it would take would be a simple Federal standard requiring unemployed fathers to be covered in all States. Obviously that would cure that problem.

With respect to the problem of the WIN program referrals, all we would have to require here is the Federal standard making it mandatory to refer whomever we saw fit to the employment agencies. But at any rate, the big problem we have here today is trying to understand a complex piece of legislation. I hope this Committee will not, just because there are deficiencies in the present program, go headlong into a new program that is so totally untried and so full of pitfalls that I will attempt to outline very briefly here today.

Mr. Chairman, today we are considering one of the most far-reaching pieces of legislation to come before Congress in recent years.

Passage of this welfare reform bill would mark a turning point in American social and economic history. The Federal Government would embrace the philosophy that American citizens are entitled to a guaranteed annual income. It is true that we limit that guarantee to those with limited assets, those with families and those who register at the employment office. But within those limitations the taxpayers of the Nation will be charged with permanent income maintenance for all.

Because I disagree with this basic concept as well as many specific provisions of the bill, I oppose its passage. I am not, however, an opponent of welfare reform. In my judgment, it is possible to devise an effective Federal program that will bring meaningful help to the poor. It is not, however, possible through this bill. I have great compassion for the poor. I believe that we can eliminate poverty and that should be one objective.

The action of this bill is to dispense cash. There is a great deal of talk about work incentives. But the bill offers little that is new in the employment area except the basic proposition that everybody on welfare who is eligible to work must register to work. Once registered, the poor will face most of the same frustrations and disillusionments they now encounter under the present welfare-work system. Few improvements would be in-

stituted. The significant difference is that 3 million more heads of families would be registered for the course in frustration and disillusionment.

The administration indicates that it will provide for an increase in funding for job training and child care in the first full year of the family assistance program. But the increase is not enough to overcome the inadequacies of the existing programs, much less enough to meet the demands of a greatly expanded new program.

Mr. Chairman, we have before us a bill with imposing consequences and serious deficiencies. It deserves the full understanding and careful consideration of the Congress before action is taken.

We cannot afford to say simply: "Anything is better than the present system." The stakes are too high.

I will vote for a straight recommittal of the bill. The committee can produce a bill that is responsive to the need, yet preserves the integrity of the system.

I would like to take a few minutes now to describe some of the questions that this bill has raised in my mind during the 6 months it has been before the committee. In my judgment, these questions still need to be answered.

Before us is a complex bill that overnight would nearly triple the size of the Nation's welfare rolls to 25 million and double the Federal cost of welfare to more than $8 billion a year.

The cost of the family assistance program is to be met by open-ended appropriation of the Congress from general tax revenues. The administration says the first-year cost of the new program to the Federal Government will be an added $4.4 billion. The committee proposes legislation that on top of total coverage of the Federal floor, would commit the Federal Government to pay 30 percent of the supplemental costs of the States, up to the limits of the poverty level.

This, of course, is only a beginning. An extra $4 billion for Federal floor benefits in the early 1970's will easily become an extra $8 billion by the late 1970's. A 30-percent share in supplemental payments will undoubtedly be increased to 60 percent or higher within a few years. Congress will face annual pressure until the total cost of the welfare system is assumed by the Federal Government. This bill goes a long way toward federalizing the cost of the welfare system. The few steps remaining after its passage would merely be a matter of time.

The bill places a Federal floor under the adult categories in the system—the aged, the blind, and the disabled. Here there is no controversy. The increases in benefits that will result from the new floor are necessary to help those locked into a fixed income to meet the erosions of inflation on their benefit dollar. The system will continue to be operated in a conventional manner by the States.

Beneficiaries in these adult categories comprise less than 30 percent of the total number of persons receiving welfare checks. Their number has remained relatively level in recent years.

In the other major welfare category, family assistance, families are strictly defined. A minimum family requires two persons, an adult and a child under 18 or if he is a student, under 21. Single persons and couples without children are not eligible under the bill. This provision, incidentally, strikes me as one of the bill's most glaring anomalies. How can one accept the principle of guaranteed income for families and refuse to do it for single persons and couples?

Aid to families, of course, is the source of our mushrooming welfare costs, with the number of persons enrolled under the existing program having nearly tripled in the past decade. Later I will discuss how this total cost will mushroom in the future. But cost alone is not a sufficient reason for opposition.

What does this program do? First and, of course, the most important significant thing that it does, and the thing that has most of the Members of the Congress greatly concerned, within certain limitations it does prescribe for the first time in the history of this country a guaranteed family income program. I am going to cover that in a bit of detail later on. But we have never had this kind of family guaranteed income program under any circumstances in this country before.

Second—and I think this is very important—the United States under this program does directly assume the full responsibility for the welfare program, for determination of basic eligibility for all family welfare recipients.

That goes to the determination of income, to the determination of assets. The U.S. Government will administer the means test to the family status, and any other requirements under the program.

In assuming this responsibility the United States will be charged with the responsibility for that welfare determination, the determination of eligibility, as well as making the payments. These welfare payments across the land in every community and in every State will be paid directly out of the Federal Treasury. This includes all the 1.7 million families now on the AFDC program as well as this broad new designation that we call the working poor. So this bill would add 2.9 million new families—and that amounts to 15 million new people—to the welfare rolls in this country on a 100 percent Federal basis.

I was horrified in the committee in listening to the witnesses from the administration tell us how this program will work. I want to say it is an administrative monstrosity, that it does not eliminate any of the bureaucracy, but it just adds another layer. This, I think, is tremendously significant. I had hoped, personally, that when we had a proposal to reform welfare, we would use that opportunity to clean up the mess of bureaucracy we have operating in this whole area of poverty.

The Family Assistance Act moves toward nationalization of the welfare system, but it does not simplify the administration of the system.

A new Federal agency will have to be established in the Department of Health, Education, and Welfare to administer the family assistance plan. A whole new bureaucracy would be born.

The payment program would operate essentially on a declaration basis. The prospective beneficiary would declare his basis for eligibility under the uniform standards, and once approved and registered in the employment office, he would begin to receive a benefit check. The declaration system is already in use at some New York City welfare centers, replacing personal interviews and investigation as the basis for eligibility. It is viewed by many welfare experts as a major step in the shift from a work-oriented welfare system to an income maintenance system.

Spot checking of a sampling of initial declarations is planned to insure accurate reporting of income. This is clearly an inadequate safeguard against abuse of the system.

The Federal Government will have its hands full coping with the high turnover of families in need, and the fluctuation of income in the poverty level. Under the existing program, in 1968 some 8 million separate persons received welfare checks, even though the average monthly number of recipients in that year was only 5.7 million. Determining the amount of the monthly check for the working poor will be extremely difficult. As one expert witness told the committee during hearings:

> There is a very large amount of up and down in the income of people in these lower income levels, and in percentage terms it is immense. Fifty percent, 60% variations are not at all uncommon.

There will be critical administrative problems under the work registration requirements of the bill, too. The Secretary of Labor has the full responsibility under the bill to develop programs for manpower services, training, and employment, and is expected to utilize State employment services in many cases to implement these programs. According to the Secretary of Labor's own description before the committee, his Department would work on a joint basis with State and local agencies to develop manpower and employability plans for recipients. The Secretary would get guidelines for these plans, but actual implementation, in his words, would go "office by office." The failure of State agencies to use imaginative, innovative approaches in placing welfare beneficiaries in training programs is a major source of concern about the existing system.

The food stamp program, which is billed as an integral part of FAP's attack on poverty, will in fact remain very much outside FAP for administrative purposes, continuing under the direction of the Department of Agriculture. The committee recognizes the inefficiency and potential ineffectiveness of this division of the poverty program.

Thus, we will keep much of the bureaucratic mess we have. On top of it we will add a new layer of Federal bureaucracy operating both in Washington and in hundreds of American cities.

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

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

Mr. LATTA. Mr. Chairman, the gentleman had some testimony before his committee on the administration of this program. I just wonder if the gentleman had any testimony on how much it will cost to administer this program.

Mr. ULLMAN. It would be a guess, whatever we said. The administration had some figures as to what it would cost, but they are not based upon anything in the world of reality at all. If we are talking about proper administration, if we are talking about a real determination of assets and not just opening up the Federal Treasury to everybody who fills out a form, then the administration costs would be completely beyond anything that has been proposed by the administration.

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

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

Mr. KYL. Mr. Chairman, I think the gentleman is making a fine statement. My major concern about this whole procedure is this. The first time the matter came before the Congress which would try to enforce making a person work before she or he could get welfare, I am convinced this body would turn its back on the philosophy of this program and say we just cannot force a person to go to work to get welfare, and we would be right back where we were except we will have the guaranteed annual wage on top of this program.

Mr. ULLMAN. I think the gentleman is absolutely right.

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

Mr. ULLMAN. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, do I understand from my friend, the gentleman from Iowa, that he is disappointed because the bill requires these people to take training, to go to work?

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

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

Mr. KYL. Mr. Chairman, what I am saying is with the social system in the United States and with the court system working as it is in the United States, no one is going to force anyone in the final analysis to go to work, no matter how lofty or honorable a goal it would be.

Mr. MILLS. The gentleman assures us that is not the case, that there are 3,200,000 of these people who either possess training or are capable of training and after training go to work. Would the gentleman like to see them working?

Mr. KYL. Mr. Chairman, if the gentleman will yield further, I would ask the gentleman from Arkansas this question: Did not this Congress a few years ago adopt a policy which would have forced the ADC mothers, for instance, to go to work?

Mr. MILLS. No, we did not. We put the onus on the States to see to it that they had training.

The States decided that none of them were "appropriate for training." They got out of it in practically every State.

Now we are taking over the program, and we will have Federal employees making that decision under the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare must assume the responsibility if the program is not administered properly.

Mr. ULLMAN. Mr. Chairman, let me proceed with an analysis very quickly of this work requirement. In my judgment this is the most overrated provision in this whole bill.

The administration has sold the family assistance plan on the proposition that its program will achieve this goal. The fanfare for "workfare" raises the expectations of hundreds of thousands of Americans that new and better jobs will develop under FAP. But the program neither lays the foundation for these jobs nor provides adequate funding for training and child care to make working feasible.

This is the problem. It takes money to train people. There is not that kind of money in the President's budget, to even break the surface of the overall problem.

I have a chart here indicating 1969, 1970, 1971, and 1972, indicating what the funding provisions in the bill are, and at the break what the problem is. We are not even beginning to cope with the problem of training these people. It is an extremely expensive proposition.

When we say we are going to refer them to the Employment Bureau, the employment agencies will have a hard time just handling the paperwork of registering them. Insofar as the training and work placement are concerned, I see nothing in the bill that would implement those programs.

The key work program for welfare beneficiaries now is the work incentive program—WIN. Authorized in 1967 by Congress, WIN got off to a slow start but has gained momentum steadily in the recent months. Although there are many defects in the program, WIN has its strong supporters. The director of California's WIN program, Aaron Levin, who is a veteran administrator of four succeeding Federal manpower programs, told the committee that WIN is "to me the most heart warming, the most comprehensive, the most flexible program I have ever seen for training and employment of welfare recipients."

Levin observed that WIN brings together the three major systems required for a successful program—education, labor and welfare. It is tailored at the State and local level to meet the special needs of local and regional problems. It employs a unique team approach to solving individual cases, including coaching by other welfare beneficiaries already enrolled in the program.

An important deficiency in WIN has been the lack of adequate funding for the program.

In fiscal 1969, Federal outlays for WIN totals only $33 million to cover 81,000 slots. Budgets for fiscal 1970 and 1971 call for sizable increases but not nearly enough to meet demand in many areas. For example, New York City has 9,600 training slots in fiscal 1970. But officials told the committee that the need is for 48,000 slots.

Nothing like this kind of a quantum jump is planned under FAP. WIN is to be repealed by FAP, and replaced apparently by a program much like it. The administration plans in the first full year to open up 150,000 new training slots and to provide training to upgrade skills of 75,000 of the 3 million newly registered working poor at a total cost of $210 million. The scope of the proposed program is clearly inadequate.

There are, in fact, a long list of problems with FAP that must be solved if work incentives are to be anything but hollow rhetoric. These include:

First. Transportation. A marked shift in the makeup of the welfare population will occur under FAP from urban to rural, largely because of the addition of the working poor. Most of the working poor live in nonurban areas.

Among the existing welfare population, 73 percent live in urban areas, 27 percent in nonurban areas. According to one study presented before the committee, the FAP population will break down almost 50–50 between urban and nonurban. Among the nonurban FAP population, 75 percent will live in towns of less than 2,500 population.

Besides making job training programs more uneconomical, the shift in the welfare population toward nonurban areas presents a transportation problem. Lack of adequate transportation is already a serious concern under existing programs. In rural areas, enrollees in the WIN program are stranded miles from program centers without cars or access to public transportation facilities.

FAP's nonsolution is a cruel one. Persons living in rural areas where private or public transportation opportunities are not available will be required to register for FAP, but will not be required to participate in the program. These people will not be considered priority cases under FAP. Government public transportation services will receive low-priority attention, Labor Department officials admit.

Special works projects: This current program could be one of the most fruitful in finding jobs in the public sector when they are not available in private industry. The program would employ welfare recipients through Federal, State, and local public and nonprofit agencies, offering particular usefulness in times of high unemployment in the private sector.

Adequate financial incentives to participate in this program have not been forthcoming, and public agencies have virtually ignored the program. Only about 765 slots have been activated, with 750 in one State, West Virginia. Funding is running below $1 million a year.

The committee calls for a renewed emphasis on this program in its report, and expresses the hope that there will henceforth be "wide implementation of special work projects."

But it should be noted that the administration's original bill barely mentioned special projects, and no estimates of future funding are available. In my judgment, there are no grounds for optimism that this important vehicle for expanding employment opportunities for welfare workers will be utilized any more effectively than it has been in the past.

CHILD CARE

A critical area if any new welfare program is to succeed is child care. FAP would expand the federally aided day-care program by adding 450,000 more children. This is an important step forward.

But more can and should be done in child care. Among the adult family welfare population, there are 750,000 women with recent full- or part-time work experience. This Labor Department statistic suggests the need for at least a further doubling of day-care slots and funding beyond the FAP proposal.

The FAP annual unit costs allocated per child of $1,600 for full-time day care and $400 for part-time care fall below the "acceptable" level of child care as defined by experts before the committee. These unit costs are only marginally above the minimum level of care, where the health and safety of the child are the primary concerns, and little attention can be given to developmental needs. Many experts in this field observe that the disadvantages to children of a minimum level of care far outweigh the advantages of having mothers work.

Token funds of $24 million would be authorized in the first full year for renovation and remodeling of child-care centers. No money is earmarked for construction of new day-care facilities. This is considered a serious shortcoming under the present program, and will obviously prove more serious under a greatly expanded program.

Beyond these specific problems, there are broad defects in the job provisions of FAP. A basic fault of this entire exercise in so-called fundamental welfare reform is the administration's failure to attempt some streamlining of the myriad number of Federal programs now operating, and daily overlapping, in the manpower development area.

The Department of Labor presented an exhibit to the committee that showed there are 24 federally assisted manpower training and support programs now operating—some under the Labor Department, others under HEW, Defense, Commerce, and HUD.

Critics of this bureaucratic nightmare who appeared before the committee spoke of "unproductive competition among manpower programs," and "redundant calls to personnel managers," to mention only a couple of comments.

The provisions of the FAP program aimed at consolidation amount to fine tuning, not major adjustment. In my judgment, most of the 24 programs should be consolidated under a single welfare-experienced agency.

Another major problem area that FAP does not solve is where the new and improved jobs will be found at the end of the training programs.

A study by the Auerbach Corp. of Philadelphia presented to the committee stressed that "much more needs to be known about the actual availability" of jobs related to Federal manpower programs. The study recommended that a job analysis, on a site-by-site basis, should be made with particular emphasis on the relative potential of the public and private sectors of the economy to supply jobs.

A manpower program for the poor has to be developed around the existing market, not merely assumptions that jobs will be available at the end of the training program. The size of local welfare manpower programs is presently determined by the size of the welfare population. As the Auerbach study rightfully points out;

It would make some sense to let the project size be governed by actual job availability.

The study adds:

Labor market analysis would also ensure that training programs were suitable for existing jobs.

There is no hint that FAP will correct these errors. There is only every indication that the program will carry the Nation further into the mire by a massive expansion of the work-registration rolls without any knowledge of the possibilities for placement in new or improved jobs.

We have had some talk about the penalties, that if one does not work he will lose his welfare payment. What is the situation? If the family head refuses to work the only penalty here that we impose upon him is a loss of $300 a year in the amount of the payment. His wife would then get $500 and the first child would get $500, and it would be $300 for each child beyond that. So the only penalty we are imposing for refusing to work is $300 a year.

I have a chart here I will show in a moment which indicates the magnitude of what we are talking about in terms of Federal assistance.

Let us look very briefly at how this guaranteed income program works. I want to point out, this is something new. We have never had it under any guise as a program in this country.

I believe the best way to illustrate how it would work is to show the Members a table. I am sorry you are not able to read the numbers. I will insert it in the RECORD for your study. This is the kind of table that will obviously be available to every so-called working-poor family in this country. All one has to do is to get a copy of it.

SCHEDULE OF ANNUAL FEDERAL BENEFITS UNDER FAP

| Annual earned income | Number of children | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| $9,000 | | | | | | | | | | | $110 |
| $8,500 | | | | | | | | | | $60 | 360 |
| $8,000 | | | | | | | | | $10 | 310 | 610 |
| $7,500 | | | | | | | | | 260 | 560 | 860 |
| $7,000 | | | | | | | | $210 | 510 | 810 | 1,110 |
| $6,500 | | | | | | | $160 | 460 | 760 | 1,060 | 1,360 |
| $6,000 | | | | | | $110 | 410 | 710 | 1,010 | 1,310 | 1,610 |
| $5,500 | | | | | $60 | 360 | 660 | 960 | 1,260 | 1,560 | 1,860 |
| $5,000 | | | | $10 | 310 | 610 | 910 | 1,210 | 1,510 | 1,810 | 2,110 |
| $4,500 | | | | 260 | 560 | 860 | 1,160 | 1,460 | 1,760 | 2,060 | 2,360 |
| $4,000 | | | $210 | 510 | 810 | 1,110 | 1,410 | 1,710 | 2,010 | 2,310 | 2,610 |
| $3,500 | | $160 | 460 | 760 | 1,060 | 1,360 | 1,660 | 1,960 | 2,260 | 2,560 | 2,860 |
| $3,000 | | 410 | 710 | 1,010 | 1,310 | 1,610 | 1,910 | 2,210 | 2,510 | 2,810 | 3,110 |
| $2,500 | | 660 | 960 | 1,260 | 1,560 | 1,860 | 2,160 | 2,460 | 2,760 | 3,060 | 3,360 |
| $2,000 | | 910 | 1,210 | 1,510 | 1,810 | 2,110 | 2,410 | 2,710 | 3,010 | 3,310 | 3,610 |
| $1,500 | | 1,160 | 1,460 | 1,760 | 2,060 | 2,360 | 2,660 | 2,960 | 3,260 | 3,560 | 3,860 |
| $1,000 | | 1,300 | 1,600 | 1,900 | 2,200 | 2,500 | 2,800 | 3,100 | 3,400 | 3,700 | 4,000 |
| $720 | | 1,300 | 1,600 | 1,900 | 2,200 | 2,500 | 2,800 | 3,100 | 3,400 | 3,700 | 4,000 |
| $500 | | 1,300 | 1,600 | 1,900 | 2,200 | 2,500 | 2,800 | 3,100 | 3,400 | 3,700 | 4,000 |

Let us take a couple of examples. First let us go down to the $720 level. Anyone in the country could earn $720 and still get 100 percent of family assistance payments under this program. So a family of two would get $1,300 and a family of three $1,600, and on up to a family of 10, which would get $4,000 under this program, assuming all they earned was $720. But where it gets more complicated is the 2.9 million new families of working poor that we are putting under the program. We assume a lot of them have never been on welfare. But suppose they are making $2,500 a year and have a family of six children. You go up the column and you find the Federal Government then would start paying them $1,910 every year. They would start getting a check for that amount the next month. If you will take a larger family, you could go up to $5,000 in income. Take a family of nine children. The Federal Government would pay them $1,560 every year. They would start getting that check the next month. Of course, this assumes the means test will be passed, which is $1,500 in assets. Remember, though, that the home is exempt and whatever assets are required to hold down a job. Presumably an automobile that would be used to travel back and forth to the job would be also exempt.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ULLMAN. Insofar as the State supplements are concerned, we are going to pay up to the poverty level 30 percent of all of the costs of State supplementation on top of this all-Federal program. Adding it up, this program opens up the Treasury of the United States in a way that it has never been opened up before in our history. An individual fills out a form and says "I have $1,500 of assets and I have so much income." He fills it out and sends the form in to Washington. It presumably runs through

a computer to see if the man has reported his income correctly or not. Then this table is consulted to determine how much he is eligible for. Then the check goes out. Every 100 persons or some such figure will be spot checked. However, I want to remind you that it is terribly expensive in a program like this to check. There is not sufficient money here for any kind of adequate check on the payments. Remember we are talking about 2.9 million new family heads that will begin receiving checks from the Federal Government on top of the existing 1.7 million welfare recipients already receiving checks from the State.

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

Mr. ULLMAN. Yes. I yield to the gentleman.

Mr. HUNGATE. The report mentioned reform in here. Is there any place that this would reduce the number of those on welfare? Is there any contention by the gentleman to that effect?

Mr. ULLMAN. Of course this would not reduce it. This would add 2.9 million families. And the people who talk about an incentive to get off of welfare are just talking about pie in the sky. Everybody who is a realist knows that it will not happen. If you look at this kind of a table, there is nothing in there to induce anybody to get off of it, in my judgment.

Mr. HUNGATE. On that issue of reform, is there any place that you can reduce the cost of the welfare programs to the Government?

Mr. ULLMAN. In this program?

Mr. HUNGATE. Yes.

Mr. ULLMAN. No. This would add on top of all the welfare costs we have today well over $4 billion, but I think it would be far beyond that by the time the program gets into operation.

Let me go on very quickly.

Let us look at the integrity of social security. For years we have had a basic principle that you do not mix welfare and social security.

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

Mrs. GRIFFITHS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ULLMAN. But, under this program we are putting the Social Security Administration into the welfare business.

Further, and contrary to what has been said, it will not stop desertions or reunite families. The statistics are very clear. Many States that do include unemployed fathers like New York have a much higher rate of desertion than States that do not include them. You cannot find a correlation between the two.

The work requirement is a delusion. There is not any question about it. You would have to give the poor $2 billion that you have for the working poor and put it all into work training and child care to even make a dent in the problem of taking care of the people already on welfare, let alone these 2.9 million new families that we are adding to the welfare rolls.

Now, Mr. Chairman, there are all kinds of loose ends in this program. The first thing that I think Members are beginning to feel already is the pressure to increase the $1,600 base.

These pressures are going to grow by leaps and bounds. There is no anchor in this program. We have got a movable feast of figures. There is no rationale. Once we pass this bill, then I think all the stops are out, and we are on our way, and in place of a $5 billion program, this is going to wind up a $20 billion program.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I do not want to interrupt the train of thought of the gentleman, but I understand the gentleman says that this is going to be administered as part of the Social Security Old-Age and Survivors Insurance Act, or Social Security Administration, as we think of it in those terms.

Mr. ULLMAN. I said by the Social Security Administration. The Social Security Administration will administer the act.

Mr. BYRNES of Wisconsin. But I think the gentleman should recognize that the committee made it clear that is exactly what we do not want done. If the gentleman will turn to page 27 of the report, he will see where we say:

> It is the intent of your committee that a new agency would be established in the Department of Health, Education, and Welfare to administer the family assistance plan.

We also say—and I will not read the whole paragraph, but we also say:

> For example, while the administration of the family assistance plan would be completely separate and distinct from the social insurance programs, the committee would expect that the computer equipment and other capabilities of the Social Security Administration would be utilized in the administration of the family assistance plan to the extent it is economical and efficient to do so.

So we make it very clear it is not going to be administered by the Social Security Administration.

Mr. ULLMAN. I will say to the gentleman——

Mr. BYRNES of Wisconsin. If the gentleman will yield further, I say that, as I think the gentleman remembers, that I, too, had that concern if you would intermingle this plan with the administration of the old-age and survivors insurance system by the Social Security Administration, and that it would be inadvisable. And it was the result of those concerns that I had, and others had, that we put this language specifically into the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I wonder if I may have 2 additional minutes to respond?

Mr. MILLS. Mr. Chairman, I yield 3 additional minutes to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, all I can say is this: Time after time in our hearings, and in our executive sessions, Mr. Ball, the Administrator of the Social Security Administration, indicated that in some instances this would be handled in the social security offices, and others it would not. Be that as it may, then what you are saying is that we are going to have a completely new welfare office in every community across this land.

Now, on top of everything else, on top of all the bureaucratic mess, we have these new welfare offices all across the land.

Mr. Chairman, let me summarize:

First. The bill does not achieve fundamental reform. Reform should be built on the solid foundation of experience, and should be backed by clearly defined principles understood by all. In my judgment, the bill is deceptive in nature and clearly understood by very few. The heart of welfare reform should be human rehabilitation. There is little of that in this bill.

Second. The bill does not provide a sound work incentive program. It raises the expectations of the poor for jobs through a universal work registration requirement, and then dashes them by grossly underfinancing the programs needed to make the jobs possible.

Third. The bill means more bureaucracy, not less. It gives sweeping authority to the Secretaries of Health, Education, and Welfare and of Labor to direct the new program, but provides little guidance for administrative reform. The mess of the existing system will be compounded under the new program.

Fourth. The bill establishes the basis for a guaranteed annual income through a negative tax formula. It would permanently consign more than 10 percent of our national population to welfare handouts.

The expansion of the Federal welfare rolls to include 3 million families classified as the "working poor" is a risky experiment based on an untried formula. We know next to nothing about the effects of guaranteeing the annual income of low-wage earners. The administration has trumpeted results of tests it has conducted in this area as evidence that the effect is positive, and that the desire to work is not destroyed by supplemental cash handouts.

While there are some encouraging aspects to these tests, it would be a grave mistake to use them as any kind of precedent for this legislation. The evidence so far is at best fragmentary. The OEO project in New Jersey involves a few hundred families and has been underway for only about a year. The director of this project, Harold Watts, told the committee earlier this year that his team has so far achieved "very incomplete and preliminary findings about low-income work behavior." He uses completely different criteria and the program is overburdened with administrative costs.

He also told the committee that the $64 question remains unanswered: Will cash handouts motivate low-income

workers to increase their skills and make it on their own after the payments end? Much more research is needed on matters of this magnitude.

In my judgment, there is a strong possibility that the grand design for the working poor under FAP may go badly awry, and in fact result in a disincentive rather than an incentive to work. Cash handouts from the Federal Government to raise their earned incomes could replace the desire to earn additional wages. Tax-free Federal benefits and access to food stamps could in many cases provide a strong incentive for remaining in the low-income group and on the welfare rolls.

Without question, there is need for real reform of our welfare system. We need to make a real effort to streamline and consolidate the administrative network that operates the national welfare system. When we have cut down the bureaucracy, we could hope to apply successfully uniform standards for welfare eligibility and uniform procedures for dispensing benefits.

Above all, we need to expand greatly our federally aided programs aimed at employing welfare workers. These include the work incentive program, the special projects program for employment in the public sector, the JOBS program coordinated with the business community, and child care. We need to launch an organized effort to ensure that jobs for the trained welfare beneficiary will be available when he is ready to go to work.

The extra billions to be spent on welfare should go in this direction, not toward larger and larger cash payments for millions of Americans. This bill would pretend to go both ways at the same time. This is impossible. If work is to be emphasized, we cannot also underwrite a broad system of cash payments. If we accept the cash payment approach as proposed by this bill, then we have begun to move away irrevocably from work incentives to solve our poverty problems. A choice of this magnitude should not be made lightly.

I would say in conclusion that this bill should be recommitted. This bill will not eliminate poverty. It is only going to institutionalize it, and it is going to lead to unending problems year after year for every Member of this body.

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

Mr. ULLMAN. I yield to the gentleman.

Mr. MATSUNAGA. Mr. Chairman, as a member of the Rules Committee, I was privileged to listen to the pros and cons on the bill (H.R. 16311) to authorize a family assistance program providing basic benefits to low-income families with children, to an extensive degree.

I voted to grant a rule to permit the consideration of this measure by the full House. I will vote again for the passage of H.R. 16311 because I believe that in theory it is a step in the right direction. I am especially pleased to note the inclusion of an incentive program designed to encourage those now on the welfare rolls to seek employment, and where not trained for employment to be prepared for employment under a proposed training program. However, as I observed during the Rules Committee hearings, I doubt very much that the program as outlined in the pending bill will succeed. I say this because the administration appears to be headed in the opposite direction where the unemployment situation is concerned.

On the one hand, the administration is proposing that those now on relief be trained for jobs to become self-sustaining. On the other hand, the administration appears bent on increasing the unemployment rate to as much as 5.5 percent in its effort to stem the tide of inflation. In the view of many economists, with whom I agree, the administration is acting on a mistaken theory. How can the administration hope to place newly trained workers into jobs when it is doing nothing to create jobs into which they can be placed. Instead, the administration, by its economic policy, is now eliminating jobs and increasing the unemployment roll to such an extent that those previously employed will be competing with the newly trained former welfare recipients for the limited number of jobs available, if any.

Mr. Chairman, unless the President reverses his present position, in the realization that his policy of stemming inflation through increased unemployment is a failure, and unless the President awakens to the fact that inflation is not a necessary complement to full employment, his so-called workfare program embodied in the pending bill can never be successfully launched. I repeat, Mr. Chairman, H.R. 16311 is a step in the right direction in theory, but in practice the program which it proposes will fail miserably unless the President's policy on unemployment is altered. In voting for this measure, I will do so in the fervent hope that the President will take immediate action to alter his policy to insure the success of this program.

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

Mr. Chairman, I hesitate to follow my chairman and my ranking minority leader. After the very brilliant and comprehensive statements they have made in support of this bill, I feel that anything I may say will be anticlimax. I certainly want to associate myself with their remarks.

Mr. Chairman, to me some of the problems we have had in trying to resolve this issue is the same we have had with respect to any number of bills. In other words, the complaints I get are, "I am for welfare reform, except—." It is the same situation we had on the tax reform bill—"I am for tax reform—except—." It is the same we have when it comes to economy in government—"I am for economy in government, except so long as it does not affect me."

I want to repeat what the chairman said. I sat throughout all of the hearings, and I attended a majority of the executive sessions. I failed to hear anybody present any other welfare reform measure then. The only testimony we had in our committee, so far as I am able to recall—and I am willing to be corrected if I am wrong—were statements either for the bill or against the bill and nothing constructive, so far as any substitute program is concerned.

So that makes the problem of the Committee on Ways and Means just a little bit difficult.

This is a complicated and comprehensive bill. I do not want to appear to be oversimplifying it, but my only purpose is to make a few brief observations and sort of pinpoint some of the answers to the objections that we have received along the lines the chairman and the minority leader have expressed on the floor.

The first objection we hear is that it is a guaranteed income. Let me say in response to that that it is no more a guaranteed income than present welfare programs which are simply Federal contributions to State programs, for welfare payments on the basis of poverty levels or payment levels or some other assurance that people on welfare are going to get definite relief.

Now the classic definition of guaranteed income is an income which assures income regardless of work or need or earnings. This present formula of $1,600 is exactly the opposite. In my opinion, it is a ceiling instead of an assurance of a minimum. It places a ceiling up to which the Federal Government is going to contribute, taking into consideration all the other factors of work and of earnings and need. So really, and I think the chairman made this very plain as well as the minority leader, that in no sense of the word so far as the classic definition is concerned is this a guaranteed income.

Second, there is the complaint about costs. This is in a sense repetition, but I think it is worth it and it is in the report if you have read it.

In the last 10 years the number of people on the payroll as recipients under the present welfare programs has increased from 2.4 million persons to 6 million persons—in 10 years.

Also, the cost of the present welfare program in the last 5 years has tripled to $4 billion. The plain fact is simply this: If you want to continue a program such as that, a good way to do it is to vote against this bill, because that would be assurance that you are going to continue a program which has been tripling its expenses every 4 years.

The main thrust of this bill is grafted to an attempt to reduce these costs. Some of you may have read in the last few days, or at least a couple of weeks—I think it came to the office of every Member—a statement from the National Association of Manufacturers, which is certainly not regarded as a liberal organization, analyzing, I think in a friendly way, the possibility of reduction of costs in this welfare proposal. It says, simply stated, that in spite of the fact that there will certainly be an increase in the cost of this program immediately, that it had the potential of ultimate reduction in cost.

I was very much interested and almost intrigued by a statement which appeared in the February issue of the New England

Letter, which is put out by the First National Bank of Boston, and which I assume also is certainly not a liberal organization. I wish to quote from it:

The goal of employment rather than dependency is widely acclaimed, as is the prospect that welfare families would stay put rather than flock to the states and cities with the most generous payments. The present system is so hated by recipient and taxpayer alike that the estimated cost of an added $4 billion per year is less of a hurdle even at this time of budget stringency. As the plan moves into Congressional debate much sniping can be expected, and such adjuncts or alternatives as family allowances and a negative income tax or promise of a small guaranteed income will receive attention. Liberals and conservatives will find it difficult to oppose these improvements in a welfare system which has become increasingly out of step with reality.

The third objection is the one of adding the working poor. I think the figure usually given is 12 million without taking into consideration the fact that these are simply temporary additions until the program gets underway, after which the whole philosophy, the whole purpose, the whole main thrust is to remove people from the welfare programs and reduce the cost.

I took it upon myself last Monday to take the floor and to address myself to the opposition, which I think was pretty widespread, and all Members of Congress were well aware of it, of the U.S. Chamber of Commerce to this bill. I pointed out in a 1-minute speech last Monday that the chamber of commerce last fall had taken a poll of its members and 86 percent of them had responded in favor of this bill, citing the work incentive program as the reason for their support. I said I did that on Monday so, in fairness, the chamber of commerce could reply before the bill was brought up for debate. And they did, in a letter to me dated April 14, which I have permission to put into the RECORD at the end of my remarks.

But I want to read this one paragraph from this letter, which I think is important from the point of view of the House Members considering who is and who is not in opposition to this bill and how much.

The National Chamber supports welfare reform and believes that some parts of the House bill are progressive. Our objection is directed only at the part of the bill that commits taxpayers to begin guaranteeing an income to families with fully employed fathers. Once this concept is established, we can visualize it would not be long before one-third or more of the National population would be receiving income supplements, at a cost of $20 billion or more annually.

As I read this letter from an organization which was widely reputed to have been in opposition to this bill. But, and I repeat, it says that its opposition is limited to the concept of the guaranteed income as it applies only to the working father or to the working poor.

The concept of the working poor, as has been well explained by the chairman and by the ranking minority member, is part of the main thrust of this bill.

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

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman from Ohio 10 additional minutes.

Mr. BETTS. Mr. Chairman, the bulk of all the complaints I have received over the years to welfare programs is that too many people under the present programs are allowed to work and receive welfare at the same time. It is this current exclusion of the working poor families which makes it possible for the working people to be better off by getting welfare than by working. The very thing this bill does, is to remove this objection.

The third objection is, of course, the work incentive, and there seems to have been a great deal of comment about a New Jersey plan and about this work incentives program is a complete failure. As I sat in the committee and listened to all these people testify, as far as I know nobody spoke against the program. They did explain—and I can be corrected if I am wrong—that there are many aspects that could be improved.

That is the main thrust of their testimony, but nobody as I can recall has said that the WIN program is a failure.

Let me call the attention of Members, to a statement made by the Ohio Governor, James A. Rhodes, not long ago, and I am reading now from a clipping which appeared in a newspaper circulated widely in Ohio.

Governor James A. Rhodes last week praised the 20 counties which are making use of the Work Incentive Program to help get individuals in jobs and families off welfare rolls.

The Governor said that from Jan. 1, 1969, through Jan. 25, 1970, these counties have placed 892 enrollees of the Work Incentive (WIN) Program in meaningful employment and that welfare rolls have been reduced as a result by a total of 4,480 persons.

This has resulted in a monthly savings of $247,643 in welfare payments, he noted.

I mention this, not only because it comes from my State but also because it is pretty concrete proof that if this WIN program is given an opportunity to work, it will.

As I said, I do not want to oversimplify the issues here, but I simply want to try to pinpoint some of the answers to the objections to the bill.

In conclusion I want to point out this to the Members of the House. The President of the United States and two executive departments, the Department of Health, Education, and Welfare and the Department of Labor, have spent hours and months trying to come up with some solution to the age-old complaints about the present welfare programs. This is their answer. The Ways and Means Committee has spent hours and days and weeks of deliberations and has, with refining amendments, approved this proposal overwhelmingly.

On the basis of this tremendous amount of work, honest and conscientious effort to answer the objections which have been made to the present welfare program over the years, I do not hesitate to ask the House to support this bill.

Mr. Chairman, at this point I insert the letter I referred to earlier from the Chamber of Commerce dated April 14, 1970:

CHAMBER OF COMMERCE OF THE UNITED STATES,
*Washington, D.C., April 14, 1970.*

Hon. JACKSON E. BETTS,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. BETTS: I was sorry to learn, from your statement in the Congressional Record of April 13, that you apparently have some trouble reconciling the National Chamber's current opposition to H.R. 16311 with the results of the informal poll conducted last fall at our Urban Action Forums in 15 cities, which seemed to show support for the President's welfare reform proposal.

Actually, the poll did not deal with the welfare issue as it stands today.

The poll, taken of our members and others in attendance at the meetings, showed 86.5% in favor of "welfare reforms" promised by the Administration. But at that time, the Administration's program was not recognized as something that would guarantee an income for many families with fully employed fathers.

Of the 2,163 persons polled, 47% said that what they wanted most was "to require welfare recipients who can do so, to take work or take training." Another 31% said they wanted most "to make taxpayers out of many welfare recipients." Clearly, majority opinion in the poll was for substituting workfare for welfare, where possible.

But when the legislation came along, it provided for welfare expansion, not reform, by tripling the number of persons on welfare. It would add to the welfare rolls some 3 million more families (15 million persons), all headed by fathers already working full time.

This provision had been thoroughly camouflaged in earlier discussions of the program, and no wonder, because it's the entry wedge for the guaranteed annual income. It extends the guarantee, as a starter, to families with fully employed fathers. If any head of such a family refused to work, or to take a better paying job if he was already working, his share ($300 a year) would be deducted from the family welfare allotment, but the rest of the family allotment is guaranteed, with nothing required and no questions asked about how the money is spent.

Once a program like that got started, where would it end? Even at the outset, large families with incomes of more than $7,000 would qualify for this new federal relief. The average worker's pay is $6,000. A family with seven children, earning $6,000 would get $460 a year in tax-free welfare. Businessmen polled last fall had no hint that anything like this was in the works.

Our position relative to the pending welfare issue was developed only after long and careful consideration. It was recommended by a Special Committee on Welfare Programs and Income Maintenance, made up of 14 distinguished top business executives who studied the welfare problem for more than a year. Our Board of Directors, whose 64 members come from all types of business in all parts of the country, formulated our policy, based on the committee's recommendations, in February, 1969. Our Board received a progress report in November, 1969 and reaffirmed our position in February, 1970.

The National Chamber Federation comprises 2,700 local, state and regional chambers and American chambers abroad, 1,100 trade and professional associations and 37,000 business firms and individuals.

It should be no surprise that the Chamber opposes the concept of a guaranteed income. We believe this is in accord with public sentiment. A Gallup Poll in 1968 revealed 58% opposed, 36% in favor, and 6% with no opinion.

The National Chamber supports welfare reform and believes that some parts of the

House bill are progressive. Our objection is directed only at the part of the bill that commits taxpayers to begin guaranteeing an income to families with fully employed fathers. Once this concept is established, we visualize it would not be long before one-third or more of the National population would be receiving income supplements, at a cost of $20 billion or more annually.

Considering the potential impact of this legislation on taxpayers, it does seem appropriate that the bill come before the House on April 15 or thereabouts.

I would appreciate your placing this letter in the Congressional Record, as our answer to your statement.

Cordially,

HILTON DAVIS,
*General Manager, Legislative Action.*

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

Mr. BETTS. I yield to the gentleman.

Mr. BUSH. Mr. Chairman, in my view the family assistance bill reported out of the Ways and Means Committee is a meaningful breakthrough in welfare legislation. It addresses itself to the ethical and financial realities of work in America today. The heritage of this country emphasizes the importance, fulfillment, and goodness of work. Yet we find ourselves today with a system of welfare under which people are better off manipulating the system and getting onto welfare than in working at a low wage job.

One of the most common complaints I hear from people back home is "How can people be out of work when the want ads are full of jobs?" They are disturbed that people take welfare when they could be working and they have a right to be disturbed. It is their tax dollars that are supporting the welfare program.

It is time we did something to help the man who is working for a living, trying to educate his children and trying to feed them as costs rise out of sight. The Ways and Means Committee kept this problem in mind and tried to find a better way of taking care of those who cannot help themselves while at the same time building work incentives into the program for those who are unemployed or now hold low-paying jobs and may be thinking of "going to welfare."

In designing an effective welfare program we cannot ignore the movement between the working poor and welfare status for there is a positive statistical correlation here. In Texas, for example, a man with a family of four is entitled to a welfare payment equal to $179 per month. For a nonwelfare family of four to do as well, the head of the household must earn the equivalent to $221 per month and this adds up to an hourly wage of $1.25. In Michigan it comes out to $1.94 per hour; in Massachusetts, $2.16; and in New York, $2.23. Why should a man or woman take a job for anything less? Yet most do. And this is one of the wonderful things about this country—people would rather work than not work.

Yet, we are endangering this important national characteristic by perpetuating a system that actually encourages people not to work. We have encouraged individuals who expect the Government to take care of them. The incentives in the present program that encourage this should be changed and I think this bill can do the job—I think it should be tried. It provides positive incentives by requiring those who accept welfare to register for work or work training; by permitting those who work to keep substantial portions of their earned income; and by expanding job training and day-care opportunities.

There are those who feel that this program is too expensive and I, for one, believe they have a valid point. But the alternative—the present Federal-State-local welfare system is even more expensive. If we do nothing, the costs of the program will be $12 billion by 1975 and we will have spawned a new generation of welfare recipients and broken homes.

There are others who feel that the program will only provide the framework for an even more expensive welfare system—one that in the future would provide a $5,500 guaranteed annual income for everyone. If this were a characteristic of this program, it would not have my support, the support of the Ways and Means Committee or the support of President Nixon. The family assistance plan, reported by the committee, is oriented toward work and is aimed only at families—these are not characteristics of a guaranteed annual income plan. Further, the present Federal-State welfare system comes a great deal closer to being a guaranteed annual income as it encourages idleness by making it more profitable to be on welfare than to work and provides no method by which the States may limit the number of individuals added to the rolls.

I must confess that I have one major worry about the program and that is that the work incentive provisions will not be enforced. In order to be successful, it is essential that the program be administered as visualized by the Ways and Means Committee; namely, if an individual does not work, he will not receive funds. Enforcement is essential; if the work requirement is not enforced it could simply lead to another boondoggle.

In conclusion, Mr. Chairman, we need to reform the welfare system, build work incentives into it, help with job training, provide day-care centers and job placement and, in short, permit families to work their way off welfare. The family assistance plan can do this.

The handout approach has failed. The existing system strips a man of his dignity. Let us reform the welfare system with work incentives—not crush it further by more giveaways.

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

Mr. BETTS. I yield to the gentleman.

Mr. MORTON. Mr. Chairman, President Nixon has submitted to the Congress several innovative proposals which provide a needed new direction toward what he calls the "new federalism."

This Family Assistance Act of 1970 is a major piece of legislation which I believe will help achieve that objective. It is a bold move to effect a more significant coordination of effort between the Federal, State, and local governments. With the Federal Government providing the uniform floor for eligibility and payment requirements and absorbing the necessary increased costs, we are moving toward an equitable and efficient reform of our troubled welfare system.

In his message to the Congress proposing the transformation of welfare into "workfare," a new work-rewarding system, the President stressed that the effect of his plan would be:

For the first time, all dependent families with children in America, regardless of where they live, would be assured of minimum standard payments based upon uniform and single eligibility standards.

For the first time, the more than two million families who make up the "working poor" would be helped toward self-sufficiency and away from future welfare dependency.

For the first time, training and work opportunity with effective incentives would be given millions of families who would otherwise be locked into a welfare system for generations.

For the first time, the Federal Government would make a strong contribution toward relieving the financial burden of welfare payments from State governments.

For the first time, every dependent family in America would be encouraged to stay together, free from economic pressure to split apart.

The bill before us, H.R. 16311, would bring about those effects.

Mr. Chairman, President Nixon stated in his message proposing a comprehensive Manpower Training Act, which I hope will soon be coming before us for enactment, that such a manpower program "is a good example of a new direction in making federalism work." I feel that the same applies to the pending Family Assistance Act of 1970.

The President stated further in his manpower program message:

We can relate substantial Federal-State manpower efforts to other efforts, in welfare reform, tax sharing and economic opportunity, marshaling the resources of the departments and agencies involved to accomplish a broad mission.

I quote that statement to emphasize that aid to and greater cooperation with the cost-beleaguered States is one of the foremost needs which the Federal Government must meet. In attacking the social ills of the day, the new federalism is going to the root causes of poverty.

The Family Assistance Act of 1970 will tackle one of the most troublesome problems confronting our State and local governments. Those governments are crying for financial relief, and the needy people of the Nation are struggling against the ever-increasing cost of living. They will all be helped—the State and local governments and the dependent Americans—by enactment of this bill. They and the country's taxpayers will be helped further toward improvement in our economic climate when President Nixon's manpower and tax sharing programs are translated into law.

Let us, therefore, Mr. Chairman, take that first big step, make that start-up cost investment in a better America for all, by the expeditious passage of H.R. 16311.

The CHAIRMAN. The Chair advises that the minority side has consumed 1 hour and 43 minutes and the majority

side has consumed 1 hour and 33 minutes.

Mr. MILLS. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio (Mr. VANIK), a member of the committee. The gentleman is our last speaker for the day on this side.

Mr. VANIK. Mr. Chairman, the Family Assistance Act of 1970 which we are considering today is an imperfect bill, designed to deal with circumstances and conditions which have developed in our imperfect society. The proposal is unique in that it draws support from these forces which seek to restrain welfare expenditures as well as from those who are determined to improve the life of those who are unemployed, underemployed, and on welfare.

In any event, the legislation moves toward the federalization of welfare, establishing minimum standards of family support without geographical discrimination and provide a uniform system of review of work eligibility of the unemployed.

Insofar as the Federal contribution toward welfare will be increased, it constitutes a revenue sharing with the States.

There has been and there will continue to be extensive discussion as to the cost of the family assistance program. It is difficult to estimate costs when economic conditions make it so difficult to forecast the extent of unemployment and the resulting need for family assistance or the potential need for adjusting family assistance allocations to meet the escalating cost of living.

The chart on additional costs of this program submitted by the Department of Health, Education, and Welfare and set forth in the committee report on page 53, is incredibly naive and unrealistic. Although the table assumes a 4-percent growth, no provision is made for the increase in the cost of living or the effect of increased eligibility resulting from further and mounting unemployment which lurks in the wings. These estimates are optimistic beyond reason.

We must relate the family assistance program to the fearful contingency of increased unemployment which appears to be designed in our economic structure.

I cannot share the feeling of security which prevails on the present condition of the unemployment compensation fund and its capacity to face up to a difficult economic challenge.

At the present time, there are 50.9 million workers covered under State unemployment compensation laws. The wages of these workers in 1968 totaled $331,562,437,000. Can we assume that 3.5 percent of the total wages of 1 year is a sufficient reserve? This reserve is sufficient for only the mildest of attacks of unemployment.

For each of the almost 51 million workers in the insured work force of the United States, there is about $262 in the unemployment insurance fund. Six percent unemployment of insured workers would cost the unemployment insurance fund $6 to $7 billion per year. Two years of 6 percent unemployment of insured workers, a rate which prevailed in 1958, would completely deplete the unemployment insurance fund. It certainly would not carry us through anything more than a mild recession.

What we must realize in considering the Family Assistance Act is that it may be extensively used to back up and reinforce the unemployment compensation program which is rapidly becoming unresponsive to its avowed purpose of income support for the unemployed.

The family assistance program may very well constitute a huge dip into general Treasury funds to assume an obligation we thought would be undertaken by employers under the Unemployment Compensation Act. In a great measure, the burden of responsibility for income maintenance for the trained but unemployed worker will shift from the employer to the general taxpayer. We must understand what we are about.

If a fully trained insured worker with three dependents is unemployed in Ohio for 1 year, he receives $61 per week for 26 weeks or $1,586. In Florida, such a worker would receive a maximum of $40 per week for 26 weeks, or a total of $1,040, while in New York State such a worker would receive $65 per week for 26 weeks or a total of $1,690. All of these situations are entitled to supplementation under the family assistance program—at an open-end cost. Do we really intend to use the family assistance program as a substitute for a meaningful unemployment compensation program which provides income maintenance for a trained insured worker during a period of prolonged unemployment?

As presently constituted the unemployment compensation program is a most inadequate law—designed only for the best of times. It is incapable of performing as an income maintenance system during conditions of growing and persistent unemployment. The needs of the unemployment compensation system should not be dependent upon the family assistance program.

During our discussions on this proposal, we also studied the comparative effect of family assistance under this program with family assistance for military dependents under prevailing military wage scales.

It appears that a family of four sustained by a member of the armed services in the lower three grades is compelled to exist on resources below poverty levels and below what we provide under this bill. Today, almost 150,000 military dependents live below the income levels provided under this bill. It is incredible that our Nation should conscript a citizen and then order his family to live on public welfare—but such is the case for many. To meet this problem, we must insure an adequate increase in dependency allowances for military dependents, particularly in the lower grades.

The recent postal employees strike in New York demonstrated the error of income levels which make no allowance for cost-of-living differentials. The same problem is built into this legislation and I hope that our oversight will be corrected by the other body. It is readily apparent that the income maintenance needs are certainly higher in my community and other high-cost urban areas than they are in rural or small-town communities.

In full knowledge of the great shortcomings and uncertainties which are present in this proposal, I give it my support because it improves what we have, it moves in the right direction and represents an effort to meet the challenge.

Mr. BURKE of Florida. Mr. Chairman, I join with those that feel that no American family should go hungry and that no child should suffer—certainly, that every individual should have the opportunity to gain self respect and family security—are facts that I certainly do not contest. However, I am worried about the new concept of welfare that we consider today. I endorse its intent to train and put the unemployed into the field of employable and productive jobholders, but, I fear that if this legislation passes we will create instead a new class of welfare recipients. While the President's laudable proposals to bring order to the present chaotic conglomerate of welfare programs are commendable and desperately needed, the prospect of 12 million Americans becoming new members of the growing welfare state appalls me.

We have seen welfare grow into a professional and practical way of life, for some and to become intermeshed as a part of our Nation's economy and social character. When it was begun in the depression days of the 1930's under the New Deal, it was considered only a stopgap, and President Roosevelt himself then admitted that the Nation "must and shall quit this business of relief"—and, he further added:

> To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.

His advice was not followed and hence we have what is today called the welfare mess.

President Nixon properly proposes that we reverse the direction of the welfare system. His proposals to establish training programs through work incentives and a means to credit higher education are a commendable step in the right direction. But a further step in this direction and one that I believe would have a more practical result without additional cost to the taxpayer is the proposal—H.R. 2067—known as the Human Investment Act that I introduced and which would give a tax credit to business firms for inplant training of workers.

I do not believe that the bill before us—H.R. 16311—which, under the rule, we are asked to consider without opportunity to offer amendments, achieves the goals that are needed today or even that President Nixon has set. Instead it seems inevitable that the number of those added to the roles of the profitably unemployed—those who seek a reason not to work will increase even more with the years than it has in the past.

In this day of inflation and ever increasing taxes we are faced with the fact that this bill before us will increase the Federal budget some $5 billion or more.

The proposed Federal contribution to family assistance in the first year is expected to cost $3.8 billion plus $386 million which is allocated for day care. In addition, we may add to this the extra costs of job training and increased benefits to the blind, aged, and disabled who cannot work. But the important factors are that we can envision in the next 3 to 4 years a proposed increase of 12 million plus new welfare recipients at possible skyrocketing future costs. An outpouring of more and more money from the pockets of the active hard-working wage earners of the country bring questions from them.

My State of Florida is today faced with a severe test of its ability to absorb an ever growing population and further State participation in today's welfare programs. We must accept the recent Supreme Court ruling that residence requirements no longer apply when applying for welfare benefits. The number of needy who could move into Florida because of our natural attractions may mount an alarming rate. It would greatly affect and imperil Florida's overall economy and strain its present tax structure beyond limits.

I feel the biggest factor we must consider in this legislation is that the proposal begins for all practical purposes the creation of a "minimum income" for all Americans. Expanded socialism, if you please. It does so through establishment of full benefits for a family of four at a $1,600 level and it even increases this schedule despite 50 percent earnings retention provisions to $3,920 for the same family. It is inevitable that in the years that will follow these limits might be the target of some demagog or ambitious politician who, through such socialistic measures, could attempt to control and run from Washington the lives of every man, woman, and child in America.

In this program for the benefit of poverty families with dependent children there also lurks the insidious and dangerous creation of another powerful voting political bloc—that of those on the relief roles—a bloc that could easily number into the millions. Indeed, it has already begun with the formation of the National Welfare Rights Organization, whose first demand is elimination of all requirements for a work-training program, increase of proposed benefits, and raising of the poverty level determination. In these days, such requests could lead to more marches, disruptions, disorder, and division within our country.

I hope this Congress can, and I expect it will, move quickly to help those families which are truly needy and deserving who require the assistance of both the State and Federal Governments. But I suggest that my colleagues in the Congress will recognize that self-help, job training, education, and above all pride of the family are the important factors required in America today. Poverty must not be accepted with pride. It must be overcome with compassion and understanding without creating the ogre of a national welfare state.

Mr. Chairman, I wish that I could support the President by voting for this legislation but unfortunately I cannot. I do not believe that this legislation is anything more than an extension of socialism in our country. Even if it is, as some would like us to believe, better than our present welfare system, it is, at the most, a poor substitute. I hope it will work if it becomes law, but as for me I cannot support it, because I do not think it is the answer that America needs. We need a full review of the entire welfare program with the intent to help the needy—including the American workingman who will be called upon to pay the bill.

Mr. MINISH. Mr. Chairman, I rise in qualified support of H.R. 16311, the Family Assistance Act of 1970. While the legislation contains many shortcomings and inadequacies, which I will deal with, it does represent a worthwhile attempt to reorder the Nation's antiquated methods of assistance for her less fortunate citizens.

As a Representative from one of the Nation's most highly urbanized and densely populated areas, I have been greatly concerned by the growing welfare crisis and its adverse impact upon both welfare recipients and overburdened taxpayers. My home county in New Jersey, Essex, contains less than one-seventh of the population of the State, yet its welfare expenditures represent over one-third of the statewide cost. More than a quarter of a million persons now receive AFDC assistance in New Jersey—83,900 in Essex County alone. The county's welfare budget has grown from $3 million in 1958 to more than $17 million presently. It is clear the Federal Government must provide more assistance to those areas of the country, like Essex County, N.J., which are straining their resources and their taxpayers to deal with a problem which is actually national in character.

Recognizing that welfare is a national problem and that substantial relief must be granted to those parts of the Nation which have assumed a disproportionate share of the welfare burden, I introduced H.R. 11374 on May 15, 1969. This legislation would go much further than the family assistance plan to improve the lot of the average taxpayer and the family on welfare. Under my measure, AFDC would become a wholly Federal program administered by local agencies under federally prescribed terms and conditions including national minimum standards with the cost being fully borne by the Federal Government. The bill accepts the national character of the welfare problem and faces the fact that its challenge can be met most effectively and justly by the Federal Government.

The legislation before us today establishes a new Federal program to replace the aid for dependent children program. The family assistance plan would apply to all low-income persons with children and provides a $1,600 allowance for a family of four with no other income. The full allowance would go to persons earning up to $720 per year, with subsequent benefits cut by 50 cents for each dollar earned. Therefore, the beneficiaries will always find themselves with a higher income through employment. In contrast, the present welfare system allows for the deduction of earnings from benefits—a 100-percent tax.

While it is true that this bill will eliminate the inequity of very low benefits in some States and end the State-by-State variations in eligibility rules, H.R. 16311 will provide little real relief to the urban areas of our Nation so overburdened by spiraling welfare costs. A minimum floor of $1,600 for a family of four is barely enough to cover the food budget of a poor family, and certainly not enough to cover even half the amount presently paid such a family by an urban State like New Jersey.

In order to prevent a cutback from existing levels of assistance, the bill provides that States offering benefits in excess of the family assistance plan in January 1970 must supplement the Federal plan to the January figure or to the poverty level, whichever is lower. The Ways and Means Committee has made a significant improvement over the administration proposal in this section. Under the administration bill only 10 percent of the supplemental costs to the States would be paid for by Federal assistance. The committee has increased this supplemental payment to 30 percent. However, if the hard-pressed urban centers are to experience real relief from welfare costs, the Federal Government eventually assumes 100 percent of welfare costs.

Another area of concern to me in the Family Assistance Act involves the work and training requirements under section 447 and 448. I strongly believe that a wholesome home life must not be sacrificed and I am pleased the committee has included some safeguards in this area. A mother of a child under the age of 6 is not required to register for training or employment. Additionally an exclusion is provided for the mother or other female caretaker of a child if there is an adult male related to the child in the home who does register. The Secretary of Health, Education, and Welfare will be required to provide adequate and convenient day care for children of mothers who are undergoing work training or have been employed.

Unfortunately, the work and training provisions contain no specific minimum standards regarding the kinds of jobs or the levels of wages which are to be offered and accepted by FAP beneficiaries. The plan should be strengthened in this area by the formulation of explicit Federal standards governing work referral and wages.

In conclusion, I support the Family Assistance Act. If enacted, it will set national eligibility standards for benefits, help keep intact the families receiving aid, provide assistance for the working poor, encourage initiative by allowing a recipient to keep a portion of his earnings, and provide for the first time a floor, albeit modest, under family income.

The legislation comes to the House floor under the traditional closed rule

for such bills and cannot be amended by this body. Hopefully the Senate will give careful consideration to the points I have raised and act to improve and strengthen the family assistance plan.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I think it is of special significance that the executive heads of three major religious organizations have jointly endorsed and urged enactment of H.R. 16311, the Family Assistance Act of 1970.

The statement was signed by the Most Reverend Joseph Bernadin, general secretary of the U.S. Catholic Conference; Rabbi Henry Siegman, executive vice president of the Synagogue Council of America, and Dr. H. R. Edwin Espy, general secretary of the National Council of Churches—Protestant and Eastern Orthodox. They said, in part:

In introducing the Family Assistance Plan last August, the President termed the present welfare system a "colossal failure."

The present system—if indeed it can be called a system at all—disrupts families, often fails to provide minimal subsistence, demeans the recipients, reaches less than half of those in need, fosters dependence and is geographically inequitable.

Furthermore, under present cost-sharing principles, it is straining the resources of many localities and states.

The House bill would move toward correcting some of these failures. It would set national eligibility standards, aid families while still intact, extend help for the first time to the working poor, encourage initiative, establish a minimum Federal floor under family income and provide some fiscal relief to states and localities.

These are important steps toward making the system more responsive to human needs and more equitable. Furthermore, the requirement that able-bodied heads of households register for and accept jobs or job training should help shatter the myth that the aspirations and ambitions of the welfare recipients somehow differ from those of the rest of society.

Mr. GOLDWATER. Mr. Chairman, after hearing so many varied comments regarding the proposed family assistance plan—FAP—H.R. 16311, I would like to urge my colleagues to recommit the bill to committee.

I urge this action because I feel that there are many unanswered questions about the FAP. Some of these questions have been raised in a comprehensive report entiled "Time for Change," a study done by the California counties welfare modernization task force. Speaking of the FAP, the report states:

It is impossible to determine the net fiscal effect on either the state or the counties of California. The Federal Department of Health, Education and Welfare has estimated that California would have realized a net savings of $107 million, based on 1968 cost and caseload data. Discussion with HEW officials indicates that in making these estimates they did not consider earned income exemptions, work and training expense allowances, or administrative costs. Hence, we believe that the figure is questionable.

I would like, at this time, to summarize some of the other questions raised in the report and say that I do not necessarily agree or disagree with some of the implications of the criticisms, but merely offer them as proof that there are many unanswered questions about the FAP.

The report charges that one of the "most serious deficiencies" in the FAP is the continuation of State programs to supplement Federal payments. The requirement of a State supplemental program continues the inequities which now exist in the present AFDC program.

If a major reason for establishing a federal plan of family assistance is the wide unpopularity of the present AFDC program and its inquities—

Says the report—

There is no justification for making it mandatory to continue the program under a different name.

The report further states that the problems of operating a supplemental assistance program would be "an administrative nightmare."

Cost: The disadvantages are that no one knows what the new FAP will cost or what the cost of the State supplemental program will be. For the State to contract with the Federal Government means a loss of State and local control of a program involving a great deal of money. It continues the inequities of the difference in payment levels between States.

The working poor: Although the working poor are included in the Federal program, they are not included in the supplemental program. These families are also excluded from medical benefits. For the marginal worker this means a chaotic economic situation in which he variously qualifies for and loses supplemental benefits and medical care.

There would be a strong incentive to seek the security of being unemployed or only partially employed—

Says the report.

Work incentives: The report notes that the FAP requires registration for employment as a requisite for receiving assistance, but that this is nothing new. California and several other States have had such a requirement for years. Under the FAP, there is also a penalty loss of benefits equal to the benefits of only one person. The report says:

We now have this and it has proven less effective as a device for controlling behavior and attitudes than the former policy of termination of total assistance to the family.

California is not the only State with serious reservations about the FAP. A random telephone check by my office has revealed that there are several others who also feel that there are many unanswered questions.

Mr. Morris Priebatch, chief of administration and planning for the Mississippi State Department of Public Welfare, feels that the FAP definitely is a large step toward a guaranteed income. He also feels that the estimates of how many working poor will qualify under the new program have been greatly underestimated. He told my office:

There are a lot of unanswered questions about this program. I think the total costs are going to be a lot higher than the estimates.

New York's Deputy Commissioner of Public Welfare, George W. Chesbro, addressing himself to the work training aspects of the FAP, said that of the total 1,300,000 people on welfare in New York, only 6 percent, or 82,000 are employable. Of these 82,000, he said 42,000 are now employed. The other 40,000 are employable, he noted, but are unskilled and could only work at low-paying jobs. Jobs which, I might add, would most likely not be deemed "suitable" under the provisions of the FAP.

Harold Strode, director of social welfare for the State of Nebraska, summed up his feeling about the FAP with a simple—

We don't know if the state can afford it.

Strode said that he strongly supported the concept of a pilot program on the FAP before national implementation. He advised:

We should look at what happened to Medicare.

As for the idea of getting people off welfare rolls and onto payrolls, Strode said that in Nebraska, only four-tenths of 1 percent of welfare recipients are trainable for new jobs.

Texas commissioner of social welfare, Burton Hackney, was very outspoken in his criticism of the FAP:

We were told the FAP could save Texas $73 million, but our figures now indicate that it would cost the state an additional $18 million . . . we are not going to kid ourselves about opening up the welfare rolls to other categories. Nobody knows the effect the adding of the working poor will have on the size of the welfare rolls. It is going to cost. The most expensive cost of the welfare is medical care. Who is going to pay for this additional cost? There are a lot of unanswered questions?

Denver White, director of social welfare for the State of Ohio, also had his doubts about the FAP:

It's too difficult to determine what the effect adding the working poor to the welfare rolls will have. Our real concern is how to evaluate the costs of putting these people on welfare.

On work incentives and how the WIN program has worked in Ohio, White said:

We can't brag about our success. It did not take off as well as it could have, even though we had some success.

Again the medical care issue was raised when White said:

When other states put the medically indigent on the government programs . . . many problems were caused because of unsound financing. Our concern is that this does not happen under the FAP.

Assistant to the director of public welfare in Missouri, John Pletz, voiced similar criticisms and raised similar questions; reservations about who administers the program, how medical care figures in the FAP and what happens to social services programs.

Thus, it is clear from the survey by my office of various State welfare officials, that while they may differ as to

how the problem of welfare should be handled, they are all in agreement that they simply do not know enough about the FAP at this point.

It is because of these reasons that I urge my colleagues to recommit the family assistance plan, H.R. 16311, to committee.

Mr. BOLAND. Mr. Chairman, the welfare system in the United States verges on chaos.

It is a bewildering patchwork of laws—laws that vary region by region, State by State, community by community.

Welfare payments in some areas—the tidelands of Mississippi, for example, or the mountain country of West Virginia—are so heartbreakingly small that poor families live with hunger every day of their lives.

In other areas—New York City comes to mind as a striking example—payments have steadily risen to astonishingly high levels.

Yet these very same payments, in terms of actual benefits to the poor, still lag far behind what most people would consider even a minimum standard of living. But, to the rural poor, both white and black, such payments appear enormous.

They are virtually streaming into our northern cities in a futile search for a better way of life. Their hopes, of course, are dashed at once.

They exchange a country shack for a ghetto slum, a diet of dried rice and beans for one of packaged rice and canned beans.

The migration from the countryside to the city has helped turn our inner cities into teeming slums. It has helped breed the crime, the dope addiction, the street rebellions now making headlines throughout the United States.

Another problem in our welfare system—perhaps the greatest problem of all—is its tendency to discourage work.

Even the most piddling earned income disqualifies most people from receiving welfare payments. As a result, many of the poor shun jobs.

Why, a young man might ask, should I wash dishes for $60 a week when I can get $55 for doing nothing?

The Congress can show him why today.

The bill now before us promises to clear away most of the problems now hampering our welfare system.

First, the bill would set national minimum standards for welfare payments—standards that would give all welfare recipients a comparable living standard and stop the migration into our cities.

Second, the bill would encourage work by allowing poor families a sliding scale of welfare benefits as their earned income increases or decreases. It would always pay—and pay relatively well—to have a job.

Third, the bill would literally compel people on welfare to take jobs or job training.

This legislation is much more than just another welfare bill.

It is a work bill, and it is high time the Congress passed it.

Mr. ANDERSON of Illinois. Mr. Chairman, although we have now considered the family assistance plan, I think it is important that we clear up one matter which generated some confusion in this Chamber at the time we were discussing this important legislation. There are some who believe that the American business community is solidly united in opposition to the administration's proposal. This is far from the truth. While one important business organization has expressed its opposition to FAP, many others have enthusiastically urged its adoption. Those supporting the family assistance plan include the National Association of Manufacturers, the Council for Economic Development, a group of 80 top corporate leaders, the New England Council, and the National Federation of Independent Business—all of which are highly reputable and widely representative business groups.

One of these, the National Federation of Independent Business, which has "the largest individual membership of any business organization in the United States," has been conducting a continuing survey of its membership monthly since January of this year. The most recent report, from the month of March, shows that support for the plan has deviated little in the past 4 months. and that 60 percent of the respondents favor the plan, 29 percent oppose it, and 11 percent hold no opinion.

At this point in the RECORD I include a recent release of the federation along with a copy of its questionnaire and a table giving a State-by-State breakdown on the results of the survey. I also include an article from the April 6, 1970, Washington Post, indicating the extent of business support for the family assistance plan. The items follow:

BUSINESS SUPPORT FOR FAP

On a national basis, support for the Administration's welfare reform program by independent businessmen, that would give a minimum basic family income, appears to be holding firm.

The computer analysis of the 25,304 returns for the first quarter to the continuous survey of the National Federation of Independent Business shows 60 percent in favor, with 29 percent opposed and 11 percent holding no opinion. The vote in favor by months was: 61 percent in January, down to 59 percent in February and up to 60 percent in March.

But a further analysis of the results on a regional basis reflects considerable shifting of businessmen's opinion in both directions.

In the New England States where only 61 percent were found in January to be in favor, in March this jumped to 66 percent. In the East South Central states where in January only 48 percent were in support, this increased in March to 58 percent.

In the East North Central states and the South Atlantic states the support for the Administration's proposal holds steady at 64 percent, but in other areas an erosion of earlier support is indicated.

In the Middle Atlantic states where 73 percent were in favor in January, it dropped to 68 percent in March, in the Mountain States it dropped from 64 to 52 percent and in the Pacific States from 63 to 60 percent. In the West South Central states where a majority have never been in favor, the percentage dropped from 45 to 40 percent in March.

Although the continuous field survey of the National Federation usually results in around 25 percent of the respondents writing in their additional comments. The additional comments on the welfare subject appear to be in much heavier volume, indicating a high degree of feeling on the subject. Typical comments in favor of the Administration's proposal follow:

A California oil distributor with nine employees says, ". . . keep up efforts to make welfare programs more efficient and less costly over the long run."

The proprietor of a Southern California repair shop says, "I feel $3,920 (obviously referring to the earnings a family could have before welfare payments would be cut off) is not enough for a family of four. $5,000 would be more like it."

A Minnesota realtor says, "Welfare is something I think very important. However, I am fed up with the present system that allows able-bodied people to sit on their hind ends. Let's get a program to train these people to support themselves."

A Michigan sales agency with four employees says, "The welfare program has become a way of life for too many people and reform is greatly needed."

A Wisconsin water service operator with six employees says, "In my opinion please help the welfare people, but stop giving it to them. Training is a wonderful thing, but they can do unskilled jobs."

A Tennessee garage owner says, "Welfare is one of the most abused programs we have. We have tried to get some of the big strong young fellows to work too many times. They have refused because their families were getting welfare and food stamps."

A California insurance agent says, "Welfare costs are out of reason and can only go higher unless we do something to make it worthwhile for people to get off welfare."

Those opposed to the Administration's plan are equally as expressive of their viewpoint.

The owner of a Wisconsin photographic studio expresses a viewpoint of many who write in with the following: "People who draw welfare should not be permitted to vote."

A California dry cleaner with seven employees goes even further in this direction writing, "It seems to me that all the politicians are worrying about is votes from welfare recipients. Some of these families have had their hands out for two or three generations and couldn't hold a job if they had one. I cannot see a minimum basic annual income to able-bodied families."

An Ohio beverage distributor with three employees says, "I would not allow any kind of benefit for people able to work . . . not even food stamps, and even though I have relatives in another state on relief, I feel very strongly about this."

A dairy operator in Kentucky with twelve employees comments, "I am opposed to assistance of any type to either single people or married couples. This includes food stamps, unless they are too old or severely handicapped."

A South Dakota retailer says, "Welfare and relief should be for the aged and only those unable to work, none of which should be money but purchase orders with a very strict fine of $5,000 for the first offense of anyone accepting a trade of groceries for liquor."

A Missouri contractor says, "We are opposed to all give-away programs to persons who are able to work."

Whether respondents are for, or against, the Administration's program, there appears to be no reluctance to make their viewpoints known.

WELFARE REFORM

Practically everybody agrees that present programs to give financial aid to families with dependent children have not worked. Therefore the Administration is urging Congress to adopt some new proposals which chiefly would:

1. Initially double the cost, and provide help to twice the people, but . . .

2. Eventually encourage those able to work to take employment and get off relief.

3. Set a national family subsistence minimum, but provide that no State may pay less than it does at present.

Now here are some of the features of this program. How do you feel about them?

(a) Require all able-bodied recipients of welfare payments to accept training opportunities or jobs when offered, or give up the right to welfare payments for themselves.

— For
— Against
— No Opinion

(b) Assure a minimum basic annual income for all families who cannot adequately support themselves, provided that the parents register for, and accept, employment or job training when offered. (Adults in these families would be encouraged to work by allowing them to keep, without losing benefits, the first $60 monthly earned, and as private earnings increase surrender one dollar in welfare for each two dollars earned, with cutoff of government assistance for a family of four at $3,920 earnings).

— For
— Against
— No Opinion

(c) Assure a minimum monthly income of $90 for the aged, blind and disabled.

— For
— Against
— No Opinion

(d) Provide no payments at all to unemployed single adults who are not handicapped or aged, or to married couples without children, but allow them up to $300 in food stamps per person per year.

— For
— Against
— No Opinion

| State | Number of respondents | Welfare reform proposals: Work-training requirement For (percent) | Against (percent) | No opinion (percent) | Minimum basic annual income—AFDC For (percent) | Against (percent) | No opinion (percent) | Minimum basic income aged, blind, disabled For (percent) | Against (percent) | No opinion (percent) | No income assurance, but food stamps—Single persons, childless couples For (percent) | Against (percent) | No opinion (percent) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maine | 206 | 98 | ---------- | 1 | 76 | 13 | 11 | 67 | 10 | 23 | 70 | 13 | 17 |
| New Hampshire | 120 | 99 | ---------- | 1 | 78 | 19 | 3 | 86 | 3 | 11 | 30 | 55 | 15 |
| Vermont | 102 | 99 | ---------- | 1 | 45 | 50 | 5 | 92 | 1 | 7 | 17 | 79 | 4 |
| Massachusetts | 186 | 98 | 1 | 1 | 61 | 36 | 3 | 94 | 3 | 3 | 66 | 29 | 5 |
| Rhode Island | 64 | 100 | ---------- | ---------- | 86 | 11 | 3 | 95 | ---------- | 5 | 86 | 11 | 3 |
| Connecticut | 137 | 96 | 1 | 4 | 45 | 47 | 8 | 80 | 10 | 9 | 36 | 58 | 6 |
| Total New England | 1,445 | 98 | 1 | 1 | 63 | 32 | 5 | 88 | 5 | 7 | 58 | 34 | 8 |
| New York | 1,167 | 97 | 1 | 2 | 73 | 17 | 9 | 89 | 3 | 7 | 70 | 21 | 9 |
| New Jersey | 413 | 97 | 3 | ---------- | 65 | 32 | 2 | 90 | 7 | 3 | 64 | 29 | 7 |
| Pennsylvania | 901 | 95 | ---------- | 5 | 64 | 25 | 11 | 85 | 5 | 10 | 55 | 32 | 12 |
| Total Middle Atlantic | 2,483 | 96 | 1 | 3 | 68 | 23 | 9 | 88 | 4 | 8 | 64 | 26 | 10 |
| Ohio | 913 | 97 | ---------- | 2 | 78 | 14 | 8 | 89 | 4 | 6 | 69 | 20 | 11 |
| Indiana | 1,081 | 99 | ---------- | 1 | 67 | 29 | 4 | 90 | 6 | 4 | 42 | 53 | 5 |
| Illinois | 542 | 96 | 1 | 3 | 51 | 37 | 12 | 83 | 6 | 11 | 52 | 36 | 12 |
| Michigan | 1,064 | 93 | 3 | 2 | 64 | 23 | 13 | 84 | 7 | 8 | 66 | 24 | 10 |
| Wisconsin | 836 | 98 | 1 | 1 | 59 | 31 | 10 | 88 | 6 | 6 | 71 | 21 | 8 |
| Total East North Central | 4,436 | 96 | 1 | 2 | 65 | 26 | 9 | 87 | 6 | 7 | 60 | 31 | 9 |
| Minnesota | 755 | 96 | 1 | 3 | 68 | 24 | 8 | 89 | 4 | 7 | 77 | 15 | 7 |
| Iowa | 588 | 96 | 1 | 3 | 68 | 19 | 13 | 86 | 6 | 7 | 62 | 25 | 13 |
| Missouri | 545 | 94 | 2 | 4 | 63 | 24 | 12 | 85 | 4 | 11 | 46 | 30 | 24 |
| North Dakota | 250 | 99 | 1 | ---------- | 77 | 14 | 9 | 94 | 3 | 4 | 65 | 23 | 12 |
| South Dakota | 102 | 99 | 1 | ---------- | 53 | 36 | 11 | 86 | 2 | 12 | 61 | 34 | 5 |
| Nebraska | 640 | 97 | 1 | 2 | 55 | 37 | 7 | 90 | 4 | 5 | 65 | 25 | 10 |
| Kansas | 356 | 96 | 1 | 3 | 61 | 21 | 18 | 84 | 4 | 12 | 39 | 34 | 26 |
| Total West North Central | 3,236 | 96 | 1 | 3 | 64 | 25 | 11 | 88 | 4 | 8 | 61 | 25 | 14 |
| Delaware | 8 | 75 | 13 | 13 | 75 | 13 | 13 | 63 | ---------- | 38 | 63 | 13 | 25 |
| Maryland | 104 | 100 | ---------- | ---------- | 63 | 32 | 6 | 88 | 3 | 9 | 56 | 33 | 12 |
| Washington, D.C. | 3 | 100 | ---------- | ---------- | 100 | ---------- | ---------- | 100 | ---------- | ---------- | 67 | 33 | ---------- |
| Virginia | 376 | 97 | 1 | 2 | 43 | 44 | 13 | 85 | 5 | 10 | 44 | 41 | 16 |
| West Virginia | 96 | 96 | 2 | 2 | 75 | 10 | 15 | 93 | 2 | 5 | 56 | 28 | 16 |
| North Carolina | 439 | 97 | 1 | 2 | 50 | 44 | 5 | 91 | 4 | 5 | 45 | 50 | 5 |
| South Carolina | 277 | 99 | ---------- | 1 | 66 | 26 | 9 | 94 | 4 | 3 | 71 | 24 | 5 |
| Georgia | 391 | 96 | 1 | 4 | 66 | 21 | 13 | 91 | 4 | 5 | 62 | 29 | 9 |
| Florida | 722 | 99 | ---------- | 1 | 78 | 16 | 5 | 90 | 5 | 5 | 64 | 30 | 7 |
| Total, South Atlantic | 2,416 | 98 | 1 | 2 | 64 | 28 | 8 | 90 | 4 | 6 | 57 | 34 | 9 |
| Kentucky | 21 | 90 | 5 | 5 | 67 | 24 | 10 | 86 | ---------- | 14 | 67 | 24 | 10 |
| Tennessee | 556 | 99 | 1 | 1 | 44 | 50 | 6 | 91 | 5 | 4 | 43 | 47 | 10 |
| Alabama | 404 | 97 | ---------- | 3 | 78 | 13 | 9 | 94 | 2 | 3 | 67 | 27 | 6 |
| Mississippi | 320 | 99 | ---------- | 1 | 41 | 56 | 3 | 91 | 5 | 3 | 50 | 46 | 4 |
| Total, East South Central | 1,301 | 98 | ---------- | 2 | 54 | 40 | 7 | 92 | 4 | 4 | 52 | 40 | 7 |
| Arkansas | 213 | 98 | ---------- | 2 | 18 | 76 | 6 | 93 | 5 | 2 | 72 | 23 | 5 |
| Louisiana | 359 | 85 | 2 | 13 | 55 | 24 | 21 | 77 | 6 | 18 | 47 | 32 | 21 |
| Oklahoma | 708 | 94 | 1 | 6 | 54 | 28 | 19 | 80 | 6 | 14 | 53 | 24 | 23 |
| Texas | 2,647 | 92 | ---------- | 8 | 38 | 49 | 13 | 78 | 10 | 13 | 42 | 47 | 11 |
| Total West South Central | 3,927 | 92 | 1 | 8 | 41 | 44 | 14 | 79 | 8 | 13 | 46 | 40 | 14 |
| Montana | 185 | 97 | 1 | 2 | 58 | 34 | 8 | 88 | 8 | 5 | 68 | 22 | 10 |
| Idaho | 314 | 98 | ---------- | 2 | 63 | 30 | 7 | 85 | 6 | 9 | 31 | 60 | 9 |
| Wyoming | 77 | 91 | 1 | 8 | 51 | 36 | 13 | 84 | 5 | 10 | 57 | 31 | 12 |
| Colorado | 659 | 99 | ---------- | ---------- | 64 | 31 | 5 | 94 | 2 | 4 | 83 | 12 | 4 |
| New Mexico | 305 | 96 | 3 | 1 | 72 | 19 | 9 | 93 | 5 | 2 | 71 | 24 | 5 |
| Arizona | 276 | 29 | ---------- | 71 | 26 | 2 | 71 | 24 | 1 | 75 | 26 | 2 | 72 |
| Utah | 115 | 97 | ---------- | 3 | 55 | 34 | 11 | 91 | 4 | 4 | 77 | 17 | 6 |
| Nevada | | | | | | | | | | | | | |
| Total Mountain | 1,931 | 88 | 1 | 11 | 58 | 25 | 16 | 81 | 4 | 15 | 62 | 22 | 16 |
| Washington | 692 | 97 | 1 | 2 | 78 | 13 | 10 | 89 | 4 | 6 | 77 | 14 | 9 |
| Oregon | 288 | 95 | 1 | 4 | 62 | 26 | 12 | 89 | 3 | 8 | 69 | 25 | 7 |
| California | 3,104 | 89 | 1 | 9 | 58 | 26 | 16 | 80 | 6 | 14 | 58 | 26 | 17 |
| Alaska | | | | | | | | | | | | | |
| Hawaii | 47 | 91 | ---------- | 9 | 23 | 45 | 32 | 64 | 9 | 28 | 66 | 15 | 19 |
| Total Pacific | 4,131 | 91 | 1 | 8 | 61 | 24 | 15 | 82 | 5 | 13 | 62 | 24 | 15 |
| National total | 25,304 | 94 | 1 | 5 | 60 | 29 | 11 | 85 | 5 | 9 | 58 | 30 | 12 |

[From the Washington Post, Apr. 6, 1970]

BUSINESSMEN SPLIT ON WELFARE PLAN

(By Vincent J. Burke)

Several national organizations of businessmen are lining up to support President Nixon's proposal to extend federal money to "working poor" families with children.

Because of the wide backing it has gained in the business community and the belated, grudging endorsement it got from the AFL–CIO, the administration's $4.5-billion welfare reform bill seems certain to pass the House by a lopsided margin.

It will be called up for House action this week or next under a procedure barring floor amendments. Senate hearings are expected to start late this month.

One business group lobbying against the President's family assistance program is the U.S. Chamber of Commerce.

[Another business organization, the Council of State Chambers of Commerce, also released a report yesterday in which it said the President's plan would add more than 10 million people to public assistance rolls and almost triple the cost to the federal government.]

Here are the positions of other business groups:

The National Association of Manufacturers has sent letters to all House members urging them to vote for the President's bill.

The Council for Economic Development, a business-dominated research group, will announce Tuesday that its lengthy study of welfare had led it to endorse basic principles of the administration plan.

A group of 80 of the nation's top corporate leaders recently signed a joint statement calling for House passage of the family assistance program.

The National Federation of Independent Business, Inc., has been conducting a postcard poll of its members on Mr. Nixon's plan. So far 25,304 have answered and the line-up is 60 per cent in favor, 28 per cent opposed and 12 per cent no opinion.

The New England Council, a group organized to foster the region's economic development, in a form letter urged all House members from New England to vote in favor of the legislation.

The President's plan would put a federal floor under the income of all families with children and would provide supplementary cash to families whose heads are working at low-paid jobs.

The national Chamber of Commerce, which claims to be "the principal spokesman for the American business community," is adamantly opposed to extending federal welfare to any family with a father working full time, no matter how low the wages.

Mr. HORTON. Mr. Chairman, a bureaucratic monstrosity has been allowed to go unchecked for more than a third of a century. Last week, many of us took the opportunity to change it.

I am referring to our welfare system which has threatened to bankrupt local and State governments as well as the Federal Government. Not only is the cost outrageous, the welfare program has failed. It produces third and fourth generation welfare recipients; it makes it more profitable for a man not to work; and it encourages a man to desert his family.

The President has approached welfare in a very constructive and practical manner, and I was pleased to cosponsor his proposals and vote for the Family Assistance Act of 1970, H.R. 16311. This act will provide for the working poor, revenue sharing with States and localities, effective job training, and day-care centers for children of working mothers.

These new proposals offer a ray of hope for those caught in the cycle of unemployment and welfare. The welfare plan sets work requirements for able recipients. At the same time, it offers incentives to work because it allows recipients to take home a large share of what they can earn without cutting off much needed family assistance payments.

The Family Assistance Act will provide a family of four with an annual federally supplied income of $1,600: $500 for the first two family members and $300 for each additional member.

This is a small sum for a family of four to live on, but at least it is a start in meeting our obligations, and it will be supplemented by the States.

A working head of a household could retain the first $720 of his earnings and 50 percent of his income above that amount. Assistance would not be cut off until his income reached $3,920.

The thrust of this legislation is that it will help the working poor. It will help those who are trying to provide for their families by themselves, but cannot quite make ends meet. It offers independence and self-reliance to such men and women.

Under the present system, a man can see other families getting more on welfare than he is getting by working. The man-in-the-house rule now encourages the man to leave the home, because then his family can receive more welfare money. It discourages work, because every dollar that a man makes is taken from his welfare payments—or he is disqualified altogether if he takes a job.

To be eligible for family assistance, the head of the family must register for work or job training. This excludes mothers of preschool age children and mothers in a household where the father is registered. Each person on a training program would receive an allowance of $30 a month.

Another aspect of this bill which I have been advocating for some time, is child day-care centers. It provides that the Secretary of Health, Education, and Welfare make grants to public and private agencies for the establishment of day-care centers.

The need for these day-care centers is becoming more apparent. There are 12 million children whose mothers now work outside the home. The present day-care facilities can accommodate 1 million children.

Many mothers who are presently on welfare would be more than willing to go to work if they were assured their children would receive sound, healthful care along with educational and social development programs.

In addition, the bill discourages desertion of families. A father who abandons his family will be liable to the Federal Government for the benefits his family receives under family assistance.

It is obvious that our present program has failed. We are pouring more and more money into welfare, and receiving no returns. It took 25 years, from 1935 to 1960, for the aid to dependent children program to reach the billion dollar mark. In only 7 years, the program was costing an additional billion. In 1968, the cost rose by another half billion dollars.

The cost that New York State is paying in welfare is inordinate. Since 1935, the cost for State and county governments has increased tenfold.

The bill we are considering today would alleviate much of the strain on the local governments. The Family Assistance Act calls for the Federal Government to assume a large share of State welfare payments. The Federal Government would reimburse the States for a flat 30 percent of their payments.

I was pleased to support this plan. It will give each man an opportunity to fulfill his potential, it will return the dignity of work, and it will restore self-esteem to the recipient. People who are taken off the dole line will realize a respect for themselves and their ability to make their own way.

Mr. MILLS. Mr. Chairman, would the Chair be kind enough to advise at this point as to the time remaining for both sides in general debate?

The CHAIRMAN. The majority has remaining 1 hour and 25 minutes. There is remaining 1 hour and 48 minutes for the minority.

Mr. MILLS. Together that is as much as 3 hours or more.

The CHAIRMAN. The Chair advises the gentleman from Arkansas that there is a total of 3 hours and 15 minutes remaining.

Mr. MILLS. Mr. Chairman, in view of that fact, it is quite evident to me that we will not be able to complete all general debate and have a vote on the bill on final passage as early tomorrow afternoon as I had hoped to be the case. I had told many Members that I was hopeful we could have the vote by not later than 2 o'clock. However, it now looks as if it might be later than that. We do not intend to use any further time this afternoon.

Mr. Chairman, in view of these circumstances, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having assumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, had come to no resolution thereon.

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GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 days within which to extend their remarks in the body of the RECORD on the bill which we have had under consideration today, H.R. 16311.

The SPEAKER pro tempore (Mr.

PRICE of Illinois). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## REQUEST AS TO THE HOUR OF MEETING ON 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?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if this means that H.R. 16516, the authorization bill for 1971 for the National Aeronautics and Space Administration has been deprogramed?

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

Mr. HALL. I will be glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. We have discussed this matter with the distinguished chairman of the committee and I have discussed it with the leadership on both sides. It has not been deprogramed, but there is some question about whether this matter should be taken up this week or not.

Mr. HALL. Mr. Speaker, further reserving the right to object, I will ask the distinguished majority leader whether or not H.R. 14385 has been removed from the program? After all I have heard here today I believe anything could happen in this House. As I understand it, this is to subsidize the transportation of departmental employees from their old place of business or residence to a new one near or in Rockville, Md., and back, on a daily commuter basis. Is this still on the program?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I have discussed this matter with the distinguished chairman of the Committee on Interstate and Foreign Commerce and I believe it is his desire and the desire of the members of his committee that if this matter is not reached, as I am sure it will not be, early this week, they would prefer it to go over.

Mr. HALL. Then, it is the plan to meet early in order to complete the bill currently under consideration and let the "Tuesday-to-Thursday" boys have the rest of the week off?

Mr. ALBERT. Let all the Members have the rest of the week off

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

Mr. HALL. Yes, Mr. Speaker, if we are going to force this issue, there will be. I am still reserving the right to object.

I happen to know that many committees, including that of the occupant of the Chair, are scheduled for important markup meetings tomorrow, and I am not sure how we can continue to get the work of the House done if we fly into the face of the committees that have set meetings. And it seems fairly inconsistent to me to let committees meet during debate, because they allegedly have witnesses from across the Nation on the one hand; and then come in early and interrupt meetings of committees on the other, so that the Tuesday-to-Thursday club can adjourn early on Thursday afternoon.

Mr. ALBERT. I cannot answer for the gentleman's committee. I would like to say this: that we had understood that the vote would come early on this bill. We have had a very productive week. There have been three appropriation bills, and one of the major bills in the welfare area for many years.

Mr. HALL. Mr. Speaker, that depends on the individual's definition of "production."

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## REAL ISSUE IN AIR SLOWDOWN

(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, now that it appears that a picture of comparative calm is beginning to emerge in the air traffic controllers "sick-out," it might be very beneficial to the Members of the House to read an account which I found most interesting in setting forth some of the issues which provoked the air controllers to take the action which they felt necessary to dramatize the adverse situations under which they were forced to perform their duties.

From the April 13 issue of U.S. News and World Report, I insert two headlined articles, one containing a background summary and the other, excerpts from the Corson committee report. I urge my colleagues to read these two articles:

### REAL ISSUE IN AIR SLOWDOWN

(NOTE.—Latest "sick-out" by air traffic controllers throws a spotlight on the issue that worries the public most: Is the U.S. air-transport system overloaded? What is being done to assure that planes fly safely—and on time—in the 1970s?)

The third work slowdown by air-traffic controllers in 20 months wrecked Easter vacation plans for tens of thousands of families, dealt hard-pressed airlines a heavy financial blow, and caused many to wonder about the future of U.S. air service.

Federal officials charged the 1970 slowdown was strictly a power play by the leaders of the Professional Air Traffic Controllers Organization.

PATCO's alleged goal was recognition as the bargaining agent for most controllers. It is one of six labor groups to which air-traffic personnel belong.

Members of PATCO who took part in the slowdown—about 1,800 at the peak of absenteeism—countercharged that they were only protesting bad working conditions, including some that can compromise the safety of air travelers.

Airlines, caught in the middle, cut back schedules to maintain safety standards as long as the slowdown lasted. They also made plans to sue PATCO for financial damages resulting from the mass "sick call," a device employed by controllers because they are forbidden by law to strike outright.

Not only countless travelers, but businesses, colleges, hospitals, government agencies and other institutions depending on freight and mail by air shared in the costs of the slowdown and the ensuing frustrations.

On April 2, a federal court announced an agreement had been reached between the PATCO leaders and the Government aimed at ending the work dispute. As late as April 3, however, much of the nation's airline system still was in slow motion, with flight cutbacks especially severe in the Northeastern quarter of the country.

#### MISTAKES IN THE 1960'S

Roots of today's troubles, aviation experts agree, go back to the early 1960s. At that time, the Federal Aviation Administration and the airlines grossly underestimated the coming boom in air travel.

The FAA thought it was overstaffed with controllers and let their numbers dwindle for nearly five years. It even closed its academy for the training of new controllers in Oklahoma City.

Equipment-improvement programs were allowed to lag. Management policies were not being adjusted to growing problems.

In the summer of 1968, the first blowup came when members of PATCO engaged in a work slowdown by following to the letter all FAA rules in directing aircraft. That was a warning that the controllers were unhappy—and increasingly organized.

In June, 1969, came the first "sickout," bringing air traffic almost to a halt in some of the busiest airports.

The current stoppage was triggered by a dispute with PATCO, when FAA ordered the transfer of three controllers from the Baton Rouge, La., airport to other facilities.

PATCO charged it was an antiunion move, since all three were PATCO members. FAA said it was a move to improve service, following pilots' complaints.

The crisis in 1969 led to appointment of a special investigating committee headed by John J. Corson, a prominent air-traffic expert.

The Corson committee made its report to Secretary of Transportation John A. Volpe last January 29, and voiced a clear warning of more turmoil. The report contained this statement:

"FAA cannot now command the full support of many members of the work force in its terminals and [route control] centers.

"Indeed, members of this committee have never previously observed a situation in which there is as much mutual resentment and antagonism between management and its employes."

Some of the complaints of air-traffic workers, and deficiencies in the airways system, are described in excerpts from the Corson committee report that are given on page 26.

Pay is not one of the controllers' major complaints. They are paid from $15,000 to $20,000 a year. Their main financial demand is said to concern a retirement plan geared more closely to an occupation where a man "burns out" after about 20 years.

#### "GREAT STRESS"

More basic is the reaction to a growing workload, and persistent understaffing, especially at the "route-control centers" which direct aircraft as they approach and depart from big cities.

There are 21 of these centers. Almost half of all air controllers work at them. The Corson committee found most of the discontent was in these installations, and it was here that most absenteeism occurred in the slowdown that began March 25.

Scores of individual controllers told the Corson committee of tension, anxiety and exhaustion. The committee summed up the mental state of many staffing the control centers as follows:

"There is compelling evidence that many controllers work for varying periods of time under great stress. They are confronted with

the necessity of making successive decisions carrying life and death consequences within very short time frames. . . . The job, unlike most, requires constant standards of perfection, and even when traffic conditions are not particularly demanding, the controller in many facilities is anticipating a deluge which will tax his capacity to perform in a thoughtful and safe fashion."

WHEN FATIGUE HITS

A reminder of what can happen came on March 26, when the National Transportation Safety Board made public a letter by its chairman, John H. Reed, to Federal Aviation Administrator John H. Shaffer.

The board had just investigated an accident at Salt Lake City last December 3, where a small plane was caught in the turbulence of a large airliner. No one was killed, but the little plane crashed.

The Safety Board concluded the air controller had permitted the small plane to fly too close to the airliner, while both craft were making landings by instruments in bad weather.

Chairman Reed wrote that the error apparently was due to fatigue. The air controller was suffering from a cold, and had returned to work after a period of only 10 hours off duty, including five hours of sleep.

MANPOWER SHORTAGES AHEAD

As early as 1967, the FAA had reversed itself and started trying to build up its controller staff. The FAA Academy in Oklahoma now is running double shifts.

In fact, one current problem is that airport towers and control centers are cluttered with almost 5,000 academy graduates who are getting the three to four years of on-the-job training which is required to qualify them as journeyman controllers.

The Corson committee estimated that FAA needs 4,200 more people—mostly controllers—by this coming June to meet demands of rising traffic and to replace men who leave their jobs. The committee predicted, however, that no more than 3,000 can be added by that time.

This indicates no lessening of understaffing problems can be expected in the immediate future.

EQUIPMENT GAPS

Aggravating the situation are equipment gaps that will be overcome slowly, too.

Much of the present radio and radar gear is obsolete and inadequate. There is not enough of it, in some places.

FAA Administrator Shaffer predicts that Congress will soon pass the Aviation Facilities Expansion Act, providing about 2.5 billion dollars for improved hardware for the airways system. But, even with more funds, officials say, it will be several years before all the needed equipment can be installed. The best help that controllers will get any time soon will be new devices for the automated control of aircraft, employing computers.

These devices are being installed in the route-control centers and in the busiest airport towers. But the race between expanded facilities and increasing traffic will go on.

Between 1970 and 1973, traffic controlled by airport towers is expected to rise 30 per cent. At route centers, the increase is expected to be at least 20 per cent. That is about double FAA's earlier estimates.

FOR AIR CONTROLLERS

Aircraft Directed by Route-Control Centers: 1963—10.6 million; 1969—21.6 million—An increase of 104 per cent.

MORE PLANES TO WATCH

Traffic Controllers on the Job at Route-Control Centers: 1963—6,520; 1969—8,556—An increase of 31 per cent.

RESULT

With traffic doubled in six years, and less than a one-third rise in the number of controllers: higher work loads, more tension, increasing restiveness among those manning radars and other guidance aids at route centers. AND, by 1973: Another 20 per cent increaes in planes under control by the route centers is forecast.

## THE INADEQUACY OF IMPORTED MEAT INSPECTION

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

Mr. MELCHER. Mr. Speaker, the other day, the Meat Importers Council, which is engaged in lobbying, sent around to Members of this body the first in a series of supposedly educational articles about imported meats. This very first article was intended to show that meat shipped into the United States is flawlessly wholesome and sanitary.

If the degree of sanitary inspection of foreign meat imports is pertinent to current legislative problems—and it is, for there is a clamor to increase imported meat quotas—then the Members of Congress need a considerably more detailed knowledge of imported meat sanitation inspection than the glamour story the meat importers have presented.

As a veterinarian, I have a basic interest in our meat supply and insight into meat inspection procedures. I have been looking into them as time has permitted.

We are extremely finicky about who touches meat in our domestic plans, and our sanitary inspection assures its wholesomeness here in the United States. We have high standards in the U.S. plants that consumers can rely on to provide the best in quality and wholesomeness.

In the Nation, we have 7,050 inspectors on the Federal payroll to keep a constant eye on 1,062 plants which slaughter and/or process either meat animals or poultry. That does not include State inspectors.

The 7,050 includes 945 full-time veterinarians and 5,327 full-time "food inspectors," plus 124 veterinarians and 654 food inspectors who work intermittently, or part time. The full-time total is 6,272.

These inspectors examine every animal for health before slaughter and every carcass after slaughter which goes through a federally inspected packing plant. If the carcass meat is boned and cut for hamburger and manufacturing uses, it gets "on line" inspection of the pieces as they go into lots to be ground or flaked for use.

It is another story, however, on the imported meat side.

We import one billion, six hundred million pounds of meat per year from over 1,100 foreign licensed plants around the world authorized to sell in the United States. Most of this meat is frozen, boned-out meat, which ends up in the meat counters of the country as hamburger, bologna, weiners, or cold cuts. To inspect all of this for sanitation and wholesomeness there are 25 to 30 full-time U.S. inspectors plus part-time inspection from others, as needed, to make up to the equivalent of 75 full-time inspectors.

We rely for sanitation inspection in the foreign plants on the foreign countries. To check on them we have 15 veterinarians, known as "foreign review officers," who keep an eye on about 1,100 packing plants around the world approved to ship meat to the United States. There are more foreign plants approved than are federally inspected in this country. Those plants are all supposed to have pre-mortem and post-mortem inspection equal to ours in the United States. They are supposed to be equally sanitary.

Until a few years ago the requirement was that their inspection be substantially up to ours; now it is supposed to be equal, and we have 15 men who try to visit each of the 1,100 foreign plants at least once a year to see that they maintain standards equal to ours, 365 days a year and 366 on leap year. A few of the bigger plants get more than one visit a year, possibly two or three or even four, but I am told that because the task is such an enormous one for so few "foreign review officers," that sometimes some plants do not get visited every year. These men, by necessity, spend much of their time flying the globe from Washington to foreign lands and then traveling to the plants for their rare visits.

This force is totally inadequate to do much more than inspect the character of the plants—the architectural and engineering features, equipment and procedural arrangements, get a fleeting pre-mortem glimpse of a few live animals in holding pens, and an equally fleeting glance at some tiny fraction of the post-mortem product—far less than 1 percent, for if they stayed at the plant a whole day and watched all the meat come off the line that day it would be only about one-third of 1 percent of annual production. These 15 foreign review officers are spread so thin that their function is one of a visiting dignitary rather than the nuts and bolts of inspection for compliance with sanitary regulations.

We are dependent on the inspectors of the exporting nations for the pre-mortem and post-mortem inspections and on line examinations of meat produced there and sold several weeks later in this country.

But the proof of the pudding is in the eating and we shall now review the imported meat after several weeks on board ship after it reaches the United States.

Our next glimpse of the meat is on the docks here or at interior processing plants, and again it is just a glimpse. The one billion, six hundred million pounds of imported meat, processed, fresh, canned, cooked or frozen, inspected by the 75 inspectors is done in the United States on a random sampling basis, a tiny fraction of samples from each lot drawn at random from each shipment, that allows some minor, major, and critical defects to "get by."

Let me say that infectious disease for man or animal brought into the United States by these imports has not, to my knowledge, occurred. As a veterinarian I observe that the safeguards of the inspection system and cooking has eliminated, until now, introduction of transmissible disease. This is an area where constant review is necessary and I find on preliminary investigation that there may be need for tightening up inspec-

tion regulations to avoid any possible introduction of disease.

But as to wholesomeness, there is no doubt in my mind that our system of inspecting the imported meat on the docks or at interior plants is an incomplete job based on a haphazard system that does not assure the American consumer wholesomeness on which he can rely.

My confidence in the inspection system is shaken because very little—less than 1 percent of the imported meat is actually inspected by U.S. inspectors and the standards themselves are set to tolerate one minor defect in each 30 pounds, one major defect per 400 pounds, and one critical defect per 3,000 pounds of the imported meat that is actually inspected.

What are some of the defects?

To mention a few—some of the more distasteful are blood clots of various sizes, ingesta or stomach contents, feces, fecal material or in a simpler term—manure. How do you like that in your hamburger?

In varying amounts these defects are acceptable and the lots of imported meat are cleared for entry into our country for processing and for sale in the meat counters and labeled "Inspected and passed by the U.S. Department of Agriculture."

The procedure by steps is as follows:

When a refrigerated boatload of imported meat arrives at a dock in the United States, stevedores unload the cargo on the dock and it is sorted into lots, or consignments to U.S. purchasers.

If it is manufacturing meat—to go into hamburger, weiners, sausage or processed products, it is frozen into 50 pound blocks. If it is meat cuts, it is frozen in boxes of irregular total weight.

When the lots, lifted out of the hold of the ship on pallets, are sorted in the outdoor temperatures of the dock into lots, our inspector makes a random selection of boxes—considerably less than 1 percent of all the meat from which samples are to be thawed and inspected. Some pallets have to be dismantled to get at a box in the center. There is pressure, of course, in most instances, to get the job done quickly and the meat on into refrigerated storage before it starts to thaw.

As soon as the random samples have been selected, they are marked and sent by truck to the inspection station, other cartons are stamped "passed" and put in refrigerated railroad cars, trucks, or occasionally in warehouses to be held until the inspection procedures have been completed. Pressure continues of course to get the meat moving. If a consignment fails to pass inspection, and about 1¼ percent of fresh frozen meat does fail, it has to be reassembled and shipped back out of the United States, no one knows where except the shippers.

When the random samples reach the inspection station, generally within a half mile of the dock, it is on a truck with a driver supplied by the importer, and not always locked. Samples of meat are then taken out of the random selection of boxes. If it is a box of meat cuts, it is one of the four or five cuts usually in a box. If it is a 50 pound block of manufacturing meat, a four-inch slice, or two 2-inch slices comprising about 24 percent of the block are sawed out with a band saw.

These samples are then put in plastic bags, immersed in 125° circulating water, and thawed out. Once thawed they are further sliced and inspected for defects as representative samples of the whole consignment or shipment. The final inspection is on a very small fraction—less than 1 percent of the meat entering the United States.

I offer for the record, to appear at the end of my remarks, the Department of Agriculture's form CP–450 which outlines the various sampling plans for Boneless Manufacturing Meats Other Than Pork, which includes beef and mutton.

This is a table which indicates how many samples are to be drawn from various sizes of lots, how many pounds are to be examined in a first step inspection, and then a second step examination if it fails to pass the first test, and how many major or critical defects make the lot acceptable or cause its rejection.

In lots over 8,000 pounds, two steps are provided in the inspection process. If a first group of samples contain too many defects to pass inspection, but not enough for rejection, then a second group of samples is inspected.

In a lot of 24,000 to 59,999 pounds, 15 samples weighing 180 pounds are inspected in the first step. Six defects are acceptable, but 12 disqualify it. If the number of defects found by the inspector in this first step exceed the six acceptable but are less than the 12 which cause rejection, then another 180 pounds is inspected. This time there is no "in-between." If there are 18 or less defects it is accepted. If there is one more than 18, it is rejected. In the 1,332 pounds of samples inspected in the two steps on a lot of 500,000 to less than 1 million pounds, 45 defects are acceptable and 46 cause rejection.

There is a differentiation as to minor, major and critical defects. One critical defect found in 804 pounds of samples from a lot of up to 500,000 pounds causes rejection. Over 500,000 pounds, one critical defect found in 1,332 pounds is acceptable but 2 rejects. In a lot over 1 million pounds, two critical defects in 2,640 pounds of sample are accepted but three rejects. The mathematicians say this amounts to the tolerances I have stated: 1 minor defect to 30 pounds, 1 major defect in 400 pounds, and one critical defect in 3,000 pounds.

What are the minor, major and critical defects?

I offer for the record at the end of these remarks the official table on them. Briefly, blood clots, bruises, bone fragments, extraneous material, hair, wool, or hide, stains and some other defects can classify as minor, major, or critical, depending on their extent.

Ingesta—stomach contents—covering less than a ½-inch diameter is a major defect and ingesta covering an area more than ½ inch in diameter is critical.

Fecal material—manure—in any amount is a critical defect and the tolerance is 1 such defect in 3,000 pounds discovered in shipment lots of 500,000 pounds or more. Are we to believe that manure in the hamburger or bologna is all right as long as it is well mixed in big batches of meat?

Pathological lesions are critical defects—1 in 3,000 pounds, but may be downgraded to major defects—1 in 400 pounds—if they are not likely to affect the usability of the product for its intended purpose.

If any lesions, ingesta or fecal matter were found in or on a carcass or piece of meat in our on line inspection in the United States, the meat would be rejected and either reprocessed to be wholesome or removed from any food use.

I have reviewed in this discussion only the sampling plan for boneless meats other than pork, which means beef, lamb and mutton. Somewhat larger samples are required in the case of fresh cuts, because less surface is susceptible to inspection.

What are the results of this type of inspection of meats supposedly exported to us out of 1,100 foreign plants with inspection supposedly "equal" to ours—plants checked out about once a year by one of our 15 foreign review officers?

On these standards, in fiscal year 1969, we rejected 17,058,250 pounds of imported meat—a little less than 1 percent of beef offered and more than 9 percent of lamb and mutton sent to the United States. The total passed for entry was 1,057,583,305 pounds.

It is difficult for me to believe that foreign inspection is truly equal to our inspection, when meat reaches our shores with many of the defects observed in meat both rejected and passed by our inspectors.

I have examined the hand-written records of each individual rejection—which have only recently been tabulated so that the total rejections could be subtracted from shipments passed under import quotas—and defects which had to exist and be visible when the meat left foreign shores appear on every page of the records.

Sometimes cysts and pathological conditions are only exposed when a sample is sliced—they could get by on line inspection of every carcass and cut in a slaughter plant because they are within the meat. Carton damage and spoilage can occur en route on the ship.

But hair, insects, ingesta, manure, slaughter floor dirt and some other defects were neither invisible when shipped nor acquired on the boat on the way across the ocean. In my judgment meat that required even 1 percent of rejections for wholesomeness under the considerably less-than-perfect inspection procedures we have for imported meats could not have had the sort of inspection it should have been given when it was slaughtered and packed.

In the most commonly sized lot of meat, which is the 24,000 to 59,999 pound lots, less than one-half of 1 percent of the meat is actually inspected by U.S. inspectors—in a million-pound lot, less than three one-thousandths. No computer expert can convince me that this sort of sampling guarantees that every pound

runs less than one minor defect per 30 pounds, one major defect per 400 pounds or one glob of manure per 3,000 pounds.

If a poker player happens to get three of a kind in the first five cards he draws at an evening of poker, it certainly does not mean he is going to draw three of a kind every hand.

The random sample is scant and not adequate to protect consumers.

Secondly, the conditions under which the sampling and the inspection is conducted are not conducive to the careful work. There is nearly always an urgency to rush through the job, a pressure to get it done.

The meat cannot be left out in the sun on the dock, and it can rarely be moved into a refrigerated warehouse for holding—after the samples are selected at random much of it goes into railraod cars and trucks, waiting on the inspectors to be allowed to roll out.

At a few ports refrigerated holding storage is available, but at most places storage charges must be paid for 30 days minimum.

At Charleston, S.C., where more than 2 days of free storage is made available by the port authority, I believe that I discovered from the manual record of rejections that they ran comparatively high there—and officials confirmed it.

This is certainly circumstantial evidence that if the import inspections were made in the absence of great time pressure rejections would rise quite perceptibly.

The trucking of the random-selected samples from the dock to inspection station in a vehicle with a driver supplied by the importer can be questioned. The cartons are marked, and I am told that the vehicles could be locked and sealed during this time, the samples move between the inspector on the docks to the inspector at the station. But this is apparently not the general practice.

Hanky-panky with the samples would be dangerous business, and is unlikely, but meat inspection, like Caesar's wife, should be completely beyond suspicion.

Finally, I am not at all satisfied with the procedures by which we assure equal inspection abroad; the more I study the results of inspections of the imported meat the more I feel we should add a good many men to the pitifully small staff of 15 foreign review officers who are now charged with assuring that 1,100 packing plants in Australia, New Zealand, Central America, Mexico, Ireland, and other lands maintain day-to-day, online inspections up to our U.S. standards.

And if we devoted more than the equivalent of 75 part-time inspectors to inspect the 1,600 million pounds of meat which are imported into the United States in a year—which is again a totally inadequate force, in my opinion—I have no doubt there would be much more reason to worry about the inadequacy of our foreign review force.

We are playing roulette with imported meat inspection—perhaps not Russian roulette, which can be fatal—but certainly roulette with every aspect of wholesomeness, from manure on up, to down.

This is absolutely not the fault of the U.S. inspectors; I am sure that they are doing the very best job they can. We have given them only a handful of chips and told them to clean out all the roulette tables, dice, poker, and faro games in Reno, Las Vegas, and on the Riviera.

At home, we have 7,000 people to watch 1,050 plants.

Abroad, we have 15 people to watch more than 1,100 plants, plus 75 at ports to catch what they miss.

At home, we currently forbid even the cutting and packaging of meat for a farmer-producer by little community locker plants or butcher shops in the retail business although the establishments are visited and viewed regularly by the people to who meat is sold to be cooked and put on the table. I think this is being excessively stringent on the domestic side.

But, with most slaughtered meat abroad, we pay random selection roulette—and you do not take much time picking your number; we have got to get this cargo of meat moving along before it thaws out and spoils, or before we have to pay out a lot of demurrage which eats up our profits to the railroad or the trucking company.

It is not a perfect system, and you can make mine domestic meat.

Rather than more imports, I suggest we had better get adequate inspection of what is already coming into this country.

SAMPLING PLANS FOR BONELESS MANUFACTURING MEATS OTHER THAN PORK

| Lot size (pounds) | Plan No. | Step No. | Number of sample units | Pounds examined | Accept and reject criteria: Major Accept | Major Reject | Critical Accept | Critical Reject | Total Accept | Total Reject |
|---|---|---|---|---|---|---|---|---|---|---|
| 1,000 or less | [1] 5 | | 3 | 36 | 0 | 1 | 0 | 1 | 1 | 2 |
| 8,000 or less | 10 | | 6 | 72 | 0 | 1 | 0 | 1 | 5 | 6 |
| 8,000 to but not including 24,000 | 15 | 1 | 9 | 108 | 0 | 2 | 0 | 1 | 4 | 8 |
| | | 2 | 3 | 36 | | | | | | |
| Total | | | 12 | 144 | 1 | 2 | 0 | 1 | 8 | 9 |
| 24,000 to but not including 60,000 | 20 | 1 | 15 | 180 | 0 | 3 | 0 | 1 | 6 | 12 |
| | | 2 | 15 | 180 | | | | | | |
| Total | | | 30 | 360 | 2 | 3 | 0 | 1 | 18 | 19 |
| 60,000 to but not including 240,000 | 25 | 1 | 22 | 264 | 0 | 4 | 0 | 1 | 9 | 16 |
| | | 2 | 25 | 300 | | | | | | |
| Total | | | 47 | 564 | 3 | 4 | 0 | 1 | 26 | 27 |
| 240,000 to but not including 500,000 | 30 | 1 | 27 | 324 | 0 | 4 | 0 | 1 | 10 | 19 |
| | | 2 | 40 | 480 | | | | | | |
| Total | | | 67 | 804 | 4 | 5 | 0 | 1 | 35 | 36 |
| 500,000 to but not including 1,000,000 | [2] 35 | 1 | 33 | 396 | 0 | 5 | 0 | 2 | 12 | 21 |
| | | 2 | 56 | 672 | | | | | | 1 |
| Total | | | 89 | 1,068 | 5 | 6 | 1 | 2 | 45 | 46 |
| 500,000 to but not including 1,000,000 | [2] 40 | 1 | 40 | 480 | 0 | 6 | 0 | 2 | 15 | 25 |
| | | 2 | 71 | 852 | | | | | | |
| Total | | | 111 | 1,332 | 6 | 7 | 1 | 2 | 56 | 57 |
| 1,000,000 and over | [2] 45 | 1 | 72 | 864 | 3 | 7 | 0 | 2 | 32 | 41 |
| | | 2 | 48 | 576 | | | | | | |
| Total | | | 120 | 1,440 | 6 | 7 | 1 | 2 | 60 | 61 |
| 1,000,000 and over | [2] 50 | 1 | 120 | 1,440 | 4 | 9 | 0 | 3 | 41 | 63 |
| | | 2 | 100 | 1,200 | | | | | | |
| Total | | | 220 | 2,640 | 11 | 12 | 2 | 3 | 105 | 106 |

[1] To be used only upon request of plant management or import broker.
[2] Alternate plan for the applicable lot size for reinspection of rejected lots and for lots.

TABLE I.—DESCRIPTION OF DEFECTS

| | Defect code | Defect class |
|---|---|---|
| Blood clots: 1½ to 6 inches greatest dimension. | 100 | Minor. |
| Blood clots: More than 6 inches in greatest dimension, or numerous (over 5) minor blood clots in one sample unit (do not score as minor defects also) that do not seriously affect the usability of the product. | 101 | Major. |
| Blood clots: 1 or more occurring in such number or size as to seriously affect the usability of the product. | 102 | Critical. |
| Bruises: Less than 2½ inches in greatest diameter and less than 1 inch deep. | 100 | Minor. |
| Bruises: More than 2½ inches in greatest diameter or more than 1 inch deep, or numerous (over 5) minor bruises in one sample unit (do not score as minor defects also) that do not seriously affect the usability of the product. | 101 | Major. |
| Bruises: 1 or more occurring in such number or size as to seriously affect the usability of the product. | 102 | Critical. |
| Bone fragments: Less than 1½ inches in greatest diameter. Exclude the following: (1) Thin bone scrapings less than 1/32 inches thick by ⅛ inch wide by 3 inches long attached to muscle tissue; (2) thin flexible bone slivers, either attached to or detached from muscle tissue less than ¼ inch wide and ¾ inch long; (3) thin bone fragments or chips either attached to or detached from muscle tissue that crumble easily and are less than ¾ inch in greatest diameter. | 150 | Minor. |
| Bone slivers (from rib): Less than 3 inches long and less than ¼ inch in greatest diameter and flexible, or a cartilage or bone chip from a rib end more than ¾ inch in greatest dimension that is thin and crumbles easily, and that may or may not have attached muscle tissue. | 150 | Do. |
| Bone fragments: 1½ inches or more in greatest dimension, or numerous (over 5) minor fragments in 1 sample unit (do not score as minor defects also) that do not seriously affect the usability of the product. | 151 | Major. |

| | Defect code | Defect class |
|---|---|---|
| Bone fragments: 1 or more occurring in such number or size as to seriously affect the usability of the product. | 152 | Critical. |
| Detached cartilage, ligaments: 1 inch or more long and free of muscle tissue. (Also see bone slivers (from rib) code 150.) | 200 | Minor. |
| Detached cartilage, ligaments: Numerous (over 5) minor defects in 1 sample unit (do not score as minor defects also) that do not seriously affect the usability of the product. | 201 | Major. |
| Detached cartilage, ligaments: Defects occurring in such number as to seriously affect the usability of the product. | 202 | Critical. |
| Ingesta: Covering an area ½ inch or less in greatest dimension. | 251 | Major. |
| Ingesta: Covering an area more than ½ inch in greatest dimension. | 252 | Critical. |
| Fecal material: Any amount | 252 | Do. |
| Harmful extraneous material: Any organic or inorganic substance that could singly or in aggregate cause minor bodily irritation or discomfort (e.g., chemicals that may cause mild reaction, hard objects that are not likely to cut or bruise, etc.). | 301 | Major. |
| Harmful extraneous material: Any organic or inorganic substance that could singly or in aggregate cause injury or illness (e.g., poisonous or toxic chemicals, sharp pieces of metal, glass, hard plastic, etc.). | 302 | Critical. |
| Harmless extraneous material: Paper or plastic wrap 7 square inches or less, specks of rail dust or similar material covering area between 1/16 to ½ inch in greatest diameter, single wild oats and other grass beards not associated with inflammatory conditions. | 350 | Minor. |
| Harmless extraneous material: Such as blunt piece of wood 1 inch or more long, paper or plastic over 7 square inches, specks of rail dust or similar material covering an area with a greatest diameter exceeding ½ inch. Numerous (over 5) minor defects in a sample unit that do not seriously affect the usability of the product. | 351 | Major. |
| Harmless extraneous material: Large insect and insects associated with insanitation or any other material that occurs in such number or size as to seriously affect the usability of the product. | 352 | Critical. |
| Hair, wool, or hide: Hide with or without attached hair or wool less than ½ inch in greatest diameter, 1 cluster of hair or 1 to 5 single strands of hair or wool equals a defect. When a second step is necessary, total the number of hairs or wool from steps 1 and 2 to determine the number of hair defects. | 400 | Minor. |
| Hair, wool, or hide: Hide with or without attached wool ½ inch or more in greatest diameter, numerous (over 25) single strands of hair in 1 sample unit (do not score as minor also), numerous (over 5) clusters of hair in 1 sample unit (do not score as minor also), provided none of the above seriously affects the usability of the product. | 401 | Major. |
| Hair, wool, or hide: Hair, wool or hide that occurs in such amount as to seriously affect the usability of the product. | 402 | Critical. |
| Off condition | 452 | Do. |
| Pathological lesions: May be classified as major defects when they individually or in aggregate do not seriously affect, or are likely to seriously affect the usability of the product for its intended purpose. Examples of this are singly occurring deep seated encapsulated abscesses or parasitic cysts in frozen meat and such conditions as tissue degenerations and scar tissue. All proposals to downgrade pathological lesions from critical to major defects are to be referred to PFID for decision. | 501 | Major. |
| Pathological lesions: Any lesion unless excepted as noted under code 501. | 502 | Critical. |
| Stains, discolored areas: Covering an area ½ to 1½ inches in greatest diameter. | 600 | Minor. |
| Stains, discolored areas: Covering an area more than 1½ inches in greatest diameter, or numerous (over 5) minor stains in one sample unit (do not score as minor defects also) that do not seriously affect the usability of the product. | 601 | Major. |
| Stains, discolored areas: Minor or major areas occurring in such number as to seriously affect the usability of the product | 602 | Critical. |
| Other: A defect that individually or in aggregate affects the appearance of the product but is not likely to affect its usability | 800 | Minor. |
| Other: A defect that individually or in aggregate materially affects the usability of the product | 801 | Major. |
| Other: A defect that individually or in aggregate seriously affects the appearance or usability of the product | 802 | Critical. |



## RESIGNATION OF LEAA ADMINISTRATOR CHARLES H. ROGOVIN

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

Mr. FASCELL. Mr. Speaker, the resignation of Charles H. Rogovin as Administrator of the Law Enforcement Assistance Administration is an event of deep significance to the Federal Government's anticrime efforts.

First, the Law Enforcement Assistance Administration and the Department of Justice lose an extremely capable and articulate exponent of an enlightened approach to problems in the criminal justice system. In his short tenure as Administrator of LEAA, Mr. Rogovin accomplished much toward establishing LEAA as a credible partner of State and local governments in the fight against crime.

Mr. Rogovin's loss to the Justice Department and to LEAA is quite significant for another important reason. He brought to LEAA a 10-year experience in the criminal justice field including service as Assistant Director of the President's Commission on Law Enforcement and the Administration of Justice. Mr. Rogovin led the Commission's Organized Crime Task Force in 1967, whose report serves as a clear warning of the threats posed by organized crime to our democratic institutions.

Mr. Rogovin also served as Assistant Attorney General for the State of Massachusetts, leading the organized crime section during a 2-year period from 1967 to 1969.

The House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair, in its study of the Federal effort against organized crime, has too frequently and sadly discovered that Federal executives with an awareness of the dangers posed by organized crime and a willingness to activate their agencies against it are in short supply. Mr. Rogovin is one of the select few with such attributes.

For this reason and because most of our States are sorely in need of guidance in this area, I am dismayed by the resignation of Mr. Rogovin and by the conditions which brought it about.

At this juncture, one must ask what those conditions were and what must be done to prevent them from recurring. A mission as important as that which the Congress has given to LEAA cannot afford to be burdened with an administrative structure which impedes the flow of policy and the efficiency of management. In all candor, the Congress is partly to blame for its drafting of title I of the Omnibus Crime Control and Safe Streets Act of 1968. While assigning a higher grade and salary to the Administrator as compared with those assigned to the two Associate Administrators of LEAA, Congress did not specifically clarify that the Administrator should have the sole administrative responsibility. The effect apparently was to allow the act to be construed to require unanimity of the Administrator and the two Associate Administrators in all policy and administrative matters—a pure "troika" structure.

However, the Congress need not have been the only source of remedies for these problems. Insofar as the Attorney General has powers which are not reposed in LEAA, he could have used them to clearly establish that the Administrator was the operational head of LEAA. The Attorney General could have insisted that the prestige of his office stands behind the Administrator on operational matters. In summary, by the powers vested in his office, the Attorney General could have obviated the conditions which are now hampering the efficient operation of LEAA. His failure to do so is indeed unfortunate. The Attorney General's lack of action has caused a setback to the Nation's crime fight and to State and local confidence in the Federal Government's ability to assist in this field.

In the final analysis it is the public, as the ultimate beneficiary of the funds dispensed by LEAA, which suffers from the conditions I have stated. I hope the Attorney General will immediately implement corrective action and communicate to the Congress those actions he takes.

The Legal and Monetary Affairs Subcommittee is very much concerned with the problems now hampering the operations of LEAA.

## ADM. THOMAS MOORER, CHAIRMAN OF JOINT CHIEFS OF STAFF

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

Mr. NICHOLS. Mr. Speaker, it was with a great deal of pride and pleasure that I learned yesterday that Adm. Thomas Moorer has been appointed Chairman of the Joint Chiefs of Staff. This distinguished military officer is a native of my State of Alabama and has served his Nation continuously and with honor since graduating from the Naval Academy in 1933. For the past two and a half years, he has been Chief of Naval Operations, and it is only fitting that he should be elevated to our Nation's top military post.

I know that I speak for all Alabamians and all Americans when I congratulate Admiral Moorer and wish him well in the very difficult job he is about to assume.

Mr. Speaker, I insert in the RECORD at this point a biography of Admiral Moorer which lists his accomplishments during his military career:

ADM. THOMAS H. MOORER, U.S. NAVY

Thomas Hinman Moorer was born in Mount Willing, Alabama, February 9, 1912, son of

the late Dr. R. R. Moorer and the late Mrs. (Hulda Hill Hinson) Moorer. He was graduated from Cloverdale High School in Montgomery, Alabama, Valedictorian of the Class of 1927, and on June 10, 1929, entered the U.S. Naval Academy. As a midshipman he played football for three years. He was graduated and commissioned ensign on June 1, 1933, and through subsequent promotions attained the rank of rear admiral to date from August 1, 1958; vice admiral, to date from October 5, 1962 and admiral, to date from June 26, 1964.

After graduation in June 1933, he served six months on board the U.S.S. *Salt Lake City* as a junior officer in the gunnery department. He assisted in fitting out the U.S.S. *New Orleans* at the Navy Yard, New York, and served in that cruiser's gunnery and engineering departments from her commissioning, February 15, 1934, until detached in June 1935. During the next year he was a student at the Naval Air Station, Pensacola, Florida. After completing flight training in July 1936 he was designated a Naval Aviator.

In August 1936 he was assigned to Fighting Squadron One-B, based briefly on the U.S.S. *Langley* and later on the U.S.S. *Lexington*. He was transferred in July 1937 to Fighting Squadron Six, based on the U.S.S. *Enterprise*, and continued duty with that squadron until August 1939. He then joined Patrol Squadron Twenty-Two, a unit of Fleet Air Wing Two, and later Fleet Air Wing Ten, and was with that squadron at Pearl Harbor, Territory of Hawaii, when the Japanese attacked the Fleet there on December 7, 1941. His squadron was sent to the Southwest Pacific and during the Dutch East Indies Campaign, he was shot down in a PBY on February 19, 1942, north of Darwin, Australia. He was rescued by a ship which was sunk by enemy action the same day.

He was also awarded the Purple Heart Medal for wounds received on February 19, 1942, and the Silver Star Medal for "extremely gallant and intrepid conduct as Pilot of a Patrol Plane during and following an attack by enemy Japanese aircraft in the vicinity of Cape Diemen, February 19, 1942..." The citation continues: "... Although he and his co-pilot were wounded in the attack, (he) succeeded in landing his badly damaged and blazing plane. His courage and leadership during a subsequent attack upon the rescue ship and while undergoing hardships and dangers of returning the survivors to the Australian mainland were in keeping with the highest traditions of the United States Naval Service."

He is entitled to the Ribbon for, and a facsimile of the Presidential Unit Citation to Patrol Squadron Twenty-Two. The citation follows: "For extraordinary heroism in action as a Unit of Patrol Wing Ten attached to Aircraft, U.S. Asiatic Fleet, operating against enemy Japanese forces in the Philippine and Netherlands East Indies Areas from January 1942 to March 3, 1942. Holding fast to their courage as the Japanese ruthlessly hunted them down the Pilots of (that squadron) doggedly maintained their patrols in defiance of hostile air and naval supremacy, scouting the enemy and fighting him boldly regardless of overwhelming odds and in spite of the crushing operational inadequacies existing during the first months of the war . . ."

Between March and June 1942, he served with Patrol Squadron One Hundred One and was awarded the Distinguished Flying Cross. The citation follows: "For extraordinary achievement and heroic conduct as commander of a patrol plane on a hazardous round-trip flight from Darwin, Australia to Beco, Island of Timor, on the afternoon and night of May 24, 1942. In an undefended, comparatively slow flying boat, Lieutenant Moorer braved an area dominated by enemy air superiority, effected a precarious landing in the open sea at dusk and took off at night in the midst of threatening swells, with a heavily loaded airplane. His superb skill and courageous determination in organizing and executing this perilous mission resulted in the delivery of urgently needed supplies to a beleaguered garrison and the evacuation of eight seriously wounded men who otherwise might have perished."

After his return to the United States in July 1942, he had temporary duty from August of that year to March of the next in the United Kingdom, as a mining observer for the Commander in Chief, U.S. Fleet. He then fitted out and assumed command of Bombing Squadron One Hundred Thirty-Two, operating in Cuba and Africa from its base at Key West, Florida, Boca Chica Air Base. Detached from that command, he served as gunnery and tactical officer on the staff of Commander Air Force, Atlantic, from March 1944 to July 1945.

He was awarded the Legion of Merit: "For meritorious conduct . . . as Force Gunnery and Tactical Officer on the staff of Commander Air Force, Atlantic Fleet . . ." The citation states that he "planned and supervised the development and practical application of tactics, doctrines and training methods relating to anti-submarine warfare and gunnery; supervised many experimental and developmental projects; and coordinated information on enemy tactics and countermeasures . . . By his outstanding executive ability, Commander Moorer contributed materially to the combat effectiveness of aircraft in anti-submarine warfare . . ."

From August 1945 until May 1946, he was assigned to the Strategic Bombing Survey—Japan—of the Office of the Chief of Naval Operations, engaged in the interrogation of Japanese Officials. For two years thereafter, he served as executive officer of the Naval Aviation Ordnance Test Station, Chincoteague, Virginia. He next had duty afloat as operations officer of the U.S.S. *Midway* (July 1948–November 1949), and as operations officer on the staff of Commander Carrier Division Four, Atlantic Fleet (December 1949–July 1950).

Reporting in August 1950 to Inyokern, California, he served for a year as experimental officer of the Naval Ordnance Test Station. During the year following, he was a student at the Naval War College, Newport, Rhode Island, and in August 1953, again reported for duty on the staff of Commander Air Force, Atlantic Fleet. In May 1955 he was ordered to the Navy Department to serve as aide to the Assistant Secretary of the Navy (Air) and in July 1956 was detached to sea duty as commanding officer of U.S.S. *Salisbury Sound* (AV–13).

On July 26, 1957 his selection for the rank of Rear Admiral was approved by the President and in October, the same year, he reported as Special Assistant, Strategic Plans Division, Office of the Chief of Naval Operations, Navy Department. From January 1, 1958 until July 1959, he was Assistant Chief of Naval Operations (War Gaming Matters), after which he commanded Carrier Division SIX. He returned to the Office of the Chief of Naval Operations in November 1960 and served as Director of the Long Range Objectives Group until October 1962 when he assumed command of the Seventh Fleet. For his service in this assignment he was awarded the Distinguished Service Medal. In June 1964 he became Commander in Chief of the Pacific Fleet. Admiral Moorer assumed command of NATO's Allied Command, Atlantic, the U.S. unified Atlantic Command, and the U.S. Atlantic Fleet on April 30, 1965.

On June 17, 1967, he was awarded a Gold Star in lieu of a second Distinguished Service Medal: "For exceptionally meritorious service as Commander in Chief Atlantic, Commander in Chief U.S. Atlantic Fleet, Commander in Chief Western Atlantic Area, and Supreme Allied Commander Atlantic . . ." The citation states in part, "During the Dominican Republic Crisis of 1965–66, he directed military operations with utmost professionalism, judgment and diplomacy, resulting in a cease-fire, politico-military stabilization of the situation . . . and finally the orderly and peaceful withdrawal of U.S. forces . . ." The citation continues: "As Supreme Allied Commander Atlantic, Admiral Moorer foresaw the need, and initiated a major revision in NATO maritime strategy . . . his development of the concept of a standing naval force for the Allied Command Atlantic; and his assistance in establishing the Iberian Atlantic Command Headquarters resulted in major contributions to the North Atlantic Treaty Organization . . ."

On June 3, 1967, he was named by President Johnson to succeed Admiral David L. McDonald, USN, as Chief of Naval Operations, Navy Department. Admiral Moorer became the eighteenth Chief of Naval Operations on August 1, 1967.

On January 13, 1969, he was awarded a Gold Star in lieu of a Third Award of the Distinguished Service Medal "For exceptionally meritorious service as Chief of Naval Operations from August 1967 to January 1969." The citation indicates that "Admiral Moorer provided forceful and aggressive leadership . . . during a period of increasing worldwide commitments and continuous combat operations against enemy forces in Southeast Asia."

He was reappointed Chief of Naval Operations by President Nixon on June 12, 1969.

In addition to the Distinguished Service Medal with two Gold Stars, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Purple Heart Medal, and the Ribbon for the Presidential Unit Citation to Patrol Squadron Twenty-Two, Admiral Moorer has the American Defense Service Medal with star; American Campaign Medal; Asiatic-Pacific Campaign Medal with two stars; European-African-Middle Eastern Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe and Asia Clasps; China Service Medal; National Defense Service Medal with bronze star; Armed Forces Expeditionary Medal; Vietnam Service Medal; Philippine Defense Ribbon; and the Republic of Vietnam Campaign Medal with device. In May 1964 he was awarded the Stephen Decatur Award for operational competence by the Navy League of the United States and on June 3, 1968 Admiral Moorer was awarded the Honorary Doctor of Laws Degree by Auburn University, Auburn, Alabama.

He also has been decorated by ten foreign governments: Portugal (Military Order of Aviz), Greece (Silver Star Medal, First Class), Japan (Double Rays of the Rising Sun), Republic of China (Medal of Pao-Ting) and (Medal of Cloud and Banner with Special Grand Cordon), Philippines (Legion of Honor), Brazil (Order of the Naval Merit, Grande Oficial), Chile (Gran Estrella al Merito Militar), Venezuela (Order of Naval Merit 1st Class), Republic of Korea (Order of National Security Merit, 1st Class), Netherlands (Grand Cross, Order of Oranje-Nassau with Swords).

Admiral Moorer is married to the former Carrie Ellen Foy of Eufaula, Alabama. He has four children, Thomas Randolph, Mary Ellen (Mrs. David Butcher), Richard Foy, and Robert Hill Moorer. His official residence is 402 Barbour Street, Eufaula, Alabama.

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## CHIEF JUSTICE SHOULD DELIVER SPEECH ON THE STATE OF THE JUDICIARY TO JOINT SESSION OF CONGRESS

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

Mr. SCHWENGEL. Mr. Speaker, on the 22d of November in 1800 the President of the United States, making the first speech at the Capitol, said:

> I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No suggestion is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience, be more beneficially applied.

So spoke John Adams when the Capitol was moved to Washington.

In response to this and in response to the suggestion by the present Chief Justice of the Supreme Court I am today, along with several colleagues, Mr. GROSS, Mr. KYL, Mr. MAYNE, and Mr. TAFT, introducing a resolution to call for a joint session of Congress and invite the Chief Justice to come here and speak to us on the state of the judiciary.

Mr. Speaker, the courts of this Nation face a crisis. The dockets of our urban courts, both Federal and State, are crowded and the backlog grows.

The problem may be spreading to other areas, especially as population growth continues. Trials long delayed present a serious problem of harm to criminal defendants and to the public, as well as to all sides in civil litigation. And the courts are under a concerted attack from the radical left which apparently intends by disruptive tactics to bring them to a halt.

Public confidence has been weakened because of recent disclosures, which have reached to members of the highest court in the land.

Extraordinary times require that we be bold in seeking resolution of these problems. But today I recommend to the House not a bold innovative reform, not a far-reaching solution, not a precedent shattering proposal. All that must await study which is going forward today—in the American bar associations, in State and local bar groups, in judicial conferences.

What I propose is quite limited, but it is a first step from which we can all form to march forward to solutions. At the pinnacle of the American legal system stands the Chief Justice of the United States. It is not only his responsibility to lead our High Court in its decisionmaking, but also he is really administrative head of our Federal courts and leader of the Judicial Conference. His perspective is that ranging over the entire system—the strong points and the soft. His experience and reflections and perspective would provide noteworthy examples for the States struggling with the same problems as are the Federal courts.

And yet we make inadequate use of the Chief Justice's nonjudicial, essentially administrative expertise. Congress annually receives the report of the Judicial Conference which contains useful basic information and statistical data. Although it is printed as a House document I am sure it goes largely unnoticed in the mountain of paperwork issued by Congress.

We need to increase the visibility of the Chief Justice and the thoughts of the Judicial Conference. We must increase public awareness of the necessities. We must educate ourselves and the public, because without the awareness and the education we may well not make the expenditures and the legislative revisions which will be required.

The proposal, then, is a simple one. We are all familiar with the President's state of the Union message. Why not a state of the judiciary message by the Chief Justice? He could inform us of the problems and suggest solutions. He could open a dialog between Congress and the administrative side of the courts. Budgetary problems could be explained forthrightly. The thinking of the Judicial Conference on matters like staffing, facilities, selection, retirement, and other matters could be presented. The question of revising the jurisdiction of the Federal courts, perhaps along the lines of the recent American Law Institute proposals, could be discussed frankly and clearly.

The point, Mr. Speaker, is that there are innumerable subjects about which the Chief Justice could speak which would in no way get us into problems of separation of powers. The Chief Justice would not discuss or allude to litigation or to matters solely within the prerogatives of the Federal courts. The things I have in mind relate to those matters on which the Congress does and must legislate in any event. Both Houses have passed bills increasing the number of judges. In a recent Congress we abolished the commissioner system in the Federal district courts and created a system of magistrates. Congress has delegated rulemaking powers but reserved the right to alter rules by statute. A member of the Court, as well as administrative personnel, regularly appears before the appropriations committees with regard to the budget of the judiciary.

In addition, it is general knowledge that Chief Justice Taft was the moving spirit behind the Judiciary Act of 1925 which allowed the Supreme Court to regulate its caseload through its certiorari jurisdiction. Taft was also active in other matters affecting the Federal judiciary.

Thus, I believe it would be wholly proper and appropriate for the Chief Justice to appear before us to set out the problems and needs of the Federal judiciary. After all, the principle of separation of powers is not that each branch of our Government is tightly shut off from the others; it is that they deal at arms length with each other. There are many areas of mutual accommodation. While Congress is the source of the revenues without which the courts cannot function and while Congress must make the statutory changes to enable the courts to keep abreast of the times, it is incumbent that we be fully and completely informed of the thinking of the judges and judicial administrators.

That is all I propose. I think we would be well advised to adopt the proposal.

## THE PRESIDENT'S SUPREME COURT APPOINTMENT

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

Mr. QUILLEN. Mr. Speaker, yesterday the President went to Minnesota to find a new Associate Justice of the Supreme Court.

And the appearances are that he made an excellent choice.

In fact, I would say that from most respects Judge Blackmun is qualified to serve on the Supreme Court as were Judge Haynsworth and Judge Carswell. Much to my regret, he is not a southerner.

Because he is not a southerner, I expect that he will be quickly confirmed.

Mr. Speaker, that brings me to my point, which is the same as the President's—no southerner, it appears, can be appointed to the Supreme Court so long as the composition of the Senate remains unchanged.

There is a southern bias in the Senate. It is evident, it is obvious. Northern liberal Senators are deliberately doing what they accuse others of: they are polarizing and separating the Nation along regional and geographic lines. They are defying and thwarting the President's efforts to bring this country together. Mr. Speaker, I wish to go on record that as one Member of the Congress from the South, I personally resent this narrow northern attitude and will do whatever I can to fight it.

Perhaps after November, or when Justice Douglas is impeached, it will be possible for a southerner to be nominated and confirmed to the Supreme Court. It is about time.

## STRATEGIC ARMS LIMITATION TALKS

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

Mr. ROTH. Mr. Speaker, tomorrow at Vienna, Austria, the United States and the Union of Soviet Socialist Republics will open talks which could result in the most critical negotiations on arms and other matters ever undertaken and it is my belief that this body—representative of all Americans—should note the beginning of these talks with a resolution of support and of hope that they result in understanding which will benefit the cause of national security and world peace.

The resolution which I am introducing at this time does express the unreserved support of this body for the strategic arms limitation talks.

The Government of the United States enters these discussions with representatives of the Soviet Union with serious purpose.

We cannot accurately predict what these talks might fully achieve; they may, in fact, end without any success.

We know success does not arise from weakness and that peace does not come through wishing for it.

We recognize these talks are likely to be long and complicated. In my mind, however, the constructive atmosphere of the initial talks in Helsinki is a good sign

for the future; I am certain my colleagues share my hope that the same atmosphere and down-to-earth negotiations continue in Vienna.

Our hopes are that in the future the wealth of nations—of all nations—can be transferred safely and without fear from the building of arms. It is with that intent and with the hope that the beginning in Vienna is a moment in history which sets a course for good for the centuries, that I offer this resolution and urge its support by all Members:

H. RES. 919

A resolution expressing the support of the House of Representatives with respect to the strategic arms limitation talks, and for other purposes

Whereas the preparations for the Strategic Arms Limitation Talks have involved the most intensive study of strategic arms problems ever made by the Government of the United States of America or any other government;

Whereas the Government of the United States of America and the Government of the Union of Soviet Socialist Republics open talks on April 16, 1970, which could result in agreement to limit arms and other matters: Now, therefore, be it

*Resolved,* That the House of Representatives hereby expresses its unreserved support for the talks which begin April 16, 1970, on the limitations of strategic arms between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics.

*Be it further resolved,* That it is the sense of the House of Representatives that—

(1) prompt negotiations between the Governments of the United States of America and of the Union of Soviet Socialist Republics to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued; and

(2) the President should in such negotiations propose to the Government of the Union of Soviet Socialist Republics an immediate suspension by the United States and by the Union of Soviet Socialist Republics of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate.

## CONDUCT OF ASSOCIATE JUSTICE DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 60 minutes.

## CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 78]

| | | |
|---|---|---|
| Abbitt | Broomfield | Chisholm |
| Anderson, Tenn. | Brown, Calif. | Clancy |
| | Burton, Utah | Clark |
| Ashbrook | Bush | Clay |
| Ayres | Button | Culver |
| Baring | Byrne, Pa. | Daddario |
| Barrett | Cabell | Davis, Wis. |
| Bolling | Carey | Dawson |
| Bow | Celler | de la Garza |
| Dellenback | Kee | Quie |
| Dent | Kirwan | Riegle |
| Diggs | Kuykendall | Roberts |
| Dingell | Langen | Rooney, N.Y. |
| Edwards, Calif. | Lennon | Rooney, Pa. |
| Erlenborn | Lowenstein | Rosenthal |
| Esch | Lukens | St Germain |
| Evins, Tenn. | McCarthy | Satterfield |
| Fallon | McMillan | Scheuer |
| Feighan | Martin | Schneebeli |
| Findley | Meskill | Shipley |
| Fulton, Pa. | Michel | Sikes |
| Garmatz | Mikva | Skubitz |
| Giaimo | Miller, Calif. | Slack |
| Gross | Mize | Smith, N.Y. |
| Gubser | Mollohan | Springer |
| Hanna | Moorhead | Stuckey |
| Hansen, Idaho | Murphy, Ill. | Sullivan |
| Harsha | Murphy, N.Y. | Taft |
| Hawkins | Nedzi | Teague, Calif. |
| Hébert | Nix | Teague, Tex. |
| Heckler, Mass. | Ottinger | Tunney |
| Holifield | Patman | Vigorito |
| Hungate | Pepper | White |
| Jarman | Poff | Whitten |
| Jonas | Powell | |
| Karth | Price, Tex. | |

The SPEAKER pro tempore. On this rollcall 325 Members have answered to their names, a quorum.

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

## CONDUCT OF ASSOCIATE JUSTICE DOUGLAS

The SPEAKER pro tempore. The gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 60 minutes.

Mr. GERALD R. FORD. Mr. Speaker, last May 8 I joined with the gentleman from Ohio (Mr. TAFT) in introducing H.R. 11109, a bill requiring financial disclosure by members of the Federal judiciary. This was amid the allegations swirling around Mr. Justice Fortas. Before and since, other Members of this body have proposed legislation of similar intent. To the best of my knowledge, all of them lie dormant in the Committee on the Judiciary where they were referred.

On March 19 the U.S. Judicial Conference announced the adoption of new ethical standards on outside earnings and conflict of interest. They were described as somewhat watered down from the strict proposals of former Chief Justice Warren at the time of the Fortas affair. In any event, they are not binding upon the Supreme Court.

Neither are the 36-year-old Canons of Judicial Ethics of the American Bar Association, among which are these:

Canon 4. *Avoidance of Impropriety.* A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

Canon 24. *Inconsistent Obligations.* A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official function.

Canon 31. *Private Law Practice.* In many states the practice of law by one holding judicial position is forbidden . . . If forbidden to practice law, he should refrain from accepting *any* professional employment while in office.

Following the public disclosure last year of the extrajudicial activities and moonlighting employment of Justices Fortas and Douglas, which resulted in the resignation from the Supreme Bench of Mr. Justice Fortas but not of Mr. Justice Douglas, I received literally hundreds of inquiries and protests from concerned citizens and colleagues.

In response to this evident interest I quietly undertook a study of both the law of impeachment and the facts about the behavior of Mr. Justice Douglas. I assured inquirers that I would make my findings known at the appropriate time. That preliminary report is now ready.

Let me say by way of preface that I am a lawyer, admitted to the bar of the U.S. Supreme Court. I have the most profound respect for the U.S. Supreme Court. I would never advocate action against a member of that Court because of his political philosophy or the legal opinions which he contributes to the decisions of the Court. Mr. Justice Douglas has been criticized for his liberal opinions and because he granted stays of execution to the convicted spies, the Rosenbergs, who stole the atomic bomb for the Soviet Union. Probably I would disagree, were I on the bench, with most of Mr. Justice Douglas' views, such as his defense of the filthy film, "I Am Curious (Yellow)." But a judge's right to his legal views, assuming they are not improperly influenced or corrupted, is fundamental to our system of justice.

I should say also that I have no personal feeling toward Mr. Justice Douglas. His private life, to the degree that it does not bring the Supreme Court into disrepute, is his own business. One does not need to be an ardent admirer of any judge or justice, or an advocate of his life style, to acknowledge his right to be elevated to or remain on the bench.

We have heard a great deal of discussion recently about the qualifications which a person should be required to possess to be elevated to the U.S. Supreme Court. There has not been sufficient consideration given, in my judgment, to the qualifications which a person should possess to remain upon the U.S. Supreme Court.

For, contrary to a widespread misconception, Federal judges and the Justices of the Supreme Court are not appointed for life. The Founding Fathers would have been the last to make such a mistake; the American Revolution was waged against an hereditary monarchy in which the King always had a life term and, as English history bloodily demonstrated, could only be removed from office by the headsman's ax or the assassin's dagger.

No, the Constitution does not guarantee a lifetime of power and authority to any public official. The terms of Members of the House are fixed at 2 years; of the President and Vice President at 4; of U.S. Senators at 6. Members of the Federal judiciary hold their offices only "during good behaviour."

Let me read the first section of article III of the Constitution in full:

The judicial power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices *during good*

*Behaviour,* and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

The clause dealing with the compensation of Federal judges, which incidentally we raised last year to $60,000 for Associate Justices of the Supreme Court, suggests that their "continuance in office" is indeed limited. The provision that it may not be decreased prevents the legislative or executive branches from unduly influencing the judiciary by cutting judges' pay, and suggests that even in those bygone days the income of jurists was a highly sensitive matter.

To me the Constitution is perfectly clear about the tenure, or term of office, of all Federal judges—it is "during good behaviour." It is implicit in this that when behaviour ceases to be good, the right to hold judicial office ceases also. Thus, we come quickly to the central question: What constitutes "good behaviour" or, conversely, ungood or disqualifying behaviour?

The words employed by the Framers of the Constitution were, as the proceedings of the Convention detail, chosen with exceedingly great care and precision. Note, for example, the word "behaviour." It relates to action, not merely to thoughts or opinions; further, it refers not to a single act but to a pattern or continuing sequence of action. We cannot and should not remove a Federal judge for the legal views he holds—this would be as contemptible as to exclude him from serving on the Supreme Court for his ideology or past decisions. Nor should we remove him for a minor or isolated mistake—this does not constitute behaviour in the common meaning.

What we should scrutinize in sitting Judges is their continuing pattern of action, their behaviour. The Constitution does not demand that it be "exemplary" or "perfect." But it does have to be "good."

Naturally, there must be orderly procedure for determining whether or not a Federal judge's behaviour is good. The courts, arbiters in most such questions of judgment, cannot judge themselves. So the Founding Fathers vested this ultimate power where the ultimate sovereignty of our system is most directly reflected—in the Congress, in the elected Representatives of the people and of the States.

In this seldom-used procedure, called impeachment, the legislative branch exercises both executive and judicial functions. The roles of the two bodies differ dramatically. The House serves as prosecutor and grand jury; the Senate serves as judge and trial jury.

Article I of the Constitution has this to say about the impeachment process:

The House of Representatives—shall have the sole power of Impeachment.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Article II, dealing with the executive branch, states in section 4:

The President, Vice President, and all civil Officers of the United States, shall be removed from office on impeachment for, and conviction of, Treason, Bribery or other high crimes and misdemeanors.

This has been the most controversial of the constitutional references to the impeachment process. No consensus exists as to whether, in the case of Federal judges, impeachment must depend upon conviction of one of the two specified crimes of treason or bribery or be within the nebulous category of "other high crimes and misdemeanors." There are pages upon pages of learned argument whether the adjective "high" modifies "misdemeanors" as well as "crimes," and over what, indeed, constitutes a "high misdemeanor."

In my view, one of the specific or general offenses cited in article II is required for removal of the indirectly elected President and Vice President and all appointed civil officers of the executive branch of the Federal Government, whatever their terms of office. But in the case of members of the judicial branch, Federal judges and Justices, I believe an additional and much stricter requirement is imposed by article II, namely, "good behaviour."

Finally, and this is a most significant provision, article I of the Constitution specifies:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

In other words, impeachment resembles a regular criminal indictment and trial but it is not the same thing. It relates solely to the accused's right to hold civil office; not to the many other rights which are his as a citizen and which protect him in a court of law. By pointedly voiding any immunity an accused might claim under the double jeopardy principle, the framers of the Constitution clearly established that impeachment is a unique political device; designed explicitly to dislodge from public office those who are patently unfit for it, but cannot otherwise be promptly removed.

The distinction between impeachment and ordinary criminal prosecution is again evident when impeachment is made the sole exception to the guarantee of article III, section 3, that trial of all crimes shall be by jury—perhaps the most fundamental of all constitutional protections.

We must continually remember that the writers of our Constitution did their work with the experience of the British Crown and Parliament freshly in mind. There is so much that resembles the British system in our Constitution that we sometimes overlook the even sharper differences—one of the sharpest is our divergent view on impeachment.

In Great Britain the House of Lords sits as the court of highest appeal in the land, and upon accusation by Commons the Lords can try, convict, and punish any impeached subject—private person or official—with any lawful penalty for his crime—including death.

Our Constitution, on the contrary, provides only the relatively mild penalties of removal from office, and disqualification for future office—the worst punishment the U.S. Senate can mete out is both removal and disqualification.

Moreover, to make sure impeachment would not be frivolously attempted or easily abused, and further to protect officeholders against political reprisal, the Constitution requires a two-thirds vote of the Senate to convict.

With this brief review of the law, of the constitutional background for impeachment, I have endeavored to correct two common misconceptions: first, that Federal judges are appointed for life and, second, that they can be removed only by being convicted, with all ordinary protections and presumptions of innocence to which an accused is entitled, of violating the law.

This is not the case. Federal judges can be and have been impeached for improper personal habits such as chronic intoxication on the bench, and one of the charges brought against President Andrew Johnson was that he delivered "intemperate, inflammatory, and scandalous harangues."

I have studied the principal impeachment actions that have been initiated over the years and frankly, there are too few cases to make very good law. About the only thing the authorities can agree upon in recent history, though it was hotly argued up to President Johnson's impeachment and the trial of Judge Swayne, is that an offense need not be indictable to be impeachable. In other words, something less than a criminal act or criminal dereliction of duty may nevertheless be sufficient grounds for impeachment and removal from public office.

What, then, is an impeachable offense?

The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office. Again, the historical context and political climate are important; there are few fixed principles among the handful of precedents.

I think it is fair to come to one conclusion, however, from our history of impeachments: a higher standard is expected of Federal judges than of any other "civil officers" of the United States.

The President and Vice President, and all persons holding office at the pleasure of the President, can be thrown out of office by the voters at least every 4 years. To remove them in midterm—it has been tried only twice and never done—would indeed require crimes of the magnitude of treason and bribery. Other elective officials, such as Members of the Congress, are so vulnerable to public displeasure that their removal by the complicated impeachment route has not even been tried since 1798. But nine Federal judges, including one Associate Justice of the Supreme Court, have been impeached by this House and tried by the Senate; four were acquitted; four convicted and removed from office; and one

resigned during trial and the impeachment was dismissed.

In the most recent impeachment trial conducted by the other body, that of U.S. Judge Halsted L. Ritter of the southern district of Florida who was removed in 1936, the point of judicial behavior was paramount, since the criminal charges were admittedly thin. This case was in the context of F. D. R.'s effort to pack the Supreme Court with Justices more to his liking; Judge Ritter was a transplanted conservative Colorado Republican appointed to the Federal bench in solidly Democratic Florida by President Coolidge. He was convicted by a coalition of liberal Republicans, New Deal Democrats, and Farmer-Labor and Progressive Party Senators in what might be called the northwestern strategy of that era. Nevertheless, the arguments were persuasive:

In a joint statement, Senators Borah, La Follette, Frazier, and Shipstead said:

> We therefore did not, in passing upon the facts presented to us in the matter of the impeachment proceedings against Judge Halsted L. Ritter, seek to satisfy ourselves as to whether technically a crime or crimes had been committed, or as to whether the acts charged and proved disclosed criminal intent or corrupt motive; we sought only to ascertain from these facts whether his conduct had been such as to amount to misbehavior, misconduct—as to whether he had conducted himself in a way that was calculated to undermine public confidence in the courts and to create a sense of scandal.
>
> There are a great many things which one must readily admit would be wholly unbecoming, wholly intolerable, in the conduct of a judge, and yet these things might not amount to a crime.

Senator Elbert Thomas of Utah, citing the Jeffersonian and colonial antecedents of the impeachment process, bluntly declared:

> Tenure during good behavior . . . is in no sense a guaranty of a life job, and misbehavior in the ordinary, dictionary sense of the term will cause it to be cut short on the vote, under special oath, of two-thirds of the Senate, if charges are first brought by the House of Representatives. . . . To assume that good behavior means anything but good behavior would be to cast a reflection upon the ability of the fathers to express themselves in understandable language.

But the best summary, in my opinion, was that of Senator William G. McAdoo of California, son-in-law of Woodrow Wilson and his Secretary of the Treasury:

> I approach this subject from the standpoint of the general conduct of this judge while on the bench, as portrayed by the various counts in the impeachment and the evidence submitted in the trial. The picture thus presented is, to my mind, that of a man who is so lacking in any proper conception of professional ethics and those high standards of judicial character and conduct as to constitute misbehavior in its most serious aspects, and to render him unfit to hold a judicial office . . .
>
> Good behavior, as it is used in the Constitution, exacts of a judge the highest standards of public and private rectitude. No judge can besmirch the robes he wears by relaxing these standards, by compromising them through conduct which brings reproach upon himself personally, or upon the great office he holds. No more sacred trust is committed to the bench of the United States than to keep shining with undimmed effulgence the brightest jewel in the crown of democracy—justice.
>
> However disagreeable the duty may be to those of us who constitute this great body in determining the guilt of those who are entrusted under the Constitution with the high responsibilities of judicial office, we must be as exacting in our conception of the obligations of a judicial officer as Mr. Justice Cardozo defined them when he said, in connection with fiduciaries, that they should be held "to something stricter than the morals of the market-place. *Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior.*" (Meinhard v. Solmon, 249 N.Y. 458.)

Let us now objectively examine certain aspects of the behavior of Mr. Justice Douglas, and let us ask ourselves in the words of Mr. Justice Cardozo, whether they represent "not honesty alone, but the punctilio of an honor the most sensitive."

Ralph Ginzburg is editor and publisher of a number of magazines not commonly found on the family coffee table. For sending what was held to be an obscene edition of one of them, Eros, through the U.S. mails, Mr. Ginzburg was convicted and sentenced to 5 years' imprisonment in 1963.

His conviction was appealed and, in 1966, was affirmed by the U.S. Supreme Court in a close 5-to-4 decision. Mr. Justice Douglas dissented. His dissent favored Mr. Ginzburg and the publication, Eros.

During the 1964 presidential campaign, another Ginzburg magazine, Fact, published an issue entitled "The Unconscious of a Conservative: A Special Issue on the Mind of BARRY GOLDWATER."

The thrust of the two main articles in Ginzburg's magazine was that Senator GOLDWATER, the Republican nominee for President of the United States, had a severely paranoid personality and was psychologically unfit to be President. This was supported by a fraction of replies to an alleged poll which the magazine had mailed to some 12,000 psychiatrists—hardly a scientific diagnosis, but a potent political hatchet job.

Naturally, Senator GOLDWATER promptly sued Mr. Ginzburg and Fact magazine for libel. A Federal court jury in New York granted the Senator a total of $75,000 in punitive damages from Ginzburg and Fact magazine. Fact shortly was to be incorporated into another Ginzburg publication, Avant Garde. The U.S. court of appeals sustained this libel award. It held that under the New York Times against Sullivan decision a public figure could be libelled if the publication was made with actual malice; that is, if the publisher knew it was false or acted with reckless disregard of whether it was false or not.

So once again Ralph Ginzburg appealed to the Supreme Court which, in due course, upheld the lower courts' judgment in favor of Senator GOLDWATER and declined to review the case.

However, Mr. Justice Douglas again dissented on the side of Mr. Ginzburg, along with Mr. Justice Black. Although the Court's majority did not elaborate on its ruling, the dissenting minority decision was based on the theory that the constitutional guarantees of free speech and free press are absolute.

This decision was handed down January 26, 1970.

Yet, while the Ginzburg-Goldwater suit was pending in the Federal courts, clearly headed for the highest court in the land, Mr. Justice Douglas appeared as the author of an article in Avant Garde, the successor to Fact in the Ginzburg stable of magazines, and reportedly accepted payment from Ginzburg for it.

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

Mr. GERALD R. FORD. May I conclude, and then I will be delighted to yield.

Mr. FRASER. Just on this one point and I shall be very brief.

Mr. GERALD R. FORD. I am sorry. I would like to finish and then I will be glad to yield.

Mr. FRASER. Just on a factual basis.

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

Mr. GERALD R. FORD. If the gentleman will give me a minute or two——

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman declines to yield.

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## CALL OF THE HOUSE

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

The SPEAKER pro tempore. The Chair will count.

One hundred fifty-three Members are present, not a quorum.

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

Mr. FRASER. Mr. Speaker, I would not like to put the House to a call——

Mr. RHODES. Regular order, Mr. Speaker.

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

A call of the House was ordered.

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

[Roll No. 79]

| | | |
|---|---|---|
| Abbitt | Dawson | Hansen, Wash. |
| Addabbo | de la Garza | Harsha |
| Anderson, Ill. | Delaney | Hawkins |
| Anderson, Tenn. | Dellenback | Hays |
| | Dent | Hébert |
| Ashbrook | Diggs | Heckler, Mass. |
| Aspinall | Dowdy | Holifield |
| Ayres | Dwyer | Johnson, Pa. |
| Baring | Edwards, Calif. | Karth |
| Barrett | Ellberg | Kee |
| Beall, Md. | Erlenborn | King |
| Belcher | Esch | Kirwan |
| Betts | Evins, Tenn. | Kleppe |
| Bingham | Fallon | Kuykendall |
| Blackburn | Feighan | Kyl |
| Bolling | Findley | Langen |
| Bow | Flood | Leggett |
| Brooks | Ford, William D. | Lennon |
| Broomfield | | Lloyd |
| Brown, Calif. | Fulton, Pa. | Lowenstein |
| Burleson, Tex. | Fulton, Tenn. | Lukens |
| Burton, Utah | Garmatz | McCarthy |
| Button | Gaydos | McClure |
| Byrne, Pa. | Gibbons | McCulloch |
| Cabell | Green, Pa. | McFall |
| Chisholm | Griffiths | McMillan |
| Clancy | Gross | Martin |
| Clark | Gubser | Melcher |
| Clay | Gude | Meskill |
| Conyers | Hanley | Mikva |
| Corbett | Hanna | Miller, Calif. |
| Daddario | Hansen, Idaho | Mills |

| | | |
|---|---|---|
| Minshall | Powell | Springer |
| Mize | Price, Tex. | Steed |
| Mollohan | Pryor, Ark. | Stuckey |
| Monagan | Quie | Sullivan |
| Moorhead | Quillen | Taft |
| Morgan | Reuss | Teague, Calif. |
| Morton | Riegle | Teague, Tex. |
| Moss | Roberts | Thompson, N.J. |
| Murphy, Ill. | Rodino | Tunney |
| Murphy, N.Y. | Rogers, Colo. | Udall |
| Nedzi | Rooney, N.Y. | Vander Jagt |
| Nix | Rooney, Pa. | Watts |
| Ottinger | Rosenthal | White |
| Patman | St Germain | Whitten |
| Pelly | Scheuer | Wright |
| Pepper | Schneebeli | Yates |
| Pickle | Shipley | Zwach |
| Poff | Shriver | |
| Pollock | Smith, N.Y. | |

The SPEAKER pro tempore (Mr. PRICE of Illinois). On this rollcall 281 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. FRASER. Mr. Speaker, reserving the right to object to that unanimous-consent request, and I shall not object, I simply wanted to take this moment to explain to the House that the speaker in the well had changed the text——

Mr. GERALD R. FORD. Mr. Speaker, is this out of my time?

The SPEAKER pro tempore. The gentleman reserved the right to object to the unanimous-consent request.

Mr. FRASER. The speaker in the well had changed the text of his statement from that handed out to the press earlier, the earlier version having charged Justice Douglas with having accepted a fee for an article in a magazine at the time that that person had a case pending in the Supreme Court. In fact, that was a false allegation, and I would assume that the speaker would after 2 years of study have known it was false, but apparently between that time and the time he spoke on the floor he learned it was false and modified his statement. My only purpose in asking him to yield was so that the press would be clear that in fact he had changed that very serious allegation since it was brought.

Mr. Speaker, I withdraw my reservation of objection.

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

The SPEAKER pro tempore. The gentleman from Michigan (Mr. GERALD R. FORD) is recognized.

## CONDUCT OF ASSOCIATE JUSTICE DOUGLAS

Mr. GERALD R. FORD. Mr. Speaker, the March 1969 issue of Avant Garde, on its title page, shows Ralph Ginzburg as editor stating under oath that it incorporates the former magazine Fact.

The table of contents lists on page 16 an article titled "Appeal of Folk Singing: A Landmark Opinion" by Justice William O. Douglas. Even his judicial title, conferred on only eight other Americans, is brazenly exploited.

Justice Douglas' contribution immediately follows one provocatively entitled "The Decline and Fall of the Female Breast." There are two other titles in the table of contents so vulgarly playing on double meaning that I will not repeat them aloud.

Ralph Ginzburg's magazine Avant Garde paid the Associate Justice of the U.S. Supreme Court the sum of $350 for his article on folk singing. The article itself is not pornographic, although it praises the lusty, lurid, and risque along with the social protest of leftwing folk singers. It is a matter of editorial judgment whether it was worth the $350. Ginzburg claims he paid Justice Douglas for writing it. I would think, however, that a byline clear across the page reading "By William O. Douglas, Associate Justice, U.S. Supreme Court" and a full page picture would be worth something to a publisher and a magazine with two appeals pending in the U.S. courts.

However, Mr. Justice Douglas did not disqualify himself from taking part in the Goldwater against Ginzburg libel appeal. Had the decision been a close 5-to-4 split, as was the earlier one, Ginzburg might have won with Douglas' vote.

Actually, neither the quantity of the sum that changed hands nor the position taken by the Court's majority or the size of the majority makes a bit of difference in the gross impropriety involved.

Title 28, United States Code, section 455 states as follows:

> Any justice or judge of the United States should disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to *or connected with any party* or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal or other proceeding therein.

Let me ask each one of you: Is this what the Constitution means by "good behavior"? Should such a person sit on our Supreme Court?

Writing signed articles for notorious publications of a convicted pornographer is bad enough. Taking money from them is worse. Declining to disqualify one's self in this case is inexcusable.

But this is only the beginning of the insolence by which Mr. Justice Douglas has evidently decided to sully the high standards of his profession and defy the conventions and convictions of decent Americans.

Recently, there has appeared on the stands a little black book with the autograph, "William O. Douglas," scrawled on the cover in red. Its title is "Points of Rebellion" and its thesis is that violence may be justified and perhaps only revolutionary overthrow of "the establishment" can save the country.

The kindest thing I can say about this 97-page tome is that it is quick reading. Had it been written by a militant sophomore, as it easily could, it would of course have never found a prestige publisher like Random House. It is a fuzzy harangue evidently intended to give historic legitimacy to the militant hippie-yippie movement and to bear testimony that a 71-year-old Justice of the Supreme Court is one in spirit with them.

Now, it is perfectly clear to me that the first amendment protects the right of Mr. Justice Douglas and his publishers to write and print this drivel if they please.

Mr. Justice Douglas is constitutionally and otherwise entitled to believe, though it is difficult to understand how a grown man can, that "a black silence of fear possesses the Nation," and that "every conference room in Government buildings is assumed to be bugged."

One wonders how this enthusiastic traveler inside the Iron Curtain is able to warn seriously against alleged Washington hotel rooms equipped with two-way mirrors and microphones, or accuse the "powers that be" of echoing Adolf Hilter. Frankly, this is nonsense, but certainly not the only nonsense being printed nowadays.

But I wonder if it can be deemed "good behavior" in the constitutional sense for such a distorted diatribe against the Government of the United States to be published, indeed publicly autographed and promoted, by an Associate Justice of the Supreme Court.

There are, as the book says, two ways by which the grievances of citizens can be redressed. One is lawful procedure and one is violent protest, riot, and revolution. Should a judge who sits at the pinnacle of the orderly system of justice give sympathetic encouragement, on the side, to impressionable young students and hard-core fanatics who espouse the militant method? I think not.

In other words, I concede that William O. Douglas has a right to write and publish what he pleases; but I suggest that for Associate Justice Douglas to put his name to such an inflammatory volume as "Points of Rebellion"—at a critical time in our history when peace and order is what we need—is less than judicial good behavior. It is more serious than simply "a summation of conventional liberal poppycock," as one columnist wrote.

Whatever Mr. Justice Douglas may have meant by his justification of anti-establishment activism, violent defiance of police and public authorities, and even the revolutionary restructuring of American society—does he not suppose that these confrontations and those accused of unlawfully taking part in them will not come soon before the Supreme Court? By his own book, the Court surely will have to rule on many such cases.

I ask you, will Mr. Justice Douglas then disqualify himself because of a bias previously expressed, and published for profit? Will he step aside as did a liberal jurist of the utmost personal integrity, Chief Justice Warren, whenever any remote chance of conflict of interest arose? Not if we may judge by Mr. Justice Douglas' action in the Ginzburg appeals, he will not.

When I first encountered the facts of Mr. Justice Douglas' involvement with pornographic publications and espousal of hippie-yippie style revolution, I was inclined to dismiss his fractious behavior as the first sign of senility. But I believe I underestimated the Justice.

In case there are any "square" Americans who were too stupid to get the message Mr. Justice Douglas was trying to tell us, he has now removed all possible misunderstanding.

Here is the April 1970 current edition of a magazine innocently entitled "Evergreen."

Perhaps the name has some secret

erotic significance, because otherwise it may be the only clean word in this publication. I am simply unable to describe the prurient advertisements, the perverted suggestions, the downright filthy illustrations and the shocking and execrable four-letter language it employs.

Alongside of Evergreen the old Avant Garde is a family publication.

Just for a sample, here is an article by Tom Hayden of the "Chicago 5." It is titled "Repression and Rebellion." It possibly is somewhat more temperate than the published views of Mr. Justice Douglas, but no matter.

Next we come to a 7-page rotogravure section of 13 half-page photographs. It starts off with a relatively unobjectionable arty nude. But the rest of the dozen poses are hard-core pornography of the kind the U.S. Supreme Court's recent decisions now permit to be sold to your children and mine on almost every newsstand. There are nude models of both sexes in poses that are perhaps more shocking than the postcards that used to be sold only in the back alleys of Paris and Panama City, Panama.

Immediately following the most explicit of these photographs, on pages 40 and 41, we find a full-page caricature of the President of the United States, made to look like Britain's King George III and waiting, presumably, for the second American Revolution to begin on Boston Common, or is it Berkeley?

This cartoon, while not very respectful toward Mr. Nixon, is no worse than we see almost daily in a local newspaper and all alone might be legitimate political parody. But it is there to illustrate an article on the opposite page titled much like Tom Hayden's "Redress and Revolution."

This article is authored "by the venerable Supreme Court Justice," William O. Douglas. It consists of the most extreme excerpts from this book, given a somewhat more seditious title. And it states plainly in the margin:

Copyright 1970 by William O. Douglas . . . Reprinted by permission.

Now you may be able to tell me that it is permissible for someone to write such stuff, and this being a free country I agree. You may tell me that nude couples cavorting in photographs are art, and that morals are a matter of opinion, and that such stuff is lawful to publish and send through the U.S. mails at a postage rate subsidized by the taxpayers. I disagree, but maybe I am old fashioned.

But you cannot tell me that an Associate Justice of the United States is compelled to give his permission to reprint his name and his title and his writings in a pornographic magazine with a portfolio of obscene photographs on one side of it and a literary admonition to get a gun and start shooting at the first white face you see on the other. You cannot tell me that an Associate Justice of the U.S. Supreme Court could not have prevented the publication of his writings in such a place if he wanted to, especially after widespread criticism of his earlier contributions to less objectionable magazines.

No; Mr. Justice Douglas has been telling us something and this time he wanted to make it perfectly clear. His blunt message to the American people and their Representatives in the Congress of the United States is that he does not give a tinker's damn what we think of him and his behavior on the Bench. He believes he sits there by some divine right and that he can do and say anything he pleases without being questioned and with complete immunity.

Does he really believe this? Whatever else one may say, Mr. Justice Douglas does know the Constitution, and he knows the law of impeachment. Would it not, I ask you, be much more reasonable to suppose that Mr. Justice Douglas is trying to shock and outrage us—but for his own reasons?

Suppose his critics concentrate on his outrageous opinions, expressed off the Bench, in books and magazines that share, with their more reputable cousins, the constitutional protections of free speech and free press. Suppose his impeachment is predicated on these grounds alone—will not the accusers of Mr. Justice Douglas be instantly branded, as we already are in his new book—as the modern Adolf Hitlers, the book-burners, the defoliators of the tree of liberty?

Let us not be caught in a trap. There is a prima facie case against Mr. Justice Douglas that is—in my judgment—far more grave. There is prima facie evidence that he was for nearly a decade the well-paid moonlighter for an organization whose ties to the international gambling fraternity never have been sufficiently explored.

Are these longstanding connections, personal, professional, and profitable, the skeleton in the closet which Mr. Justice Douglas would like to divert us from looking into? What would bring an Associate Justice of the Supreme Court into any sort of relationship with some of the most unsavory and notorious elements of American society? What, after some of this became public knowledge, holds him still in truculent defiance bordering upon the irrational?

For example, there is the curious and profitable relationship which Mr. Justice Douglas enjoyed, for nigh onto a decade, with Mr. Albert Parvin and a mysterious entity known as the Parvin Foundation.

Albert Parvin was born in Chicago around the turn of the century, but little is known of his life until he turns up as president and 30-percent owner of Hotel Flamingo, Inc., which operated the hotel and gambling casino in Las Vegas, Nev. It was first opened by Bugsy Siegel in 1946, a year before he was murdered.

Bugsy's contract for decorations and furnishings of the Flamingo was with Albert Parvin & Co. Between Siegel and Parvin there were three other heads, or titular heads, of the Flamingo. After the gangland rubout of Siegel in Los Angeles, Sanford Adler—who was a partner with Albert Parvin in another gambling establishment, El Rancho, took over. He subsequently fled to Mexico to escape income tax charges and the Flamingo passed into the hands of one Gus Greenbaum.

Greenbaum one day had a sudden urge to go to Cuba and was later murdered. Next Albert Parvin teamed up with William Israel Alderman—known as Ice Pick Willie—to head the Flamingo. But Alderman soon was off to the Riviera and Parvin took over.

On May 12, 1960, Parvin signed a contract with Meyer Lansky, one of the country's top gangsters, paying Lansky what was purportedly a finder's fee of $200,000 in the sale of the Flamingo. The agreement stipulated that payment would be made to Lansky in quarterly installments of $6,250 starting in 1961. If kept, final payment of the $200,000 would have been in October 1968.

Parvin and the other owners sold the Flamingo for a reported $10,500,000 to a group including Florida hotelmen Morris Lansburgh, Samuel Cohen, and Daniel Lifter. His attorney in the deal was Edward Levinson, who has been associated with Parvin in a number of enterprises. The Nevada Gaming Commission approved the sale on June 1, 1960.

In November of 1960, Parvin set up the Albert Parvin Foundation. Accounts vary as to whether it was funded with Flamingo Hotel stock or with a first mortgage on the Flamingo taken under the terms of the sale. At any rate the foundation was incorporated in New York and Mr. Justice Douglas assisted in setting it up, according to Parvin. If the Justice did indeed draft the articles of incorporation, it was in patent violation of title 28, section 454, United States Code, which states that "any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor."

Please note that this offense is specifically stated in the Federal statute to be a high misdemeanor, making it conform to one of the constitutional grounds for impeachment. There is additional evidence that Mr. Justice Douglas later, while still on salary, gave legal advice to the Albert Parvin Foundation on dealing with an Internal Revenue investigation.

The ostensible purpose of the Parvin Foundation was declared to be educating the developing leadership in Latin America. This had not previously been a known concern of Parvin or his Las Vegas associates, but Cuba, where some of them had business connections, was then in the throes of Castro's Communist revolution.

In 1961 Mr. Justice Douglas was named a life member of the Parvin Foundation's board, elected president and voted a salary of $12,000 per year plus expenses. There is some conflict in testimony as to how long Douglas drew his pay, but he did not put a stop to it until last May—1969—in the wake of public revelations that forced the resignation of Mr. Justice Fortas.

The Parvin Foundation in 1961 undertook publication of Mr. Justice Douglas' book, "America's Challenge," with costs borne by the foundation but royalties going to the author.

In April 1962 the Parvin Foundation applied for tax-exempt status. And thereafter some very interesting things happened.

On October 22, 1962, Bobby Baker turned up in Las Vegas for a 3-day stay. His hotel bill was paid by Ed Levinson, Parvin's associate and sometime attorney. On Baker's registration card a hotel employee had noted—"is with Douglas."

Bobby was then, of course, majority secretary of the Senate and widely regarded as the right hand of the then Vice President of the United States. So it is unclear whether the note meant literally that Mr. Justice Douglas was also visiting Las Vegas at that time or whether it meant only to identify Baker as a Douglas associate.

In December 1962, I have learned, Bobby Baker met with Juan Bosch, soon to be President of the Dominican Republic, in New York City.

In January 1963 the Albert Parvin Foundation decided to drop all its Latin American projects and to concentrate on the Dominican Republic. Douglas described President-elect Bosch as an old friend.

On February 26, 1963, however, we find Bobby Baker and Ed Levinson together again—this time on the other side of the continent in Florida—buying round-trip tickets on the same plane for the Dominican Republic.

Since the Parvin Foundation was set up to develop leadership in Latin America, Trujillo had been toppled from power in a bloody uprising, and Juan Bosch was about to be inaugurated as the new, liberal President. Officially representing the United States at the ceremonies February 27 were the Vice President and Mrs. Johnson. But their Air Force plane was loaded with such celebrities as Senator and Mrs. Humphrey, two Assistant Secretaries of State, Mr. and Mrs. Valenti, and Mrs. Elizabeth Carpenter. Bobby Baker and Eddie Levinson went commercial.

Also on hand in Santo Domingo to celebrate Bosch's taking up the reins of power were Mr. Albert Parvin, President of the Parvin-Dohrmann Co., and the President of the Albert Parvin Foundation, Mr. Justice William O. Douglas of the U.S. Supreme Court.

Again there is conflicting testimony as to the reason for Mr. Justice Douglas' presence in the Dominican Republic at this juncture, along with Parvin, Levinson, and Bobby Baker. Obviously he was not there as an official representative of the United States, as he was not in the Vice President's party.

One story is that the Parvin Foundation was offering to finance an educational television project for the Dominican Republic. Another is that Mr. Justice Douglas was there to advise President Bosch on writing a new Constitution for the Dominican Republic.

There is little about the reasons behind the presence of a singularly large contingent of known gambling figures and Mafia types in Santo Domingo, however. With the change of political regimes the rich gambling concessions of the Dominican Republic were up for grabs. These were generally not owned and operated by the hotels, but were granted to concessionaires by the government—specifically by the President. It was one of the country's most lucrative sources of revenue as well as private corruption. This brought such known gambling figures as Parvin and Levinson, Angelo Bruno and John Simone, Joseph Sicarelli, Eugene Pozo, Santa Trafficante Jr., Louis Levinson, Leslie Earl Kruse, and Sam Giancanno to the island in the spring of 1963.

Bobby Baker, in addition to serving as go-between for his Las Vegas friends such as Ed Levinson, was personally interested in concessions for vending machines of his Serv-U Corp., then represented by Washington attorney Abe Fortas. Baker has described Levinson as a former partner.

Mrs. Fortas, also an attorney, was subsequently to be retained as tax counsel by the Parvin Foundation. Her fee is not exactly known but that year the foundation spent $16,058 for professional services.

There are reports that Douglas met with Bosch and other officials of the new government in February or early March of 1963, and also that he met with Bobby Baker and with Albert Parvin. In April 1963, Baker and Ed Levinson returned to the Dominican Republic and in that same month the Albert Parvin Foundation was granted its tax-exempt status by the Internal Revenue Service.

In June, I believe it was June 20, Bobby Baker and Ed Levinson traveled to New York where Baker introduced Levinson to Mr. John Gates of the Intercontinental Hotel Corp. Mr. Gates has testified that Levinson was interested in the casino concession in the Ambassador—El Embajador—Hotel in Santo Domingo. My information is that Baker and Levinson made at least one more trip to the Dominican Republic about this time but that, despite all this influence peddling, the gambling franchise was not granted to the Parvin-Levinson-Lansky interests after all.

In August, President Bosch awarded the concession to Cliff Jones, former Lieutenant Governor of Nevada who, incidentally, also was an associate of Bobby Baker.

When this happened, the further interest of the Albert Parvin Foundation in the Dominican Republic abruptly ceased. I am told that some of the educational television equipment already delivered was simply abandoned in its original crates.

On September 25, 1963, President Bosch was ousted and all deals were off. He was later to lead a comeback effort with Communist support which resulted in President Johnson's dispatch of U.S. Marines to the Dominican Republic.

Meanwhile, through the Parvin-Dohrmann Co. which he had acquired, Albert Parvin bought the Fremont Hotel in Las Vegas in 1966 from Edward Levinson and Edward Torres, for some $16 million. In 1968, Parvin-Dohrmann acquired the Aladdin Hotel and casino in the same Nevada city, and in 1969 was denied permission by Nevada to buy the Riviera Hotel and took over operation of the Stardust Hotel. This brought an investigation which led to the suspension of trading in Parvin-Dohrmann stock by the SEC, which led further to the company's employment of Nathan Voloshen. But in the interim Albert Parvin is said to have been bought out of the company and to have retired to concentrate on his foundation, from which Mr. Justice Douglas had been driven to resign by relentless publicity.

On May 12, 1969, Mr. Justice Douglas reportedly wrote a letter to Albert Parvin in which he discussed the pending action by the Internal Revenue Service to revoke the foundation's tax-exempt status as a "manufactured case" designed to pressure him off the Supreme Court. In this letter, as its contents were paraphrased by the New York Times, Mr. Justice Douglas apparently offered legal advice to Mr. Parvin as to how to avoid future difficulties with the Internal Revenue Service, and this whole episode demands further examination under oath by a committee with subpena powers.

When things got too hot on the Supreme Court for Justices accepting large sums of money from private foundations for ill-defined services, Mr. Justice Douglas finally gave up his open ties with the Albert Parvin Foundation. Although resigning as its president and giving up his $12,000-a-year salary, Mr. Justice Douglas moved immediately into closer connection with the leftish Center for the Study of Democratic Institutions.

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

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## CONDUCT OF ASSOCIATE JUSTICE DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 60 minutes.

Mr. BURTON of California. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds as a result of the remarks of the gentleman from Michigan having been concluded or, alternatively, if the gentleman from Michigan still has the floor, I would appreciate his yielding to me.

Mr. WYMAN. Not at this point. I will yield to the gentleman later.

At this point, Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

Mr. BURTON of California. Reserving the right to object——

The SPEAKER pro tempore. The gentleman from California reserves the right to object.

Mr. WYMAN. To object to what, Mr. Speaker?

Mr. WAGGONNER. A point of order. To what does the gentleman from California reserve the right to object? The Chair recognized the gentleman under a previous order.

The SPEAKER pro tempore. The gentleman from California——

Mr. BURTON of California. I am reserving my right to object to the unanimous-consent request.

The SPEAKER pro tempore. The Chair will state the matter.

The gentleman from California reserved the right to object to the unanimous-consent request of the gentleman from New Hampshire to revise and extend his remarks and include extraneous matter.

Is there objection to the request?

Mr. BURTON of California. Further reserving the right to object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California reserves the right to object.

Mr. BURTON of California. Mr. Speaker, in reserving the right to object, I would like to note that few members in the history of the Supreme Court have matched the outstanding judicial record of Justice Douglas.

Mr. WYMAN. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The gentleman withdraws his request.

The gentleman from New Hampshire is recognized.

Mr. WYMAN. Mr. Speaker, prior to yielding to the gentleman from Michigan (Mr. GERALD R. FORD) for the purpose of enabling him to finish his remarks, I would like to advise the gentleman from California that in due course during the time I have I will yield to the gentleman for the purpose for which he seeks recognition but not at this time.

Mr. BURTON of California. I am sure the gentleman is aware that I waited without interruption for the gentleman from Michigan to complete his statement.

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. WYMAN. Yes. I yield.

Mr. HALL. I would like to know whether this time comes out of the previous unanimous-consent agreement and allocation of the time of the gentleman from New Hampshire?

The SPEAKER pro tempore. The gentleman still has 1 hour available.

Mr. HALL. I thank the Speaker.

The SPEAKER pro tempore. The gentleman from New Hampshire is recognized.

Mr. WYMAN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Although resigning as its president and giving up his $12,000 a year salary, Mr. Justice Douglas moved immediately into closer connection with the leftish "Center for the Study of Democratic Institutions."

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

The SPEAKER pro tempore. The gentleman from New Hampshire has the floor.

Mr. HAYS. I asked the gentleman if he will yield.

Mr. WYMAN. No.

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

The SPEAKER pro tempore. The Chair will count.

Mr. HAYS. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The point of order in withdrawn.

The gentleman from New Hampshire has yielded to the gentleman from Michigan.

Mr. GERALD R. FORD. I thank the gentleman from Ohio for taking the action that he did.

The center is located in Santa Barbara, Calif., and is run by Dr. Robert M. Hutchins, former head of the University of Chicago.

A longtime "consultant" and member of the board of directors of the center, Mr. Justice Douglas was elevated last December to the post of chairman of the executive committee. It should be noted that the Santa Barbara Center was a beneficiary of Parvin Foundation funds during the same period that Mr. Justice Douglas was receiving $1,000 a month salary from it and mobster Meyer Lansky was drawing down installment payments of $25,000 a year. In addition to Douglas, there are several others who serve on both the Parvin Foundation and Center for Democratic Studies boards, so the break was not a very sharp one.

The gentleman from New Hampshire (Mr. WYMAN) has investigated Mr. Justice Douglas' connections with the center and discovered that the Associate Justice has been receiving money from it, both during the time he was being paid by Parvin and even larger sums since.

The distinguished gentleman, who served as attorney general of his State and chairman of the American Bar Association's committee on jurisprudence before coming to the House, will detail his findings later. But one activity of the center requires inclusion here because it provides some explanation for Mr. Justice Douglas' curious obsession with the current wave of violent youthful rebellion.

In 1965 the Santa Barbara Center, which is tax exempt and ostensibly serves as a scholarly retreat, sponsored and financed the National Conference for New Politics which was, in effect, the birth of the New Left as a political movement. Two years later, in August 1967, the Center was the site of a very significant conference of militant student leaders. Here plans were laid for the violent campus disruptions of the past few years, and the students were exhorted by at least one member of the center's staff to sabotage American society, block defense work by universities, immobilize computerized record systems and discredit the ROTC.

This session at Mr. Justice Douglas' second moonlighting base was thus the birthplace for the very excesses which he applauds in his latest book in these words:

> Where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response.

Mr. Speaker, we are the elected spokesmen upon whom the Associate Justice of the Supreme Court is attempting to place the blame for violent rebellion in this country. What he means by representing the establishment I do not know, except that he and his young hothead revolutionaries regard it as evil. I know very well who I represent, however, and if the patriotic and law-abiding and hard-working and God-fearing people of America are the establishment, I am proud to represent such an establishment.

Perhaps it is appropriate to examine at this point who Mr. Justice Douglas represents. On the basis of the facts available to me, and presented here, Mr. Justice Douglas appears to represent Mr. Albert Parvin and his silent partners of the international gambling fraternity, Mr. Ralph Ginzburg, and his friends of the pornographic publishing trade, Dr. Robert Hutchins and his intellectual incubators for the New Left and the SDS, and others of the same ilk. Mr. Justice Douglas does not find himself in this company suddenly or accidentally or unknowingly; he has been working at it for years, profiting from it for years, and flaunting it in the faces of decent Americans for years.

There have been many questions put to me in recent days. Let me unequivocally answer the most important of them for the record now.

Mr. HAYS. Mr. Speaker, will the gentleman yield at that point?

Mr. GERALD R. FORD. I have only about 2 more minutes to go.

Mr. HAYS. I want to ask a pertinent question right about what you are talking about.

Mr. GERALD R. FORD. I will be glad to answer pertinent questions about that, or all the other things, at a subsequent time, as soon as I have finished. I would be most grateful if the gentleman will wait a few minutes until I conclude.

Mr. CLEVELAND. I will yield to the gentleman from Ohio as soon as the gentleman from Michigan finishes.

Mr. GERALD R. FORD. I promise the gentleman I will be glad to yield to him.

Mr. HAYS. I will wait.

Mr. GERALD R. FORD. Mr. Speaker, is this action on my part in response to, or retaliation for, the rejection by the other body of two nominees for the Supreme Court, Judge Haynsworth and Judge Carswell. In a narrow sense, no. The judicial misbehavior which I believe Mr. Justice Douglas to be guilty of began long before anybody thought about elevating Judges Haynsworth and Carswell.

But in a larger sense, I do not think there can be two standards for membership on the Supreme Court, one for Mr. Justice Fortas, another for Mr. Justice Douglas.

What is the ethical or moral distinction, I ask those arbiters of high principle who have studied such matters, between the Parvin Foundation, Parvin-Dohrmann's troubles with the SEC, and Parvin's $12,000-a-year retainer to Associate Justice Douglas—on the one hand—and the Wolfson Family Foundation, Louis Wolfson's troubles with the SEC and Wolfson's $20,000-a-year retainer to Associate Justice Fortas? Why, the cast

of characters in these two cases is virtually interchangeable.

Albert Parvin was named a coconspirator but not a defendant in the unregistered stock case that sent Louis Wolfson to prison. Albert Parvin was again under investigation in the stock manipulation action against Parvin-Dohrmann. This generation has largely forgotten that William O. Douglas first rose to national prominence as Chairman of the Securities and Exchange Commission. His former law pupil at Yale and fellow New Dealer in those days was one Abe Fortas, and they remained the closest friends on and off the Supreme Court. Mrs. Fortas was retained by the Parvin Foundation in its tax difficulties. Abe Fortas was retained by Bobby Baker until he withdrew from the case because of his close ties with the White House.

I will state that there is some difference between the two situations. There is no evidence that Louis Wolfson had notorious underworld associations in his financial enterprises. And more important, Mr. Justice Fortas had enough respect for the so-called establishment and the personal decency to resign when his behavior brought reproach upon the U.S. Supreme Court. Whatever he may have done privately, Mr. Justice Fortas did not consistently take public positions that damaged and endangered the fabric of law and government.

Another question I have been asked is whether I, and others in this House, want to set ourselves up as censors of books and magazines. This is, of course, a stock liberal needle which will continue to be inserted at every opportunity no matter how often it is plainly answered in the negative. But as the "censor" was an ancient Roman office, the supervisor of public morals, let me substitute, if I might, another Roman office, the tribune. It was the tribune who represented and spoke up for the people. This is our role in the impeachment of unfit judges and other Federal officials. We have not made ourselves censors; the Constitution makes us tribunes.

A third question I am asked is whether the step we are taking will not diminish public confidence in the Supreme Court. That is the easiest to answer. Public confidence in the U.S. Supreme Court diminishes every day that Mr. Justice Douglas remains on it.

Finally, I have been asked, and I have asked myself, whether or not I should stand here and impeach Mr. Justice Douglas on my own constitutional responsibility. I believe, on the basis of my own investigation and the facts I have set before you, that he is unfit and should be removed. I would vote to impeach him right now.

But we are dealing here with a solemn constitutional duty. Only the House has this power; only here can the people obtain redress from the misbehavior of appointed judges. I would not try to impose my judgment in such a matter upon any other Member; each one should examine his own conscience after the full facts have been spread before him.

I cannot see how, on the prima facie case I have made, it is possible to object to a prompt but thoroughgoing investigation of Mr. Justice Douglas' behavior. I believe that investigation, giving both the Associate Justice and his accusers the right to answer under oath, should be as nonpartisan as possible and should interfere as little as possible with the regular legislative business of the House. For that reason I shall support, but not actively sponsor, the creation of a select committee to recommend whether probable causes does lie, as I believe it does, for the impeachment and removal of Mr. Justice Douglas.

Once more, I remind you of Mr. Justice Cardozo's guidelines for any judge:

> Not honest alone, but the punctilio of an honor the most sensitive, is then the standard of behavior.

Why should the American people demand such a high standard of their judiciary? Because justice is the foundation of our free society. There has never been a better answer than that of Daniel Webster, who said:

> There is no happiness, there is no liberty, there is no enjoyment of life, unless a man can say when he rises in the morning, I shall be subject to the decision of no unwise judge today.

Mr. JACOBS. Mr. Speaker, will the gentleman yield to me at this time?

Mr. WYMAN. The gentleman from Michigan (Mr. FORD) does not have the floor. I have the floor, and I am under commitment to yield to the gentleman from Ohio.

Mr. GERALD R. FORD. I am subject to the rules of the House, and I will be glad to answer any questions if the gentleman from New Hampshire will yield for that purpose.

Mr. HAYS. Mr. Speaker, I have not been here for this whole discussion. I had an engagement down at the State Department with the Secretary of State, and other people, including members of the NATO Standing Committee.

However, I have been briefed a little about this, and I heard the latter part of it. I am curious about a couple of things. One is that I thought I was fairly well read and that I got around about as much as anybody, and that I have fairly catholic tastes. But until tonight I never heard of this Evergreen magazine. Is it giving the Republican Party anything for the advertisement it is getting tonight?

Mr. GERALD R. FORD. May I respond to the gentleman, Mr. Speaker?

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

Mr. GERALD R. FORD. I never heard of the magazine before it was brought to my attention 3 or 4 days ago. It is a magazine entitled "Evergreen," and underneath the title on the front page of the issue that I hold it says, "Evergreen Review No. 77, April, 1970, one dollar."

Mr. HAYS. I have another question for the gentleman:

I have observed, and I did not make a point of order about it, although I guess it is against the rules, that a number of people on the Republican side were looking at this magazine during the gentleman's speech. Is it available only to Republicans—or can some of us Democrats get it?

Mr. WYMAN. I will respond to the gentleman by saying it is available on the newsstands, and several times in the last few days Members have sent their assistants out, and they have been able to purchase it. Regrettably, this involves a certain measure of advertisement, and it cannot be avoided.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of California. Few members in the history of the Supreme Court can match the consistently outstanding judicial record of Justice William O. Douglas in his defense, preservation, and strengthening of the constitutional rights and liberties of the American people.

I suspect that Justice Douglas would be among the first to defend our Michigan colleague's right to make his remarks. As for me, I want to be among the first to decry this attack on one of the most outstanding jurists in American judicial history.

Mr. WYMAN. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. I thank the gentleman for yielding. The statement of the distinguished minority leader is to be commended. It is beyond reproach.

Mr. Speaker on July 18, 1966, almost 4 years ago, I introduced House Resolution 920, calling for a complete investigation into the moral character of Justice William O. Douglas. It was patently clear to me at that time that this man was totally lacking either the moral or ethical probity to occupy a seat on this Nation's highest court.

Regretfully, too few Members of this body would join me in seeking passage of my bill. I am happy to cosponsor with a number of others, a new resolution seeking that same end. I welcome their support and I urge that every Member now turn his full attention to this subject.

You have heard the gentleman from Michigan, Mr. Ford. The events he has recounted, the statements and the postures which he has ascribed to Justice Douglas must appall you as they did me. They must, regardless of your party or demographic background, convince you that there is substantial cause to doubt the integrity, the morality and/or the competence of Justice Douglas.

The conflicts of interest in which Justice Douglas has been and apparently still is involved are nothing short of scandalous. His association, wittingly and for profit, with notorious elements of the gambling world, high priests of pornography, and with the radical left element are too numerous to pass over lightly or pass over at all.

The arm-in-arm posture Justice Douglas strikes with pornographer Ginzburg, underworld figure Lansky, and radical Hutchins demeans the high position he holds and certainly calls into question the propriety of his past and present actions.

My cosponsorship of this resolution stems from a single emotion, my outrage that Justice Douglas has not had the

decency to resign from the Court so that he could undertake this activity as a private citizen, rather than drag the robes of the Court through the mud.

Were he in retirement, removed from any position of responsibility, his intellectual infirmity and his moral slippages could be overlooked, even pitied. But this man occupies one of the highest positions of honor this Nation has to offer. In it, he sits in judgment daily on the lives, veritably, of both individuals and the populace as a whole. His least whim, his most casual aberration can suddenly, for all intents, become the law of the land. Certainly it comes within the ambit of our responsibilities here in the House to protect the people from the wavering judgment of a man to whom no certain morality can be ascribed; in whom no undoubtable trust reposed.

I will not take your time to reiterate the evidence which Mr. FORD has presented so thoroughly. It is sufficient to say that a reasonable doubt has been created as to the integrity of Justice Douglas. The select committee will have ample opportunity to pursue the subject in depth and either exonerate or indict.

The House must not sidestep its responsibility to, at least, examine into these grave charges of misbehavior and conflict of interest. To do so would make us derelict in our obligation to the people we represent. The people deserve the facts and I, for one, am willing to see that they get them.

The appointment of this select committee must be undertaken.

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

Mr. WYMAN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I, too, would like to associate myself with the remarks of the distinguished gentleman from Michigan (Mr. FORD) and also to associate myself with the remarks of the gentleman from New Hampshire (Mr. WYMAN). The gentleman from Michigan has outlined quite convincingly the need for this Congress to take steps to conduct a full and impartial investigation into the affairs and actions of Associate Justice William O. Douglas.

We have been lulled into the totally unwarranted belief that once a man is appointed to the U.S. Supreme Court he is there for life. We seem to have taken this for granted no matter how repugnant the actions of a sitting Justice may be to the people of America. This has resulted in our operating under a double standard.

In effect, we have one standard of conduct for men nominated for duty on the High Court and another for those already sitting on the hallowed Bench. If we allow this to continue, we will be abdicating our constitutional responsibilities to insure that only men and women of the highest caliber are allowed to continue to sit on the U.S. Supreme Court once confirmed.

It would be redundant at this time for me to dwell on the questionable activities of Associate Justice Douglas such as his association with a so-called foundation that was connected with gambling interests in Las Vegas. But I would like to mention his public utterances and printed words that have condoned and even called for violence in America. These words and utterances so closely parallel the thin line between free speech and sedition and treason that it makes it hard to tell the difference. For this reason, the investigating committee is needed.

In a time when we have law-abiding citizens clamoring for law and order in America, it is totally wrong in my opinion to have an Associate Justice of the Supreme Court encouraging just the opposite. I just cannot condone Mr. Douglas openly taking the side of violent protesters. Protesters whose fate he will be asked to rule on in future Court decisions.

I think it quite appropriate that we discuss this matter on April 15—the day people throughout America are digging deep into their pockets to come up with the money to support our Government for another year. Especially since part of this money will go to pay the salary of Mr. Douglas to the tune of $60,000, plus other fringe benefits.

I say if Mr. Douglas wishes to condone, encourage, or participate in violent protests against his mythical establishment, then let him do it as a private citizen and not as an Associate Justice of the U.S. Supreme Court. I feel it is morally, legally, and constitutionally wrong for the people of America to subsidize this man's questionable activities against their will and to provide him a forum to espouse his seemingly farout beliefs.

I do not take lightly my responsibilities as a Congressman and my call for preliminary proceedings leading to impeachment. I would hope Associate Justice Douglas would be man enough to resign without the people of America having to suffer through a prolonged and ugly investigation.

Mr. JACOBS. Mr. Speaker, will the gentleman yield for a three-sentence statement?

Mr. WYMAN. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, the gentleman from Michigan has stated publicly that he favors impeachment of Justice Douglas.

He, therefore, has a duty to this House and this country to file a resolution of impeachment.

Since he refuses to do so and since he raises grave questions, the answers to which I do not know, but every American is entitled to know, I introduce at this time the resolution of impeachment in order that a proper and dignified inquiry into this matter might be held.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman from New Hampshire has the floor.

Mr. WYMAN. I did not yield for that purpose.

The SPEAKER pro tempore. The gentleman from Indiana has introduced a resolution.

Mr. WYMAN. Mr. Speaker, I have some remarks I want to make on my own here but at this time I would like to make it very clear to all who are here and all who may be interested in this very serious problem that what the gentleman from Indiana has just proposed is precisely what we have been working on and do not believe is fair to the Justice of the Supreme Court.

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

Mr. WYMAN. I will in just a moment. We think there should be an investigation under oath to determine just how many of these allegations are so, and that it should be attended by witnesses who give their evidence under oath with the penalty of perjury. On this I am sure all my colleagues agree with me. That is the reason for the resolution which I will take a little time out of this special order to explain which would create a special committee of three Republicans and three Democrats to be appointed by the Speaker.

I yield to the gentleman from Ohio.

Mr. HAYS. Is the distinguished gentleman a member of the bar?

Mr. WYMAN. I am a member of the bar.

Mr. HAYS. I am not, but I think I understand how the Constitution expects impeachments to be held. Is not the House itself supposed to be the jury?

Mr. WYMAN. No——

Mr. HAYS. Let me put it this way: The grand jury that brings in an indictment.

Mr. WYMAN. No; the House is the body that impeaches, and its position in relation to impeachment is analogous to that of a grand jury in a criminal proceeding.

Mr. HAYS. The Constitution does not say anything about that grand jury, which in this case is the House, setting up a committee so that you can get a lot of publicity and try the case in the newspapers before the House has the case. I do not know how I shall vote on this at the moment, but I will tell you one thing. I will not be a party to any devious means of trying this case in the newspapers of the United States. We have too many cases tried there already.

Mr. WYMAN. I could not agree with the gentleman more, but I want this question to be decided by as close to a bipartisan nonpartisan group as can be. It is extremely important to realize, as the gentleman from Ohio will if he will read it—that this is not a resolution of impeachment. It is rather a resolution for an investigation to determine whether there should be an impeachment.

Mr. HAYS. I understand exactly what it is. It is a resolution to put it into the press where there can be a headline a day and where it can be dragged out as long as desired.

Mr. WYMAN. In case the gentleman should be at all interested, I happen to be a sponsor and probably will be the chief sponsor of these resolutions, but I will not serve on the committee. I have not the time. I am on the Defense Appropriations Committee, and I have already let our minority leader know I cannot serve on the committee. I am not interested in headlines, but I am interested in some of the extrajudicial activities of this sitting Justice on the Supreme Court. I think it merits investigation. In this I cannot help think the

gentleman from Ohio, whether he is a lawyer or not, will concur.

Mr. HAYS. It seems to me the gentleman's outrage is compounded in direct ratio to the number of nominees that have been turned down recently.

Mr. WYMAN. That has nothing to do with it either, as far as I am concerned. I do not speak for anyone else. I would have been for this investigation into the conduct and statements of the sitting Justice whether Judge Carswell had been confirmed or rejected, and, prior to him, Judge Haynsworth.

As a matter of fact, I was one of those who did not think this should be deferred until these matters were resolved, because I cannot see a connection between the two. I would be one of the first to investigate any judge on the Supreme Court, whatever his philosophy or viewpoint or persuasion, if he took such actions and made such statements as the sitting Justice Douglas has done.

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

Mr. WYMAN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, for the information of Members, I would like to say I have 1 hour directly following the gentleman in the well. I will take only from 10 to 15 minutes and I will be glad to yield time, either to the gentleman in the well or to people on both sides of the aisle, if the gentleman in the well might be permitted to make his statement.

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

Mr. WYMAN. I yield to the gentleman from Texas very briefly. I would like to finish my remarks in the time I have, and in any time remaining I will be glad to yield further.

Mr. ECKHARDT. Mr. Speaker, I believe the gentleman from New Hampshire is a very able constitutional lawyer. I feel sure he is. Does the gentleman not recognize the Constitution covers this matter in two aspects, one in its division of powers provision and, two, in its provisions with respect to impeachment, and by so covering the matter it precludes another approach to a review by one body of Government over another body. Does the gentleman not recognize that only the process of impeachment may be instituted in this body properly as a means of reviewing the activities of a sitting judge?

Mr. WYMAN. I thought that is what we were trying to do—to find out whether or not to impeach after learning more of the facts. Then, if the House wishes by majority vote to impeach the sitting Justice, that can be done.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, it is precisely that process that is provided in the Constitution by the institution of impeachment in this House.

Mr. WYMAN. And that is precisely what the resolution I will refer to in a moment is designed to accomplish, but in a much more responsible manner, I submit to the gentleman, than by merely rising at this state of affairs and saying, "I impeach the Justice."

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

Mr. WYMAN. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I wonder if the gentleman could advise us—and I do not want to anticipate his speech—but just briefly whether the gentleman will advise us of the purpose of the special select committee, whether it would be to hear allegations and other evidence alleged against Justice Douglas and make a positive recommendation to the House as to whether or not impeachment proceedings should proceed. Is that correct?

Mr. WYMAN. That is precisely what it is designed to do. And may I say, since the gentleman has brought it up, that the special subcommittee in its work would not be confined to the leads or to whatever is listed in the whereas clauses in the resolution. It can go into anything that is relevant that it wishes to in the 90-day period that is required.

Mr. FOLEY. Another question, if the gentleman will permit. The gentleman mentioned a moment ago the select committee would consist of six Members appointed by the Speaker, three from the majority side and three from the minority side.

Mr. WYMAN. That is right.

Mr. FOLEY. The gentleman is, I am sure, aware of the rule of the House that when such select committees are appointed, the Speaker will appoint the minority Members on the recommendation of the minority leader. I wonder if the gentleman would address himself to the question, whether, if this committee is to be appointed, it would be appropriate for the distinguished minority leader, who has stated on the floor his conviction that impeachment should lie at this time without further evidence, whether it should be appropriate for him to nominate half those Members who would hear the evidence and report to the House.

Mr. WYMAN. I have the utmost confidence in the able minority leader's integrity and in his nomination of persons to the Speaker for consideration in regard to appointment to the special committee who are not out "to get" Justice Douglas but who are solely out to ascertain the facts and from them to make recommendations to this body.

Furthermore, so far as the gentleman's observation is concerned, I consider it a bit of a reflection upon the character of the membership of this House, to suggest that there are Members within our membership who are persons who would take on this special committee and go out to do a "hatchet job." I just do not think so. It may be there are some who would. I would not. I am sure the gentleman would not.

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

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

Mr. HAYS. Is the gentleman who is standing in the well saying—I have heard a lot of oratory in my time here about the wisdom of the Founding Fathers, who wrote the Constitution, and strangely enough I got a little criticism from the New Left because I subscribe to some of that—that the Founding Fathers, the people who wrote the Constitution, who set up the separation of powers and who set up the impeachment procedure are all wrong, and we are so much brighter that we ought not really come to grips with this in a constitutional way but we ought to set up a committee to tell us whether or not we ought to come to grips with this in a constitutional way? That is about what the gentleman is saying.

Mr. WYMAN. Not at all. The House has several options in this situation. Any Member has those options. Any Member can rise at any time and say, "I impeach," and then list the charges and demand a vote; and there will be a vote.

The House itself, before it acts to impeach, always investigates. It can investigate through its Judiciary Committee, or it can investigate through a special committee.

In the circumstances of this rather unique situation, where not since, I believe, 1836, or some time long ago, has a Justice of the Supreme Court been sought to be impeached, we believe that a special committee, as would be set up in this resolution, is the proper course. There is nothing irregular or extraordinary or unusual about it.

Mr. HAYS. The last time I recall any operation like this, rather remotely resembling this, was when the late Carroll Reece, as the price of his vote on a tax bill, got the House to agree that he could have a committee to investigate foundations. It was not 50–50; it was 3 to 2; and I was the ranking Member on the minority side. It was a very unprejudiced investigation, believe you me. All of the staff and all of the witnesses were preparing documents to prove that Rockefeller and Ford were Communists, and that they set up a foundation to be run by Communists.

I guess my finest hour around here was when I got their chief witness to read three paragraphs which I submitted to him, and asked him if he would care to characterize this literature without knowing who wrote it. He took it hook, line, and sinker. I won a few bets in the Press Gallery, from those who said it would not work. I apprised them of my intention ahead of time.

He read the three paragraphs and he said, "Oh, that is as communistic literature as I have ever read."

I said, "Would you care to know who the author was?"

He said he guessed he would.

I said, "It just happened to be Pope Pius."

That ended this unbiased, unprejudiced investigation.

It seems to me the gentleman is in the position right now of being out of date, because, as I understand it, a bill of impeachment has already been filed, and that lets the House come to grips with it, without any select committee, which may or may not be stacked.

Mr. WYMAN. If it is stacked it can only be stacked because of the decision of a higher authority than mine.

As I told the gentleman before, I do not believe it will be stacked.

So far as the parliamentary situation

is concerned, the resolution will be offered tomorrow to set up the special or select committee, and it will have an alternative for the House. The House will have an alternative either to vote to set up a select committee or to vote up or down an impeachment. I cannot stop that.

I just believe, from what the gentleman from Michigan said and from what appears in the form of general circulation in this House and from what we read in the newspapers and magazines and editorials, that there is enough to warrant an investigation.

It is an investigation, as I have said. It is not designed to impeach unless it finds facts warranting this. It is an investigation to ask Justice Douglas what, as a Justice of the Supreme Court, is he doing bringing the Court into disrepute and attacking the Government as well?

Mr. HAYS. Do you think there is enough evidence for impeachment?

Mr. WYMAN. I would vote to impeach now on nothing more than statements in his book, "Points of Rebellion," and the fact that the Justice has sought deliberately to pour gasoline on the fires of civil unrest in this country at this time of domestic distress and all from the vantage point of the Supreme Court. I would, but recognizedly others would not. They want more evidence and there is ample indication that it is available.

Mr. HAYS. Then, why do you want to appoint a committee?

Mr. WYMAN. Because the will of this House is shown by 435 Members and not just the gentleman from New Hampshire.

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

Mr. WYMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think that the distinguished minority leader made a very, very strong and convincing case of the reprehensible conduct of the jurist, particularly when we consider that just in the last few weeks the other body has decided that men sitting on the Supreme Court must have extraordinary ability. Surely anyone who permits the use of his name and his material for a magazine that has been presented here does not reflect that kind of extraordinary ability. But I am troubled not at the question as to whether or not the jurist's conduct is reprehensible. That, I think, has been sufficiently made out here, and the gentleman made a very valid probable case of probable cause. But I am troubled by the whole procedure that the gentleman is suggesting. Where in the law or in the Constitution is there a provision to proceed in the manner in which the gentleman is proposing? The Constitution itself does say that if the House of Representatives feels that a Justice's conduct is such that it is subject to impeachment, then the House shall sit as the judge for establishing probable cause and not a commission. I seriously wonder and I am going to ask the gentleman to tell me, is there some other place we can look to find an answer as to whether or not this House can delegate its responsibility——

Mr. WYMAN. Yes.

Mr. PUCINSKI. To six other men?

Mr. WYMAN. Yes. It does not delegate its responsibility for one moment. There are precedents available. The House virtually always acts through committees. We have a Parliamentarian, and the gentleman knows that if this is assigned to the Committee on Rules, we will have hearings there and there will be an opportunity to determine the question.

Mr. PUCINSKI. Will the gentleman yield for another question?

Mr. WYMAN. Yes, but that is all. I yield.

Mr. PUCINSKI. Would it be in order—and I do not know whether it would be—to ask as a parliamentary point of information, and I do not know whether or not our Parliamentarian is the person to ask this question, that is, as to whether or not the procedure suggested by the gentleman to delegate the responsibility of the House to a committee is proper and within the bounds of the Constitution.

The SPEAKER pro tempore. That is a matter for the House to determine under the rules.

Mr. PUCINSKI. The Rules Committee will make that decision.

Mr. WYMAN. That is what I think I just said to the gentleman.

Mr. CAREY. Mr. Speaker, will the gentleman yield for one moment?

Mr. WYMAN. I yield to the gentleman.

Mr. CAREY. I could not help but note for the record that it was just at this time, on this day, April 15, 1865, when a great President of the Republican Party, Abraham Lincoln, passed from this earth as a result of an assassin's bullet. That was the same time as tonight, April 15, 1865. He passed away then. Subsequently the chapter of history was written in which an impeachment was brought against a sitting President, according to the traditions and rules and practices and customs of the House before a duly constituted committee of the House. If it is such a grave proceeding that you contemplate here, why is it prudent to talk about a six-man committee when we have a sitting committee of great stature in the House which is constituted to handle an impeachment procedure?

Mr. WYMAN. Yes, I know. But its chairman already has indicated he looks with disfavor on the whole question.

Mr. CAREY. The gentleman who preceded you in the well indicated he would vote for impeachment.

Mr. WYMAN. Yes.

Mr. CAREY. What is the proper committee? A committee of four or of seven?

Mr. WYMAN. The gentleman is very familiar with the rules of the House and the powers of committee chairmen. The place to have it out before the House is first to decide it is in the Committee on Rules. Let them sit and vote it up or down and then refer it to a special committee of whatever number they wish. We will make the proposal.

If you will, I must finish now. I have only 26 minutes left, and I must complete my own remarks.

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

Mr. WYMAN. I would like to get my own remarks in the RECORD, but I will yield to the gentleman.

Mr. McEWEN. Very briefly, I was surprised, Mr. Speaker, that the gentleman from Illinois raised the question of precedent as to such a select committee, because those of us who served in the 90th Congress recall the question of a Member-elect whose qualifications to sit here were challenged and in that case the House referred the matter to a select committee.

The Constitution does not say anything about a select committee, a standing committee, or anything else. It simply says that this body is the sole judge of the elections, returns and the qualifications of its Members. There was nothing inconsistent with that constitutional edict when we referred that matter to that committee to make a study and report to this House.

Mr. WYMAN. I thank the gentleman for that contribution, and I decline to yield further at this time.

Mr. Speaker, I want to discuss at this time some of the facts in this matter which I know will be to a certain extent repetitive but which I hope are not redundant.

The situation before the House is that a resolution has been prepared and will be introduced tomorrow for myself, Mr. SCOTT, Mr. WAGGONNER, Mr. SIKES, and many cosponsors, calling for an investigation of the activities of a Justice of the Supreme Court of the United States.

It is not a resolution of impeachment. It is a resolution that calls for the establishment of a committee that happens to be composed of six members, three from each side of the aisle, to determine what should be done, and to bring in its report as to whether Justice William O. Douglas, on the basis of the committee findings, should or should not be impeached.

Mr. Speaker, with reference to what has been said, briefly, I would call the attention of my colleagues to the fact that at that time the will of the House will be worked on the recommendations of the committee. This process is not going to destroy the Supreme Court. Some of the more hostile recent editorials have suggested that a subcommittee investigation of these rather serious charges will destroy or undermine the Supreme Court of the United States. As a matter of fact, the contrary is true. If we did not do anything about such conduct it would go further and it would destroy confidence in the judiciary, because the activities of Justice Douglas are continuing to bring the Supreme Court into disrepute.

Now, this is serious business, but it is basic to anyone's understanding of the problem to realize that the Justice has brought it upon himself. In fact, to use a commonplace manner of speaking, he has been asking for it for many years.

Last year, 1969, in May, the Chicago Tribune said about this subject, and I quote from a lead editorial:

> Whatever the ABA committee decides, if Douglas does not resign the House Judiciary Committee should initiate impeachment proceedings. As the House charged and the Senate decided by a two-thirds vote in the case of Judge Halsted L. Ritter, in 1936, Justice Douglas' actions have tended "to bring his court into scandal and disrepute."

Of course, everyone is familiar with the fact that the ABA referred to is the American Bar Association.

And, on the same matter last year the New York Times in a lead editorial on May 24, said:

> Anyone who serves on the Federal bench surrenders the right to engage in the arena of public controversy or in the business world. This self-denying ordinance had long been taken for granted, but in the light of recent disclosures an explicit code of conduct for the judiciary may be useful.

Also, in the Washington Evening Star in the same month the Star said in a lead editorial entitled, "The Douglas Letter" and addressed to Albert Parvin to which the gentleman from Michigan made reference:

> This is too serious a matter to be hushed up or dropped. The fitness of Justice Douglas to stay on the Court is very much in question. If there is reason to think there is more to it than has yet appeared, the Department of Justice should take possession of all documents and correspondence bearing on the relationship between the justice on the one hand and the foundation and Parvin on the other. This would make it possible to get to the bottom of the matter, which most certainly should be done.

Mr. Speaker, I think our select committee, whomever may serve on it, with adequate staff and counsel, can get to the bottom of the matter within the prescribed 90 days.

But, Mr. Speaker, I can remember—I think it was 20 years ago, or thereabouts—when Justice William O. Douglas, after a mountain-climbing expedition in the Himalayas, returned and publicaly advocated the U.S. recognition of Communist China, which was regarded as a dangerous nation at that time. Many Americans, including myself, wondered why a Justice of the Supreme Court would make public statements concerning matters relating to the responsibility and the province of the executive branch and the Senate of the United States.

Since then Justice William O. Douglas has engaged himself in one matter after another that are not the proper function and role of a Justice of the Supreme Court.

I believe it is important to observe at this point that it would not make any difference whether a Justice so conducts himself has a personal philosophy oriented to the right or the left. It is immaterial to me what Justice Douglas' personal views are. He has a right to his views. But he has no right as a sitting judge to publicly declare these views when they refer to matters in controversy likely to come into controversy before the Court particularly in a manner calculated to rile up the people and encourage further resort to violence when violence is already rampant in America.

The situation facing this House at this hour is one of a Justice of the Supreme Court who has brazenly flaunted virtually every ethical standard applicable to the judiciary or orderly society.

Now, in the first place, historically as well as conceptionally, judges are judges.

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

Mr. WYMAN. I cannot yield until I finish.

From the ancient days of Greece and Rome through to the development of English common law, judges must live in a world apart. They must remain detached, objective, for they have the power to sentence to death or to imprisonment, or the power to make economic judgments that are the equivalent of actual life and death for citizens. They simply do not have and must not have the latitude to speak out on current issues that are available to a private citizen. If they want to speak out, if they are so deeply motivated as to feel that they must declare themselves as advocates of a cause, whatever that cause may be, then they should get off the court to be in a position to do this. And, of course, this is what Justice Douglas should do.

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

Mr. WYMAN. I told the gentleman before, Mr. Speaker, I do not want to yield until I finish my remarks.

Mr. HAYS. Mr. Speaker, I have a very good question that affects me personally, and I also would like to go home.

Mr. WYMAN. If it affects the gentleman personally, I yield to the gentleman.

Mr. HAYS. Well, I have been filled in a little bit since I have been here about some of the discussion, and as I get the story—and if I am incorrect the gentleman can tell me so—that this magazine that they have over there, that Justice Douglas wrote an article for it, and there happens to be some nude pictures in it, but there was no relation between the article and the nude pictures; is that correct?

Mr. WYMAN. I do not know.

Mr. HAYS. The gentleman has not read the magazine?

Mr. WYMAN. I have looked at the magazine, and I presume the committee would want to investigate whether the Justice saw the format in which the article attributed to him appears before it was released to the press—a format that directly attacks the office of Presiden of the United States.

Mr. HAYS. I ask the gentleman was there any connection between the article that he wrote and nude women, or was it something else?

Mr. WYMAN. The article had to do with the need to resort to violence, if necessary, if peaceable dissent proved ineffective in changing and restructuring the Government of the United States.

Mr. HAYS. My question to the gentleman was as to whether there was any connection between the article and the licentious pictures?

Mr. WYMAN. None whatsover, other than juxtaposition.

Mr. HAYS. The question I have asked is because I have just written an article for a magazine, not this one, defending congressional travel, as a matter of fact, and pointing out that on a lot of the occasions that the Congressmen do a great deal of work.

I have no control over this magazine. Maybe I can still stop it. They have not paid me yet. But what I want to know is if they put a picture of a nude woman next to my article about travel, am I going to be removed from this body because of it?

Mr. WYMAN. Of course not.

Mr. HAYS. All of the arguments I have heard of in the newspapers, and what I have been filled in on here show that most of the attention apparently to this particular magazine, which I never heard of until tonight nor ever saw in my life, had to do with lascivious pictures and his article, which I assume somehow are connected.

Mr. WYMAN. That may be where most of the attention came in the press, and it may be where a lot of talk has been directed. But so far as I am concerned, it is irrelevant.

Mr. HAYS. You said you had not read the article or had looked at the pictures. Is that true of everybody over there?

Mr. WYMAN. No; I have not said I never read the article or looked at the pictures. Certainly I looked at the pictures. They are one of the reasons these magazines sell—and the gentleman recognizes that. But what concerns me, and one of the reasons I believe that an investigation is warranted, is because what the Justice wrote in the article about violence to alter the Government of the United States, of which the gentleman is a member.

Mr. HAYS. Has anybody read the article—or is everybody over there who has a magazine just looking at the pictures?

Mr. WYMAN. The article is in a series of excerpts from the book "Points of Rebellion"—that is what the article is. For your information, it has come to me in the rumor stage and I say the rumor stage because I have not talked to the Justice—that Justice Douglas says he did not know anything about the Evergreen magazine or the article appearing in it. That rumor may be fact or it may not, but it certainly is one of the things I would assume that a committee acting for this House would look into and report upon.

I think the Justice would be in a position where as a private citizen he can write all the books and memoirs and make all the statements about how broad the first amendment liberties should be that he wants or how justified violence may be to restructure the Government of the United States—that he wants to. That is, as a private citizen. Unfortunately the Justice has not only repetitively ignored that basic requirement of detachment, but he has done so in the most provocative ways and settings imaginable.

I think when a sitting Justice of the Supreme Court writes that the President of the United States and the Government of the United States is George III of England who denied religious freedom to people and who was guilty of taxation without representation and from whom our forefathers came to America to establish a government of freedom and justice for our citizens and when he suggests that that revolution which is glorious in our tradition may be the trigger for a revolution which would also be glorious to change the Government of the United States by violence—

a government which he says plainly is no longer responsive to the people of the United States through this House or through the other body, I think this is one concrete illustration of the inestimable and incalculable amount of harm that is being done to the very structure of our society by this Justice.

I know there are many Members of this body who feel that words alone are not something on the basis of which the House should impeach. But there is a great deal more, to which the gentleman from Michigan has made reference, that warrants investigation.

I question whether you may give legal advice when you are on the Court. You are not supposed to. I question whether you may sit in judgment on somebody with whom you have financial connections. You are not supposed to. But the problem here is very clear, that unless this body acts, there is no other place in the world that can act to deal with this kind of situation, because under the Constitution, to which the gentleman from Ohio and other people made reference here, this is the only body in the world that can impeach a judge of the Supreme Court of the United States or can even investigate to determine whether or not there should be impeachment.

And there is no question, my friends, that this is warranted at this particular juncture in the activities of this particular Justice.

I have made reference at this point almost exclusively to the writings and statements of Justice Douglas, but I think it is fair to ask these questions.

Is it good behavior for a judge of the Supreme Court to take pay on the side from corporate entities with tax exemptions provided that they do it right—and give them legal advice as to how to set up and operate so as to continue with their tax-exempt status? Of course not.

Is it good behavior for a Justice of the Supreme Court to take an annual salary of thousands of dollars from a corporate entity heavily involved in and related to gambling and known criminals? Of course not.

Is it good behavior for a Justice of the Supreme Court to serve as a director and officer of a political action group that finances, edits, and distributes directly or indirectly extremely controversial and provocative speeches and statements relating to violence and unrest in America at a time when America, from communities in the gentleman's State to communities of my State and the big cities are having problems in how to make the streets safe for orderly and law-abiding members of society to walk upon?

In this connection the president of the Center for the Study of Democratic Institutions at Santa Barbara, Calif., advised me in writing last month that Justice William O. Douglas has been a member of the board of directors of the Fund for the Republic, directing the center, since 1962, and that the board meets twice yearly to determine the general policies of the center. He also advised me the Justice is chairman of the executive committee of the board, and he has been paid nearly $7,000 in "honoraria" since 1962 in the following amounts and years: 1962, $900; 1963, $800; 1965, $1,000; 1966, $1,000; 1968, $1,100; 1969, $2,000.

The situation here, without belaboring the point—and my time has almost run out—clearly, I believe, warrant a nonpartisan, bipartisan select committee of three Republicans and three Democrats that has a lot of questions to ask and a lot of facts to ascertain, and I think it is wholly irrelevant as to whether anybody serving on the committee is going to get any publicity or make any headlines or anything else, because what is really at stake here is the people's right to an independent and nonpartisan judiciary. The people of America have a right that their Justices on the Supreme Court shall remain judicial, shall remain judges, and shall not become advocates for causes or against causes to come before the Court. They have the right that their judges should keep out of conflicting financial dealings that, at the very least, tend to impair their objectivity as judges.

And they have the right that this House of Representatives should insist that the judges not flagrantly violate the American Bar Association's Canons of Judicial Ethics. Not only in this their right, the people's right, but as the people's Representatives, this is our obligation. It is our obligation, on the basis of the charges that have been made here, to look into this and to make a report and to determine whether or not the Justice should be removed.

I do not at this point use the word "impeachment" because many people do not quite understand. "Impeach" sounds like a very bad word. I suppose in a sense it is. It might be akin to the resolutions of censure that have been used in the other body. But actually all "impeach" means is a process of removal. The question before us is whether the Justice has so conducted himself that, in the judgment of a majority of the Members of this House, he should be removed, and if we think that is the case, we should draw up the charges and send them over to the other body.

I hope that those Members who have not had time to do so will take the time to review the resolution for investigation and become cosponsors if they are so inclined.

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

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

Mr. HAYS. You say "impeach" means to remove. I understood that "impeach" means to bring an indictment, and it is left to the Senate to decide whether he should be removed. Am I wrong?

Mr. WYMAN. No; the gentleman is correct. I was referring to public acceptation of the word. "Impeach" means to charge. The removal, if it is done at all, will be done in the other body by a two-thirds vote. This body makes the charge and sends it over to the other body.

Mr. HAYS. It sounded like you were saying that "impeachment" meant removal.

Mr. WYMAN. I understand the gentleman's confusion, and I regret it should have been caused.

I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, we are living in an era when the institutions of government in America and the people who man them are undergoing the severest tests in history. Not only are we, in government, being tested for our adequacy of response and imaginativeness in the face of massive public problems, we are being tested against the justifiably severe standards the framers of this democracy laid down for those on whose shoulders fall the privileges and duties of public office and public responsibility.

A public and a press which are increasingly well informed and aware of the seriousness of the problems which face us are demanding far stricter adherence to the standards of conduct and integrity which should bind every officeholder. This healthy trend is applied to the Congress, the executive, and to the Federal judiciary, as well as to State and local officials.

As one who has supported the establishment of a Committee on Standards of Official Conduct in the House—and has urged that its powers be broadened—I also can support responsible and cautious moves to probe standards of Federal judicial conduct and behavior.

The distinguished minority leader is today proposing that a special investigatory committee be appointed to probe allegations that an Associate Justice of the U.S. Supreme Court, Justice William O. Douglas, has not met the standards of "good behavior" imposed by the language of article III of the U.S. Constitution.

The appointment of this committee is requested as an exercise of the constitutional power of the House of Representatives to act as grand jury and prosecutor in impeachment proceedings—in which the Senate acts as trial judge and jury.

I have reviewed several accounts of the allegations against Justice Douglas. I make absolutely no conclusions as to their validity, or as to whether if they are factual, they are sufficient to support an impeachment proceeding. I do believe that the question of integrity of Federal judges, and particularly Supreme Court Justices is a vital one for our society, and I believe that no harm could be done if a proper, thorough, and responsible review of qualifications for judicial office, and standards of judicial conduct were held.

If a committee, as suggested by the gentleman from Michigan, were appointed for the purpose of reviewing the facts surrounding serious allegations made against this Justice, or any other Justices, I feel the existence of such a committee, whatever the outcome of its probe, would be a beneficial one for public confidence in the judicial branch of Government.

In the recent past, one Associate Justice of the Supreme Court resigned after allegations attacking his integrity were made, despite the fact that no real investigation was held, and no firm standards were ever laid down to guide judicial conduct. His resignation probably had

the beneficial effect of protecting the Court from sharing any cloak of wrongdoing worn by the Justice.

But we cannot continue to let mere public exposure in the press, and its accompanying emotionalism, serve as judge and jury in assessing the conduct of public officials. Some responsible moves within Government must be made to set and enforce standards. There can be no better way to accomplish this than to look to the provisions of the Constitution itself for policing the conduct of Federal judges and officials.

Unlike the President, Vice President, a Senator or Congressman, a Federal judge cannot be removed or recalled by the people through periodic elections. A judge serves "during good behavior" subject only to his death, resignation, or impeachment through constitutional proceedings in the Congress.

The mere beginning of an investigation that may lead to impeachment does not impute guilt to any party. A Supreme Court Justice, like any accused person, is innocent in this land until found guilty—in this case by a two-thirds vote of the U.S. Senate.

As a lawyer and a public servant, I believe that a priceless ingredient for any judge is integrity. The process and institutions of justice will stand or fall according to the integrity of its judges and justices. Not only is judicial integrity a matter of legitimate public concern, just as the integrity of Congressmen and Senators is a legitimate concern, judicial integrity is essential to public confidence in our system of government and its ability to protect the rights of individuals under the Constitution.

Thus, I believe the advent of serious allegations against any Federal judge should give rise to a proper investigation by a committee of the House convened for the purpose of carrying out such an investigation. In supporting the proposal that a committee be convened to look into the particulars of this case, let me make these principles very clear:

First. I do not believe that any man's fitness to serve as a judge, legislator, or public official should be determined by his personal philosophies or political views, however novel, as long as he is shown to be upholding the Constitution of the people he serves.

Second. I do not believe that any man's fitness to serve should be determined by his personal habits, values or moral principles, however unpopular or novel, except where his personal behavior clearly is destructive of the judicial body or structure on which he serves.

Third. I do not believe that under any pretense, a body of public opinion or public officials who share a common political philosophy, should seek to condemn or impeach an official of different philosophy where the real ground of disagreement or impeachment is philosophical and not related to the integrity of that individual to serve.

I believe that a responsible committee to investigate the conduct alleged can be convened without allowing itself to engage in any form of political or philosophical "witch hunt," and without seeking in any way to "retaliate" for political reasons against the failure of the Senate to confirm two of the President's nominees for the Supreme Court.

It must be possible for a reasonable probe of judicial conduct to be held by this House without reference to the Senate's action on Judge Haynsworth and Judge Carswell, and without reference to whether or not the Members of this House agree or disagree with Justice Douglas' views on free speech and obscenity, or with his expressions of social philosophy.

The challenge is simply this: Can we objectively weigh the integrity and impartiality of a man's official behavior against the high standards which the public and the Constitution demand for service in high Federal office? If we can, there is hope that respect—from all segments of the political spectrum—can be regained and maintained for our institutions of government. If we cannot, then our standards will be judged by sensational public exposés, with no recourse to either individual rights or constitutional procedures.

I have enough faith in our system and our institutions to believe that our National Legislature is sufficiently capable and responsible to deal fairly and squarely with this problem.

In light of this belief, I intend to sponsor a House resolution authorizing the appointment of the investigating committee. My resolution will make no allegations or recitations as to any evidence or changes that have been made regarding Justice Douglas' conduct.

By adopting a resolution free of any conclusions of fact, I believe the House can form a committee which would conduct its probe from a strictly objective beginning.

Mr. CORMAN. Mr. Speaker, my curiosity was aroused by the minority leader (Mr. GERALD R. FORD) concerning an article written by Justice Douglas in Evergreen magazine.

Mr. FORD's detailed description of the magazine in which the article appeared, his reading of the table of contents, or that portion which his sensitivities permitted him to read, his graphic description of certain pictures in the magazine not connected with the Justice's article, gave me no clue as to the content of the article. Having no interest in the pictures described by Mr. FORD, but feeling that the article itself was relevant to our discussion, I asked the Library of Congress to provide me a copy, expurgated of the irrelevant, extraneous, allegedly lewd, and lascivious surrounding material.

I submit the article for the RECORD, believing that it speaks for itself, and may cast a new light on the presentation of the minority leader, Mr. GERALD R. FORD:

REDRESS AND REVOLUTION

(By William O. Douglas)

I remember an alpine meadow in Wyoming where willows lined clear, cold brook. Moose browsed the willow. Beaver came and made a dam which in time created a lovely pond which produced eastern brook trout up to five pounds. A cattle baron said the sagebrush was killing the grass. So the Forest Service sprayed the entire area. It killed the sagebrush and the willow too. The moose disappeared and so did the beaver. In time the dam washed out and the pond was drained. Ten years later some of the willow was still killed out; the beaver never returned; nor did the moose.

Why should a thing of beauty that hundreds of people enjoy be destroyed to line the pockets of one cattle baron?

The agency decision that destroys the environment may be the cutting of a virgin stand of timber or the construction of a road up a wilderness valley. Hundreds of actions of this kind take place every year; and it is the unusual case on which the public is heard.

In 1961–1962, the Forest Service made plans to build a road up the beautiful Minam River in Oregon, one of the few roadless valleys in the state. It is choice wilderness—delicate in structure, sparse in timber, and filled with game. We who knew the Minam pleaded against the road. The excuse was cutting timber—a poor excuse because of the thin stand. The real reason was road-building on which the lumber company would make a million dollars. The road would be permanent, bringing automobiles in by the thousands and making a shambles of the Minam.

We spoke to Senator Wayne Morse about the problem and he called over Orville Freeman, Secretary of Agriculture, the agency that supervises the Forest Service. Morse pounded the table and demanded a public hearing. One was reluctantly given. Dozens of people appeared on the designated day in La Grande, Oregon, not a blessed one speaking in favor of the plan. Public opposition was so great that the plan was suffocated.

Why should not the public be heard whenever an agency decides to take action that will or may despoil the environment?

The design of a highway, as well as its location, may be ruinous to economic, esthetic, scenic, recreational, or health interests.

By highway design and construction, the Bureau of Public Roads has ruined fifty trout streams in the Pacific Northwest. Gravel and rocks have been dumped in the streams, making the water too fast for trout or salmon. Rivers have been dredged, with the result that they have become sterile sluiceways.

Why should not the public be allowed to speak before damage of that character is done?

Racial problems often are the key to a freeway crisis. In Washington, D.C., the pressure from the Establishment was so great on the planners that the natural corridor for the freeway was abandoned and the freeway laid out so it would roar through the black community. That experience was not unique. Many urban areas have felt the same discrimination. The blacks—having no voice in the decision—rise up in protest, some reacting violently.

Why should not all people—blacks as well as whites—be allowed to appear by right, before a tribunal that is impartial and not a stooge for the powerful Highway Lobby, to air their complaints and state their views?

Why should any special interest be allowed to relocate a freeway merely to serve its private purposes?

The Highway Lobby makes the Bureau of Public Roads almost king. In 1968, when Alan Boyd proposed hearing procedures before federally supported highways were either *located* or *designed*, public hearings on the proposed regulations were held. Every one of our fifty governors appeared or sent word *opposing* the regulations. Why? Because the national Highway Lobby and the state highway departments have such a close working partnership that nothing should be done to disrupt it. That means that they think that individuals should have no voice in planning. Yet the location of a highway may: (a) ruin a park, as those in Washington, D.C. know from the repeated threats to Glover Archbold Park; (b) ruin the scenic values of a

river; (c) needlessly divide a unitary suburban area into separate entities; (d) ruin a trout stream (as some fifty highways have done in the Pacific Northwest); (e) have an ugly racial overtone, as when a freeway is diverted by the Bureau from a white area and sent roaring through the middle of a black section.

The values at stake are both esthetic and spiritual, social and economic; and they bear heavily on human dignity and responsibility. Is a faceless bureaucrat to tell us what is beautiful? Whether a particular type of highway is more socially desirable than the country's best trout stream? Whether a particularly described highway is more desirable than a wilderness park? Whether the blacks should be sent scurrying so that the whites can live in peace and quiet? Where do the blacks go but into more crowded neighboring slums, as there are no suburban slums yet created?

Offshore leasing of oil lands has become another explosive issue. Offshore oil wells may result in leakages that ruin a vast stretch of beaches, as recently happened at Santa Barbara. Conservationists, if heard, could have built a strong case against the permits. Without any hearings, Secretary of the Interior Udall was allowed to do the bidding of the oil companies and knuckle under to the pressure of President Johnson to start more money coming into the federal treasury to wage war in Vietnam. The result was that the beaches of Santa Barbara were ruined by one man's *ipse dixit*.

The tragedies that are happening to our environment as a result of agency actions are too numerous to list. They reach into every state and mount in intensity as our resources diminish.

People march and protest but they are not heard.

As a result, Congressman Richard L. Ottinger of New York has recently proposed that a National Council on the Environment be created and granted power to stay impending agency action that may despoil the natural resources and to carry the controversy into the courts or before Congress, if necessary.

Violence has no constitutional sanction; and every government from the beginning has moved against it.

But where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response.

In some parts of the world the choice is between peaceful revolution and violent revolution to get rid of an unbearable yoke—either religious, military, or economic—on the backs of people. The Melville account from Guatemala is in point. (Thomas R. Melville and Arthur Melville are two Maryknoll Fathers and Marian P. Bradford was a nun who later married Thomas.)

These three worked primarily among the Indians who make up about 56 percent of the population of Guatemala. They saw the status quo, solidly aligned against the Indians, being financed by our Alliance For Progress and endowed with secret intelligence service to ferret out all "social disturbers." Between 1966 and 1967, they saw more than 2800 intellectuals, students, labor leaders, and peasants assassinated by right-wing groups because they were trying to combat the ills of Guatemalan society. Men trying to organize unions were shot, as were men trying to form cooperatives. The Melvilles helped the Indians get a truck to transport lime from the hills to the processing plant, an operation historically performed by Indians who carried one-hundred-pound packs on their backs. A truck would increase the production of the Indians and help raise their standard of living. But the powers-that-be ran this truck off the road into a deep canyon and did everything else possible to defeat this slight change in the habits of the Indians.

And so the Indians faced the issue of whether the use of violence in self-defense was justified. The simple question they asked their priests was whether they would go to hell if they used violence.

The Melvilles said:

"Having come to the conclusion that the actual state of violence, composed of the malnutrition, ignorance, sickness and hunger of the vast majority of the Guatemalan population, is the direct result of a capitalistic system that makes the defenseless Indian compete against the powerful and well-armed landowner, my brother and I decided not to be silent accomplices of the mass murder that this system generates.

We began teaching the Indians that no one will defend their rights if they do not defend them themselves. If the government and oligarchy are using arms to maintain them in their position of misery, then they have the obligation to take up arms and defend their God-given right to be men."

Their final conclusion was: "Our response to the present situation is not because we have read either Marx or Lenin, but because we have read the New Testament."

That is also what Dom Helder Camara, Archbishop of Recife, Brazil, was telling the world in 1969. "My vocation," he said, "is to argue, argue, argue for moral pressure upon the lords." The "lords" are the "slave-masters"—the Establishment in Brazil and the United States, now dedicated to crushing any move toward violent upheaval. Though violence is not open to Archbishop Camara, he said, "I respect the option for violence."

Guatemala and Brazil are token feudal situations characteristic of the whole world. They represent a status quo that must be abolished.

We of the United States are not in that category. But the risk of violence is a continuing one in our own society, because the oncoming generation has two deep-seated convictions:

First: The welfare program works in reverse by syphoning off billions of dollars to the rich and leaving millions of people hungry and other millions feeling the sting of discrimination.

Second: The special interests that control government use its powers to favor themselves and to perpetuate regimes of oppression, exploitation, and discrimination against the many.

There are only two choices: a police state in which all dissent is suppressed or rigidly controlled; or a society where law is responsive to human needs.

If society is to be responsive to human needs, a vast restructuring of our laws is essential.

Realization of this need means adults must awaken to the urgency of the young people's unrest—in other words, there must be created an adult unrest against the inequities and injustices in the present system. If the government is in jeopardy, it is not because we are unable to cope with revolutionary situations. Jeopardy means that either the leaders or the people do not realize they have all the tools required to make the revolution come true. The tools and the opportunity exist. Only the moral imagination is missing.

If the budget of the Pentagon were reduced from $80 billion to $20 billion, it would still be over twice as large as that of any other agency of government. Starting with vast reductions in its budget, we must make the Pentagon totally subordinate in our lives.

The poor and disadvantaged must have lawyers to represent them in the normal civil problems that now haunt them. Laws must be revised so as to eliminate their present bias against the poor. Neighborhood credit unions would be vastly superior to the finance companies with their record of anguished garnishments.

Hearings must be made available so that the important decisions of federal agencies may be exposed to public criticism before they are put into effect.

The food program must be drastically revised so that its primary purpose is to feed the hungry rather than to make the corporate farmer rich.

A public sector for employment must be created that extends to meaningful and valuable work. It must include many arts and crafts, the theater, industries, training of psychiatric and social workers, and specialists in the whole gamut of human interest.

The universities should be completely freed from CIA and from Pentagon control, through grants of money or otherwise. Faculties and students should have the basic controls so that the university will be a revolutionary force that helps shape the restructuring of society. A university should not be an adjunct of business, nor of the military, nor of government. Its curriculum should teach change, not the status quo. Then the dialogue between the people and the powers-that-be can start; and it may possibly keep us all from being victims of the corporate state.

The constitutional battle of the blacks has been won, but equality of opportunity has, in practice, not yet been achieved. There are many, many steps still necessary. The secret is continuous progress.

Whatever the problem, those who see no escape are hopeless, embittered. A minimum necessity is measurable change.

George III was the symbol against which our Founders made a revolution now considered bright and glorious. George III had not crossed the seas to fasten a foreign yoke on us. George III and his dynasty had established and nurtured us and all that he did was by no means oppressive. But a vast restructuring of laws and institutions was necessary if the people were to be content. That restructuring was not forthcoming and there was revolution.

We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.

Poets and authors have told us that our society has been surfeited with goods, that our people are mostly well-fed, that marketing and advertising devices have put into our hands all manner and form of gadgets to meet any whim, but that we are unhappy and not free.

The young generation sees this more clearly than their parents do. The youngsters who rise up in protest have not formulated a program for action. Few want to destroy the system. The aim of most of them is to regain the freedom of choice that their ancestors lost—to be free, to be masters of their destiny.

We know by now that technology can be toxic as well as tonic. We know by now that if we make technology the predestined force in our lives, man will walk to the measure of its demands. We know how leveling that influence can be, how easy it is to computerize man and make him a servile thing in a vast industrial complex.

This means we must subject the machine—technology—to control and cease despoiling the earth and filling people with goodies merely to make money. The search of the young today is more specific than the ancient search for the Holy Grail. The search of the youth today is for ways and means to make the machine—and the vast bureaucracy of the corporation state and government that runs that machine—the servant of man.

That is the revolution that is coming.

That revolution—now that the people hold the residual powers of government—need not be a repetition of 1776. It could be a revolution in the nature of an explosive political regeneration. It depends on how wise the Establishment is. If, with its stock-

pile of arms, it resolves to suppress the dissenters, America will face, I fear, an awful ordeal.

REGARDING PROPOSED CONGRESSIONAL INVESTIGATION OF JUSTICE WILLIAM O. DOUGLAS

Mr. EDWARDS of California. Mr. Speaker, I and 40 of my colleagues submit for the RECORD the following observations on the present attack in this House against Justice William O. Douglas:

THE ATTACK ON JUSTICE DOUGLAS

We consider the proposed action an attack on the integrity and the independence of the United States Supreme Court. It is obviously triggered by the defeat of Judges Carswell and Haynsworth. Is it not curious that this attack on the Court comes within a few days after the President's verbal assault on the Senate of the United States?

The political and social opinions of our colleagues sponsoring this bill are different from those of Mr. Justice Douglas in the major areas of civil rights, civil liberties and the rights of the poor and the young. We must suggest therefore that the issues are broader than indicated by the sponsors.

Lastly, in this action there are implications of unconstitutionality. In its prohibition of bills of attainder, our Constitution requires that trials must be held by the Judiciary.

The procedures under this bill are in violation of our traditions. The proper course would have been a bill of impeachment, assigned to the Committee on the Judiciary, who are the lawyers for the House of Representatives, dedicated to due process.

Jonathan B. Bingham, Frank J. Brasco, George E. Brown, Jr., Phillip Burton, Emanuel Celler, Shirley Chisholm, William (Bill) Clay, Jeffery Cohelan, John Conyers, Jr., Bob Eckhardt, Don Edwards, Leonard Farbstein, Donald M. Fraser, Michael J. Harrington, Augustus F. Hawkins, Henry Helstoski, Chet Holifield, Robert W. Kastenmeier, Edward I. Koch, Robert L. Leggett, Allard K. Lowenstein.

John J. McFall, Abner J. Mikva, Patsy T. Mink, John E. Moss, Robert N. C. Nix, James G. O'Hara, Thomas P. O'Neill, Jr., Richard L. Ottinger, Bertram L. Podell, Thomas M. Rees, Henry S. Reuss, Benjamin S. Rosenthal, Edward R. Roybal, William F. Ryan, William L. St. Onge, James H. Scheuer, Louis Stokes, Frank Thompson, Jr., Jerome R. Waldie, Charles H. Wilson.

Mr. RARICK. Mr. Speaker, Supreme Court Justice William O. Douglas has glowing support in some quarters for his book "Points of Rebellion" published by Random House.

The organ of the Communist Party, "People's World" for Saturday, March 14, 1970, at page 7 carries an editorial of high praise for the use freedom to destroy freedom.

Yet even the editorial writer concedes that Douglas has gone too far. For he concludes, "His days are numbered."

The People's World editorial follows:

JUSTICE DOUGLAS: "POINTS OF REBELLION"

(By Sam Gold)

SAN FRANCISCO.—It weighs about four ounces, but it carries real weight—as an indictment of U.S. monopoly capitalism.

It's the new little 97 page paperback by Supreme Court Justice William O. Douglas, titled "Points of Rebellion." It also effectively demonstrates why conservatives want him impeached. It isn't every judge who holds the system in contempt.

Listen: "Man (in U.S.) has come to realize that if he is to have material 'success,' he must honor the folklore of the corporation state . . . and walk to the measure of its thinking. The interests of the corporation state are to convert all the riches of the earth into dollars."

Looking at our educational structure, he declares, "Throughout the country the climate within our public schools has been against the full flowering of First Amendment traditions.

"The university is chiefly a handmaiden of the state or of industry or, worse yet, of the military-industrial complex. . . . The university becomes a collection of technicians in a service station . . . technocrats for the technological society. Then all voices become a chorus supporting the status quo . . . The result is a form of goose stepping . . . An ominous trend is the increasing FBI activity on present day college and university campuses."

The judge warns of "the growing rightist tendencies in the nation that demand conformity—or else."

On the role of U.S. militarism, Douglas states: "The Pentagon has a fantastic budget that enables it to dream of putting down much needed revolutions . . . in benighted countries.

"Where is the force that will restrain the Pentagon? . . . We the people are relentlessly pushed in the direction that the Pentagon desires."

On our economic condition, Douglas says, "We brag about our present unemployment. But this is due to Vietnam. Without Vietnam we would have 15% or more unemployment . . . The upside down welfare state helps the rich get richer and the poor, poorer. Railroads, airlines, shipping, these are all subsidized; and those companies' doors are not kicked down by the police at night."

As a long-time conservationist, he too is concerned about the ecology: "At the present rate of the use of oxygen in the air, it may not be long before there is not enough for people to breathe. The percentage of carbon dioxide in some areas is dangerously high," and points the finger at the main culprit—"What natural law gives the Establishment the right to ruin the rivers, the lakes . . . even the air?"

But beyond all these problems, says the Judge, "there is another, more basic problem: that political action today is most difficult. The major parties are controlled by the Establishment and the result is a form of political bankruptcy. The truth is that a vast bureaucracy now runs the country."

"Today's Establishment," says he, "is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does the redress, honored in tradition, is also revolution."

And here comes the judge with his summation: Revolution is coming . . . "that revolution—now that the people hold the residual powers of government—need not be a repetition of 1776. It could be a revolution in the nature of an explosive political regeneration. It depends on how wise the Establishment is. If, with its stockpile of arms, it resolves to suppress the dissenters, America will face, I fear, an awful ordeal."

Methinks this judge is grown too wise for the Establishment, which he has studied for so long. It is obvious he sees the handwriting on the wall, and the shadow of fascism.

His days are numbered, and he's giving us the signal.

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GENERAL LEAVE TO EXTEND

Mr. WYMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the matter under discussion.

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

There was no objection.

The SPEAKER pro tempore. The time of the gentleman in the well, the gentleman from New Hampshire, has expired.

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FEDERAL LEGISLATION NEEDED TO PROTECT OUR PORTS OF ENTRY

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

Mr. KOCH. Mr. Speaker, on three prior occasions, I have brought to the attention of this House the fact that organized crime is increasing its infiltration of the major ports of entry in this country. The New York waterfront and the John F. Kennedy International Airport are wide open to organized crime, corruption, and pilferage. The New York-New Jersey Waterfront Commission which has jurisdiction over the New York Harbor has utterly failed in coping with crime on the waterfront. The Attorney General recently stated that millions of dollars in cargo are being stolen every year from John F. Kennedy International Airport.

Today, it is reported that both Governors Rockefeller and Cahill have submitted bills to the legislatures of both New York and New Jersey expanding the powers of the waterfront commission giving it jurisdiction over the airports in the New York metropolitan area. I find it incredible that additional responsibilities be given to an agency which has already shown itself unable to fulfill its present responsibilities.

Eugene Rossides, Assistant Secretary of the Treasury, announced earlier this year that the Nixon administration was preparing legislation which would deal with these problems of corruption, organized crime, and pilferage at our ports of entry. I am surprised and disappointed that the legislation has not yet been submitted. Whether or not the New York and New Jersey Legislatures grant the waterfront commission new jurisdiction at the airports, the growing national problem of crime and cargo theft at our ports of entry requires Federal action.

With the thought it would be of interest to our colleagues, I am annexing newspaper reports which deal with this most important subject:

[From the New York Daily News, Apr. 15, 1970]

ASSAIL DOCK GUARDS AT HEARING

(By Alex Michelini)

The Port of New York was portrayed yesterday as a wide open haven for crooks and cutthroats, aided by aging, sometimes corrupt pier guards and abetted by shippers who practically give thieves a "license to steal" by refusing to prosecute.

In graphic detail, a parade of witnesses told the Waterfront Commission, at hearings in Newark on pier security, how millions of dollars in cargo are pilfered off the New York and New Jersey docks.

Henry Dogan, assistant counsel to the commission, said that over a five-year period more pier guards were arrested for stealing cargo than outsiders.

CLIMATE FOR THEFT

"The whole system of security has been undermined by a climate conductive to theft," he declared.

The hearings are providing a backdrop for legislation introduced in Albany yesterday to place the security responsibility of the docks and three metropolitan airports under the jurisdiction of a new agency, the Airport and Waterfront Commission of New York and New Jersey. It would enlist professionally trained policemen to handle the job of the 1,554 watchmen now hired by the shipping industry to guard the piers.

An undercover agent, testifying behind a screen to preserve his anonymity, told of roaming the Jersey docks for two years disguised as a Bowery bum and seeing gambling going on in front of pier guards. Only twice was he ever question by guards, he added.

Another undercover agent infiltrated a stolen cargo ring and made buys totaling $278,000.

John Hoffman, a special agent for the commission, said some guards collaborated with thieves, either for personal gains or out of fear of reprisal. One guard, he said, was so deeply indebted to a loan shark that he helped commit a crime, "putting up his life as collateral."

FAILURE TO ACT

Hoffman testified that shippers often refused to press charges. He singled out one pier superintendent who allegedly condoned a little thievery by a particularly hard-working gang of longshoremen as a reward for good work.

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[From the New York Daily News, Apr. 15, 1970]

NEW YORK AND NEW JERSEY BILLS MAP CRACKDOWN ON AIRPORT CRIME

(By Richard Mathieu)

ALBANY, April 14.—Gov. Rockefeller and Gov. Cahill submitted identical legislation today in New York and New Jersey to expand the powers of the Waterfront Commission to fight organized crime and air cargo thefts at airports in the New York metropolitan area.

The press secretary to Gov. Rockefeller, Ronald Maiorana, said: "The governor expressed admiration for the reporting team at the Daily News for helping focus public attention on the continuing crime problem at the metropolitan airports."

The legislation proposes creation of a new bistate compact to expand the jurisdiction of the commission to include the airports. It also would provide regulatory and security powers for policing of the air terminals. Persons handling and having access to air cargo at the airports, including truckers, would be licensed.

Air freight security areas would be designated by the commission. Only authorized persons would have access to the areas.

PROPOSES NAME CHANGE

Membership in the commission would be expanded from two to four and the terms of the commissioners increased to four years. The name of the commission would be changed to the Waterfront and Airport Commission of New York and New Jersey.

In a statement announcing the legislation, Rockefeller praised Sen. John H. Hughes (R-Syracuse), chairman of the New York State Joint Legislative Committee on Crime, for spotlighting at public hearings the organized crime flourishing at airports.

Rockefeller cited Sen. John Marchi (R-S.I.) and Assemblyman Dominick DiCarlo (R-Brooklyn) for "focusing public attention on the problems threatening the air freight industry." Hughes, Marchi and DiCarlo sponsored the bill in New York.

APPROVAL IS EXPECTED

Swift approval of the measure by both state legislatures is expected.

The commission could suspend or revoke a license if a person failed to comply with rules. Also, in addition to penalties in the penal code, any false testimony or strong-arm tactics which interferred with commission activities could be punished by fines up to $1,000 and one year in jail.

Fees levied on the air freight trucking industry and license fees of up to $100 per person would pay for the operation. Persons with past criminal records and unions with such persons as officers would be barred, in certain instances, from getting licenses.

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[From the New York Times, Apr. 13, 1970]

WATERFRONT THEFTS AND PILFERAGE FOSTER INFLATION

(By Werner Bamberger)

Inflation is being aggravated by thefts and pilferage on the nation's docks.

As a result of increasing losses on import and export shipments moving in waterborne trade, prices are being raised by merchants, thus passing on to the customer the additional costs attributable to thievery.

The kind of "loot" made attractive to dock thieves by rising prices is green coffee.

The coffee trade here is becoming concerned with the rising volume of 132-pound bags of green coffee that disappear from piers. With the recent increase of 25 per cent in the price of green (unroasted) coffee, a truckload may have a wholesale value of $20,000.

The National Coffee Association and the Green Coffee Association of New York City have appointed special committees to investigate what they contend are increasing instances of short deliveries at piers.

Using large sealed containers has helped to cut pilferage to some extent, but, according to one waterfront investigator here, "instead of taking a couple of bottles of whiskey they now take the whole container."

However, for stealing stuff by the box, it takes more organization.

"The pattern of thefts on the waterfront," according to Carl E. McDowell, executive vice president of the American Institute of Marine Underwriters, "has indicated that container loads are not stolen unless the thieves have sound knowledge of the commodity or product, and have means for an immediate disposal of the stolen goods."

TIED TO WORKERS

He added that crimes of this nature cannot occur without the cooperation of pier guards, longshoremen, checkers, laborers and truck drivers.

One of the problems associated with dock pilferage, according to Richard Maxwell, chairman of the transportation committee for the American Importers Association, is "it's accepted by all on the docks."

And, according to Gregory W. Halpin, deputy director of the Maryland Port Authority, "pilferage is something of a fringe benefit to some longshoremen."

Officials of the longshoremen's union say that everything in their power is being done to keep pilferage to a minimum and that, in some instances, a longshoreman can lose his job for the theft of a 10-cent item.

Yet, by and large, importers are hesitant to report their losses.

"There are two primary reasons," Mr. Maxwell said, "why you don't get backing from importers. They fear retaliation from dock workers and an increase in their insurance premiums and the risk of being dropped as an account by an insurance company if losses are continually reported."

LOSSES RISE

This failure to report losses makes its difficult, observers say, to determine the exact amount lost annually through pilferage and theft.

The insurance Institute estimated that in 1968 theft and pilferage in international commerce cost United States industry $59-million. Losses have been rising steadily since.

Maritime industry officials feel that the $59-million figure represents only the value of goods actually reported as stolen—a small portion of the actual losses.

One reason why dock theft and pilferage are growing appears to be inadequate policing of the waterfronts.

In cities with waterfronts, investigating teams of law-enforcement agencies are often spread thin. In the port of New York, for instance, 36 Waterfront Commission investigators covers 700 miles of waterfront.

"There is frustratingly little the insurer can do to prevent theft and pilferage," Mr. McDowell said. He noted that actual crime prevention was the responsibility of others.

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[From the New York Times Magazine, Apr. 12, 1970]

THE JACKALS AT J. F. K.

Sprawled around the perimeter of John F. Kennedy International Airport is a cluster of drab cargo sheds that house a hoard so rich it would have made the ancient traders of Damascus drool in their shaggy beards. Here is the crossroads of the modern caravans of the air—the largest air-cargo terminal in the world. Day and night, the huge planes disgorge their wealth. Fortunes in cash. Jewels. Costly imported watches. Furs. Wearing apparel of all descriptions. Wigs worth hundreds of dollars apiece. Precious metals the average man has never heard of. Goldfish and fresh fruit from Florida. Even monkeys. It is all gathered here under the grimy sheds that line a macadam road rimming the outskirts of Kennedy—a massive and often chaotic clutter of unimaginable treasure.

Last year, cargo valued at $9,559,000,000 (22 per cent more than in 1968) funneled through the cargo terminals of J.F.K.—and some millions of dollars' worth of it found its way into the greedy paws of the American underworld. New York Port Authority figures show there were 545 reported cases of theft (including 38 hijackings on roads outside the airport) with losses totaling $3,387,317. And this, all sources agree, is a minimal figure; for in air cargo, as in a lot of other forms of transportation, many thefts go unreported. The implications, after all, are damaging to the image of a well-run business.

This head-in-the-sand attitude toward conditions at J.F.K. and many another air-cargo terminal (testimony before a Senate committee last year suggested that conditions elsewhere are as bad, if not worse) received a rude jolt in February, when Attorney General John N. Mitchell declared in a speech that operations at one of the nation's major airports had been virtually taken over by organized crime. The airport's freight industry, the Attorney General said, was "trapped between a racketeer-dominated trade union on the one hand and a racketeer trade association on the other." Though he did not name the airport, he did not have to; every one in the industry knew that he was singling out J.F.K.

There was anger and indignation on the part of many airline executives, but among those who knew the real situation at J.F.K. there was a frank acknowledgement that Mitchell's statement had hit very close to the mark. "It is not all the airlines' fault," says one investigator who is in close daily contact with the situation. "They are in the position of a man who spreads out a feast in the jungle, and the jackals come at him from all directions."

To tour the J.F.K. cargo area is to become instantly aware of the multiple opportunities that offer themselves to the jackals. Freighting goods by air has grown more than 20 per cent a year; as recently as 1966, J.F.K. was handling cargo valued at $5.5-billion—$4-billion less than in 1969. This phenomenal growth of air-cargo traffic has overwhelmed ground facilities, and there is sim-

ply no adequate room in the limited confines of the airport for the expansion the load requires. Vehicles of all sizes and descriptions thunder past the loading ramps: station wagons, small panel trucks, Hertz and U-Haul trucks, tractor-trailer rigs belonging to a bewildering variety of trucking and freight-forwarding companies. "By the very nature of the business," says the investigator who likened the thieves to jackals, "all kinds of people come and go through the area and have access to the feast."

The limited space in many terminals often conspires to place tempting items within reach of grasping hands. When thousands of pounds of miscellaneous cargo deluge one area, there is often literally no place to put it. The floors behind the cargo bays become a chaos of stacked parcels. Sometimes the glut becomes so great that packages are left in the open, at the edges of loading platforms or on the ground. The overload in some terminals has led to the erection of a series of outside shelters, inverted-U canvas "tents" erected on wooden platforms in which cargo containers are deposited to await sorting and transshipment. Supposedly, these exposed hutches are always under the watchful eyes of airport guards, but there are not enough guards and their duties are manifold; it is not unsual to find a row of these "tents" standing in lonely isolation, without a watchman in sight.

Such conditions provide the opportunity for theft, and the American underworld has the brains and muscle to take advantage of it. The role of the underworld in the colossal thefts at Kennedy airport is twofold. The factor stressed by Attorney General Mitchell involves racketeers' infiltration and domination of personnel—on the one hand, of the trucking association representing carriers doing business at the airport, on the other, of the Brotherhood of Teamsters local to which the hired hands in trucking literally must belong. The other factor, so far generally unrecognized but at least as important as the first, involves what Eliot Lumbard, former crime consultant to Governor Nelson A. Rockefeller, calls "the second front"—an intricate underworld chain of distribution that disposes of stolen goods on national and international markets.

"Many people make an absolute equation between organized crime and official corruption," Lumbard explains. "I don't. That used to be much more true than it is today. A reflection of the power of organized crime today is that it operates in many areas without any corruption. They don't need corruption anymore.

"There has been too little attention paid to this, but there is plenty of evidence to indicate that the underworld chain of distribution is so well organized that it can dispose of anything—literally, *anything*—that is stolen. It is not a case anymore of trying to spot cargoes of exceptional value, like furs or jewels. Sure, these are prime targets, but it really doesn't matter that much anymore. *Any* cargo that is seized can be quickly and easily fenced, then funneled into the chain of distribution until it is disposed of in discount houses or in the most legitimate outlets here and abroad. A helluva lot of American business is involved in this."

This chain of distribution becomes especially significant in assessing cargo thefts at J.F.K. Many investigators tend to the belief that, though the underworld probably masterminds the most serious heists, a lot of the thievery is relatively unorganized. "This is lower-echelon, freelance activity," one says. "The guys involved in many of the actual thefts are pretty much on their own; the mob itself doesn't direct their activities, it just reaps the benefits of their labors after the goods are stolen."

A few specific examples illustrate the point. Attorney Genera¹ Mitchell cited the theft from a cargo terminal of a large shipment of antibiotics that was sold by the Mafia on the European black market. This was a big-money deal. At the other extreme is a case involving a far less valuable cargo.

Robert H. Macomber, now a staff adviser for the Airport Security Council, was involved some years ago, when he was an investigator for the Insurance Company of North America, in a case that might be labeled the Mystery of the Vanishing Gloves. An importer had had a large shipment of fancy doeskin gloves flown into Kennedy, where they had vanished. Some weeks later, Macomber got a frantic call from the importer "Do you know what's happened?" he screamed. "There's a salesman out on the West Coast peddling my gloves!"

"Are you sure they're your gloves?" Macomber wanted to know. The importer was positive.

An investigation showed that the stolen gloves had been flown from Kennedy to Tijuana, Mexico, where they were sold as legitimate merchandise—but at a reduced price, of course—to a West Coast jobber. The jobber had sold them to one of the largest department stores in San Diego, which was happy to offer its customers such a remarkable bargain.

The vanishing gloves show how important the underworld's chain of distribution is to the free enterprisers who feast on the treasures disgorged at J.F.K. But the domination of racketeering elements over both employers and employees is just as important. After an exhaustive study in 1967, the State Commission of Investigation wrote:

"With control of the dominant union and the truckmen's association at J.F.K. in the hands of the criminal elements, it could reasonably have been anticipated that the air-freight industry would soon find itself caught between the hammer and the anvil."

Despite this public exposure of racket infiltration and its cost, nothing much has changed in the last two years. "The situation has not improved and has probably worsened since our 1967 hearings," says the commission chairman, Paul Curran. "Neither the union nor the trucking association has done much to put its house in order."

The union involved is Local 295 of the Teamsters, the survivor of a number of earlier racket unions. The behind-the-scenes powers in these unions included the notorious John (Johnny Dio) Dioguardi and Anthony (Tony Ducks) Corallo (recently convicted with former Tammany leader Carmine DeSapio for bribing a city official), both *capos* in the Mafia family ruled by the late Thomas (Three-Finger Brown) Luchese. Associated with Dio and Corallo in these early union locals, according to the McClellan Committee's findings in 1958, were men who were to be named by the State Investigation Commission 10 years later as powers in Local 295—such men as Joseph Curcio, Harry Davidoff, John McNamara and Milton Holt.

In the mid-nineteen-fifties, McNamara was known as Jimmy Hoffa's "man to see" and the power in Joint Council 16 of the Brotherhood of Teamsters in New York. It was he, according to the crime commission, who founded Local 295, transferring members of other locals into it. The union members themselves had nothing to say about it; the word came down from the top, and overnight they found themselves members of Local 295. "Local 295's charter gave it exclusive jurisdiction over, and the power to organize, the air-freight trucking industry in the New York metropolitan area," the State Investigation Commission reported.

Though McNamara was ostensibly the head of Local 295, the real power in the union, according to the S.I.C., soon came to be Harry Davidoff, its secretary-treasurer. "Davidoff," the commission said, "has a criminal record dating back to 1933, including convictions for burglary, conspiracy to extort and gambling, and arrests for felonious assault (knife), possession of a gun, grand larceny, extortion and vagrancy. Early in his criminal career he was linked by law-enforcement sources with Murder, Inc."

Even between 1960 and 1966, when McNamara was still active, Davidoff reportedly boasted: "Don't bother going to John; I'm running the show."

The 1967 investigation by the S.I.C. showed that Davidoff, for "running the show," received $24,190 in salary and expenses in 1965. Since the 1967 investigation, Davidoff, who is still the power in Local 295, has prospered mightily. Reports filed with the U.S. Department of Labor showed that he was paid $46,111 in 1968, and these reports do not indicate, the department acknowledges, what other benefits he may have received in such items as hotel bills and traveling expenses paid by the union.

On the employer level, racket influences are equally pervasive. The trade group, the Metropolitan Import Truckmen's Association, chartered in 1958 to represent companies doing business at the piers in New York harbor. With the phenomenal growth of air cargo, however, it soon turned its attention to Kennedy airport—and soon attracted the attention of the crime syndicate. Between 1962 and 1967, the state investigators found, the spokesmen and leaders of the association "changed from the professional truckman to the professional racketeer." The symbol of this change was John (Gentleman John) Masiello, recently convicted of bribing Post Office officials who supervise mail trucking contracts in New York. Masiello—described by Federal authorities as a member of the Genovese Mafia family and an important loan shark—became a "consultant" for the truckmen's association, which was seeking the best possible labor contract with Local 295.

As soon as Masiello wormed himself into the truckers' group, he loaded the payroll with "trouble shooters," all men who had long records of arrests and convictions for such offenses as gambling, bookmaking and larceny. Masiello faded out of the picture in 1965 after the S.I.C. turned a spotlight on his loan-sharking activities; but before he departed he named his successor—Anthony Di Lorenzo, described by authorities as an important member of the Genovese Mafia family. He has a record of arrests and convictions for auto theft and felonious assault dating back to 1944.

"By 1965," the crime commission said, "the take-over of M.I.T.A. was virtually complete. Persons with criminal records monopolized the payroll."

Since underworld powers then controlled both the employers' association and the union whose members the truckers had to hire, it was a case of racketeers dealing with racketeers to the exclusion of everyone else. The major airlines, which had attempted in 1941 to set up their own ground-support services under an organization known as Air Cargo, Inc., were caught in the "hammer-and-anvil" squeeze. As a major Air-Cargo executive testified: "We were told that each of the airlines would become a house account of a specific trucking company and that no one else competitively would attempt to take that away from the other trucking company . . ." This meant in effect, that racketeers were telling the largest airline companies in the world who could truck their cargoes; and the airlines felt that they were helpless to do anything about it because one man, Harry Davidoff, had acquired such power that he could "not only tie up the air-freight industry but close down the whole airport" by throwing picket lines around it.

What happened if a trucking company that was not part of the racket combine attempted to haul freight at Kennedy was demonstrated when an independent trucker known as Direct Airport Service, Inc., began

to pick up and deliver cargoes in Nassau and Suffolk Counties. Davidoff, witnesses have testified, told the trucker's airline customers, "Stop using Direct or I will take you out." A work stoppage was called to bar the delivery of shipments to Direct, and when National and Northwest Airlines, dissatisfied with their assigned truckers and anxious to break the racket combine, attempted to use Direct, even more sinister things began to happen.

On Aug. 21, 1967, Direct discovered that 38 tires on trucks it had parked at J.F.K. had been slashed and ruined. On another occasion, one of Direct's trucks, rolling along the heavily traveled Long Island Expressway, went out of control when its rear wheels came off. An investigation showed that the lugs on the wheels had been loosened. A few days later, the same thing happened to another Direct truck, which slewed around and plunged out of control to the right shoulder of the road—miraculously, without causing a pile-up or injuring anyone. It became obvious that even the largest airlines, whatever their wishes, could not use Direct.

Despite these disclosures by the State Investigation Commission in 1967, there is no evidence that basic reforms have been undertaken by either the truckers' association or the union. Frank E. Fitzsimmons, who succeeded the imprisoned Jimmy Hoffa as president of the Teamsters, asked the S.I.C. for a transcript of its hearings; the transcript was sent, but nothing happened. Davidoff waxed more powerful than ever in the union, and Di Lorenzo—though he is at liberty under bail pending a 10-year prison sentence for his part in transporting $1-million in stolen I.B.M. stocks across state lines—is believed by the authorities to retain power in the trucking association.

There has been one other ominous development. The old, racket-ridden truckmen's association has become the National Association for Air Freight, Inc., and it has launched a drive to organize all the major airports of the nation under the same kind of control that has been imposed on J.F.K. Branch offices have been set up in a number of cities, and a letter signed by Harold J. Gibbons, a Teamster vice president and chairman of its airlines division, has advised locals in airport cities that efforts are being made to negotiate one master contract. Attached to the letter was a three-page list of the companies and airports that would be affected by the proposed contract.

In the light of this attempt to gain a national stranglehold on the air-cargo industry, the experience at Kennedy becomes doubly significant—and the experience is that thievery becomes a way of life.

Many racket-connected employes in the airlines' own cargo terminals engaged in the wholesale pilfering of goods spilling from broken shipping cartons or in the snatching of entire packages that could conveniently be "mislaid" and lost in the clutter. And there were far more rewarding capers. In case after case, the evidence of collusion was unmistakable; there could be no doubt that insiders were tipping off the waiting jackals to the details of high-value consignments.

The perfection of this inside knowledge was demonstrated in a diamond theft that was timed almost to the second. At 2:50 A.M. on Oct. 25, 1967, a supervisor at one of the air-cargo terminals turned over to a cargo agent two boxes of diamonds. Red squares on the tops of the boxes indicated the high value of their contents, and the boxes were placed face down in the delivery truck to hide the telltale squares, with other packages piled up on top and around them. The truckman drove one-quarter mile to the U.S. Customs area in a fenced-off and restricted section of the field. He parked his truck at 2:55 A.M. and went inside to deliver some papers to Customs. When he came out five minutes later, he noticed that the packages had been strewn about the floor of his truck—and the two boxes of diamonds were missing. Someone, in the five minutes he had been absent, had made off with gems worth $50,295.

With such thefts mounting and the investigation commission's disclosures bringing demands that the Waterfront Commission take over security at J.F.K., the 43 lines using the airport moved in the spring of 1968 to set up their own policing system. The Airport Security Council was formed, and Mario Noto, a veteran of 27 years with the U.S. Immigration and Naturalization Service, was brought in as the director.

A dark, wiry man who operates at high intensity, Noto found an almost impossible situation. "The amount of thefts, pilferage and losses at J.F.K. was staggering," he acknowledges. Even more staggering was the fact that there were no reliable statistics to show just how serious the situation really was. Many losses were never reported by the airlines. One major-airline spokesman acknowledged frankly: "No one is going to talk to you about cargo thefts. It is bad for the image." (It should be noted that this attitude is not unique with the airlines. Railroads, too, sometimes camouflage the record by assigning losses to subsidiary shipping concerns so that they never appear on the accounts of the railroads themselves.) Not even insurance-company reports gave any true indication of the extent of losses at the airport. For one thing, the liability of the carriers is limited by law—to 50 cents a pound for goods air-freighted within the United States and $7.48 a pound for international shipments; for another, many shippers, anxious to avoid astronomical increases in insurance rates, preferred to let their losses go unreported, simply passing the costs along in higher charges to the consumer.

Airline employment practices were chaotic. An employee of one line, fired for incompetence or some minor hand-in-the-till infraction, could simply stroll across the terminal and find himself a job with another line, his past unrecorded and unchecked. There was no single agency to coordinate either personnel or cargo-theft information. The New York Port Authority, the city police, the F.B.I., the Queens County District Attorney, all played separate roles, coordinating their activities only when a special case required it.

Noto set out to change all this. He pressed the airlines to make full reports on losses, telling them: "You have to know what the situation really is if you are going to find out what to do about it." He sought closer liaison and a full exchange of information with investigative agencies, and he set up a personnel-checking system to keep track of the backgrounds of persons the airlines were hiring.

"This is *not* a blacklist," Noto emphasizes. "We keep no blacklist. But we do photograph and screen employes. Whatever information we obtain is passed along to the airline that is considering hiring a man. It is then up to the line to do whatever it wants about it, but at least it has all the available information."

An applicant who passes the screening test is given a badge containing his photograph, his name and the name of the airline hiring him. In less than two years of operation, the Airport Security Council has badged more than 14,000 personnel, 92.6 per cent of those working in the cargo areas, Noto says. He is now attempting to persuade truckers and others involved in cargo handling to use the same screening and badging procedures. "So far, 62.5 per cent of such personnel have also been badged," Noto says. "If we can get this kind of security check on everyone, it will close the net and limit the possibilities of the kind of collusion that has shown up so often in the past."

Noto is pressing this "closing the net" strategy on several other fronts. One gaping hole in the net that is now in the process of being repaired involves the handling of overseas shipments that have to pass through Customs. An investigator explains:

"Complete documents for every entry have to be turned over to Customs first. There they are processed and given to the brokers to whom the cargo is consigned. In Building 80 there previously existed a very loose system. The processed documents would be sorted and placed in square bins like those in a sorting rack in a post office. The rack was wide open to everyone. A runner for a broker could come in, pick up the papers in his broker's bin, and then—if no one was looking—snatch the documents in an adjacent bin. Once he's done this, he's in business.

"Police authorities feel that a lot of these runners are addicts. They are the long-haired, bearded, bell-bottom, beads and no-soap types, and many investigators feel they've been swiping whatever papers are within reach to satisfy $50-a-day habits."

The value of even minimum security is perhaps best illustrated by a plot that misfired. A large shipment of watches arrived from overseas and was placed in a locked and secure "in-bond" room of an air carrier. But, mysteriously, all the invoices and Customs-clearing papers disappeared. On Sunday, a relatively slack day, a man drove up to the delivery bay in a station wagon. He had all the papers in perfect order. Evidently the scheme had been to catch weekend personnel asleep, but the airline had established rigid procedures for the release of shipments, so the cargo handler said: "You'll have to wait a minute. I'll have to see the manager about this." When he came back to the platform a few minutes later, the caller, apparently realizing that he could not afford investigation, had disappeared.

Customs is tightening security by installing combination locks on its brokers' bins and requiring that messengers calling to pick up clearance papers present proper credentials. In addition, many airlines are upgrading security procedures for their "in-bond" rooms, limiting access to just two or three of their top cargo personnel.

Other security measures are being undertaken. In the past, it was common to find a clutter of incoming cargo dumped at the very edges of the loading bays, where it would sit, perhaps for hours, waiting to be sorted and handled. In the meantime, any enterprising trucker had all kinds of opportunity.

"There was one fellow," an investigator says, "who had a good thing going for a long time. He would back his truck up to the dock and sit there waiting for a delivery. He might have some packages already on the floor of his truck from a previous pickup. While he was waiting for his shipment to be processed, he would loaf around the platform and just accidentally kick a few extra packages into his truck. He was such a familiar figure around the terminal that no one paid much attention to him, and the way it worked out was that the more he stole, the less suspicion he aroused."

Noto's Airport Security Council is trying to close this gap in the net. Airlines are urged to push cargo back from the edges of their loading docks, and two yellow lines are painted across the floor at the forward end of each dock. Only airline employes are allowed beyond those yellow lines; a large sign warns: "STOP. NO PERSON SHALL CROSS YELLOW LINE into cargo area without permission of airline management."

The security council is also offering a $1,000 reward to anyone who gives information leading to the arrest and conviction of a person who has "committed or attempted robbery, burglary or theft of air cargo or property" in the area's airports. Several $200 and $300 rewards have been paid for less conclusive, but valuable, information offered

to the council since this system went into effect in November, 1968, and Noto feels that the rewards act as a powerful deterrent, placing potential thieves in constant jeopardy.

Other devices being installed at Kennedy include closed-circuit TV cameras to keep a watchful eye on the exposed cargo platforms and cameras that will photograph simultaneously both the person accepting delivery of cargo and the paper he is signing.

Despite such precautions, major thefts continue at Kennedy. It is not alone among big American airports in that regard, however, and many other cargo terminals are doing far less about the threat than J.F.K.

The Senate Small Business Committee studied the problem in hearings last spring and summer. Testimony showed that Logan International Airport in Boston, the eighth-busiest cargo terminal in the world, was wide open to pilferage and theft. Capt. Robert E. Hertzog of the Massachusetts State Police, who has jurisdiction over the airport, testified that only 12 cases of theft had been reported at Logan in 1968 and only six in the first half of 1969. He concluded that "for some unknown reason, airline companies and freight forwarders are not reporting their losses to our office." The captain said he knew that the situation was far more serious than the statistics suggested.

He testified that some of the guards employed by one airline had "serious criminal records." Security procedures were virtually nonexistent, he declared, and "airline companies . . . have no conception of what is being taken from them." To demonstrate the seriousness of the situation, he said, he sent some detectives disguised as truckmen, to the airport and filmed them in action, "stealing cartons of freight, driving away a truck loaded with freight." The film, Captain Hertzog testified was shown to airline representatives; but a year later his detectives repeated their experiment, successfully using "the same chain of operations."

Gerard Ditesheim, president of the American Watch Association, testifying that thefts of watches from national and international air shipments since January, 1967, amounted to at least $2.5-million, said one importer considered shifting his business away from Kennedy to escape the thieves. But when he checked with his insurance company, he was advised, Ditesheim testified, to continue taking his chances at Kennedy "because other international airports were as bad or worse."

In this perspective, racket-ridden as Kennedy has been, its outlook for the future is probably far brighter than this survey of its past indicates. Noto is doubtless right when he argues that a large part of the increase in theft figures for 1969 is attributable to two factors: far more complete reporting by the airlines under his prodding, and the inevitable increase in losses that must be expected with the 22 per cent jump in the value of air cargoes. There is no question that, thought the racket situation at Kennedy still exists, some of Noto's protective procedures are slowly and inexorably "tightening the net."

"I have a strong conviction," Noto says, "that what we have been able to do in New York has been effective. I truly believe that the security measures we have developed and implemented here, if they are put into effect in other major airports around the world, could bring about an effective deterrence of large-scale thefts."

If that should happen, the underworld might lose a valuable supply base, and the jackals might have to find new wilds in which to feast.

## CONDUCT OF SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

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

Mr. SIKES. Mr. Speaker, on today the distinguished gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, will take the floor to discuss the fitness for office of Supreme Court Justice William O. Douglas. This is not an idle gesture; it is a meaningful effort backed by careful study on the part of qualified staff members. These studies have extended over a period of several weeks. Closely associated with Mr. FORD are Mr. WYMAN of New Hampshire and Mr. WAGGONNER of Louisiana, both distinguished and responsible leaders in the House.

The immediate objective is the establishment of a Select Committee of the House to conduct a full investigation for the purpose of determining whether or not Mr. Douglas has indeed committed high crimes and misdemeanors, as that phrase appears in the Constitution, and whether he has failed as an incumbent to be of the good behavior on which his commission is conditioned by the Constitution. This is a careful and deliberate attempt to bring forth the true facts.

I can state that a substantial majority of the Florida delegation in Congress will support the resolution for an investigatory committee. Appearing as cosponsors in addition to myself will be Congressmen BENNETT, HALEY, ROGERS, FUQUA, CHAPPELL, CRAMER, and BURKE, representing eight of the 12 House Members from the State of Florida.

A step of this magnitude requires and should have serious and careful thought. Each of us has so acted. We believe that the statements, the writings, and the actions of Mr. Douglas indicate a prejudiced and nonjudicial attitude not in keeping with the requirements of judicial decorum which is required particularly of the members of the U.S. Supreme Court. By his conduct on and off the bench, it is our belief that Mr. Douglas has undermined the integrity of the Highest Court in America and has helped to bring public confidence in that Court as an institution to the lowest level it has held in our history. Very disturbing are publications by Mr. Douglas in which he appears to endorse revolution and thus has fanned the fires of unrest, uncertainty, and rebellion in the United States. In this connection, it is not to the credit of Mr. Douglas that some of his more controversial statements have appeared in pornographic magazines.

A great deal of attention has been focused in recent months on the qualifications of those nominated for the Court, but very little has been said about the qualifications of those already on the Court. One is as important as the other, and the Congress has as great a responsibility in one area as it does in the other. Consequently, it is felt that the public will welcome an action which demonstrates a determination also to help insure high levels of conduct among those now members of the Federal courts. The Constitution provides that Justices of the Supreme Court hold office only "during good behavior." There is and has been for years very serious question of the good behavior of Mr. Douglas. A full and proper investigation by a Select Committee will provide facts which are solely needed in his case.

## ON LOWERING THE VOTING AGE

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

Mr. CLEVELAND. Mr. Speaker, recent proposals to lower the voting age to 18 have been receiving much interest. Much of the discussion has been in terms of slogans, and the whole subject receives more rhetoric than serious thought or reflection. With the antics of a tiny minority of radical students in mind, the impulse has been to reject all proposals to lower the voting age.

I am long on record as favoring lowering the voting age to 18, but by State action. The vast majority of our young people are responsible, well educated, and quite ready to exercise the right to vote. Granting the franchise would serve to encourage their activity into legitimate, constructive channels, and would give them a voice in the formation of the government which is taxing and drafting many of them.

A consequence of not lowering the voting age seems to be that young people who are interested and involved in public issues tend to become frustrated, thus providing a ready audience for the small number of radical disrupters who are always looking for a confrontation. A lower voting age would open to young people a healthy opportunity to participate in the central art of our democracy—elections.

Four States permit voting under the ages of 21 at the present time, and I have been informed that the results have fully vindicated the practice. This is good, practical evidence in support of my position.

One of the most thoughtful essays I have seen on the subject was written by Robert E. Gahringer, one of my constituents, and a professor of philosophy at St. Anselm's College in Manchester, N.H. As a professor for over 15 years at several colleges, Dr. Gahringer has had ample opportunity to observe a great variety of students, and reflect on the implications of this issue.

His conclusion differs from mine. But because it is a thoughtful, articulate discussion of a number of factors involved in the proposal, it is both interesting and useful. Dr. Gahringer explores the elements which go into deciding the optimum age for getting the right to vote, and makes a persuasive argument that 18 is no better, or even worse than, 21.

ON LOWERING THE VOTING AGE

(By Robert E. Gahringer, Ph. D.)

In the last days of his administration, President Johnson recommended to Congress an amendment to the Constitution establishing a uniform national voting age of eighteen years. His arguments for the proposal are by no means unfamiliar. Citizens of eighteen, nineteen and twenty years of age, he asserted, are restrained from the exercise of their right to vote by age limitations set in medieval times and uncoordinated

with present facts. They are at these ages judged fit for military service, regarded by the law as responsible in many respects, and are commonly called to take on social responsibilities. They are more mature and better informed than preceding generations. Moreover, the nation would benefit by their youth enthusiasms and fresh outlooks. These points which President Johnson considered "beyond dispute" and conclusive support for the recommended change, are common in current discussions of the issue.

Since the issue is of the utmost importance, we ought to consider carefully how sound these and other commonly-offered arguments are, and whether the facts employed in them are rightly interpreted. But before we begin it would be well to consider the structure of the basic issue, which President Johnson misconstrued in treating the proposed amendment as analogous to the Fifteenth and Nineteenth, in which race, creed and sex are eliminated as qualifications for voting; and in asserting that "we should now extend the right to vote to more than ten million citizens unjustly denied the right."

Plainly, the issue is not in any sense *whether* a citizen will be allowed to vote, but *when* he will be allowed to vote. The franchise is not being denied, as President Johnson suggested. This is not one of "the unconscionable techniques of studied discrimination." The franchise is only being delayed, as it must be if we are not to allow mere children to vote. The issue is not whether a right should be granted, or even whether it should be delayed, but only how long its exercise should be delayed.

Not only is this not a movement to extend suffrage, it is not even a proposal to revise the manner in which the qualifications for voting are determined. Nothing like property ownership or education is being proposed or rejected. The correlation between age and competence is not being challenged. It is not denied that competence is at stake or that early life the required competence is lacking. All that is involved is the question whether we ought to establish a new point on an old scale for determining the eligibility of voters. We are asked to make a new estimation of the age at which a person will be able to assert through a vote what it is that voting is designed to express. It is this point—and this point only—that it is at issue; and it is plainly an empirical matter. What is not so apparent is that the nature of this competence is not an empirical matter, at least not in the same sense. And it is this that we will eventually have to consider in detail. But before we do that we should reveiw and examine the common arguments.

I

The first argument one usualy hears concerning lowering the voting age rests on the fact that young men are draftable into the services before their twenty-first birthday. "Old enough to fight is old enough to vote." The argument is, however, ambiguous. Basically, it would appear to assert the right of one required to bear arms to have some say in the policies and leadership directing his use of arms and requiring of him the risk of his life. Such a principle would seem entirely consonant with the democratic ideal. There is, however, no clear consensus on it. President Eisenhower (who, incidentally, endorsed the proposed amendment) refused to vote as a military man on the ground that it was wrong for him to have any part in the decisions of those whose orders he would be bound to obey. Presumably it was inconsistent with the chain of command. But quite apart from this, even if the principle is allowed, at best it establishes that men on active duty should be accorded the privilege of voting regardless of age. It holds nothing for those in the services.

The other interpretation of the "old enough to fight is old enough to vote" argument takes the fact of military service as evidence of maturity. But this argument may be specious for several reasons. *First*, some may argue that the average eighteen year old is in fact not mature enough for the army, but is taken for it only when we have no alternative. And even if some eighteen year olds are mature enough, most would agree that at least as many are not. *Second*, it may be argued that what makes a good soldier is not so much maturity as its absence. Eighteen year olds make better soldiers than twenty-six year olds because they are more inclined to follow orders unquestioningly, have less resistance to training in violence, are less concerned about responsibilities to civilians at home, and are more easily led to take unusual risks in action. An older man is much less concerned to demonstrate his virility and more critical of those who ask him to take unusual risks. Thus if acceptability to the army proves maturity, it would seem to indicate decreasing maturity with age.[1] *Third*, if we do allow that the eighteen year old is mature from the point of view of his competence for military service, we will have to ask whether the maturity established by military service is the maturity relevant to voting. This question requires us to distinguish the several kinds of maturity.

Most obvious among these is *physical* maturity. And on this we will have to concede that eighteen year olds of the present generation are not only more mature than eighteen year olds centuries ago when the age standard was set, but that they are more mature than eighteen year olds of the preceding generation. For some inexplicable reason, the human animal matures earlier today, as indicated by the earlier development of the various sexual functions. But this is of no significance for voting.

Another kind of maturity is associated with *the range of experience*. And here again the present generation appears to be ahead of its predecessors. Young people today participate earlier in sexual relations and with greater variety than preceding generations. Experimentation with drugs is more common. Liberalized and extended media of communication allow a greater range of vicarious experience. But this by itself is hardly the maturity required for voting. It is not, however, insignificant; but the significance would appear to be negative: for the increased range and abundance of experience commonly delays the stabilization of interests and values.

It is the maturity that is associated with the stabilization of interests and values, and the correlated *stabilization of personality and character*, that is most clearly relevant to voting. But here each succeeding generation appears to mature later than its predecessors. As our civilization has advanced, the length of the period of emotional immaturity has been extended rather than shortened. We keep our children in school longer, they become financially independent later, they delay longer establishing themselves in the social and economic roles that will constitute the pattern of the greater part of their lives. Indeed, emotional maturity comes so late and is so much hampered by the ideal of perpetual immaturity that there are occasions when one wonders whether it will come at all. Thus the argument from maturity seems rather to prove the wrong thing: that if we are to alter the age criterion for voting, we should consider a later rather than an earlier age.

There remains what might be called *intellectual maturity*. It is this that is supposedly established when reference is made to the superior knowledge of the world and its problems that our young people have today, as distinguished from preceding generations. The point is made that with the almost universal education of the young through high school, the increasing number of college students, the increased interest in social and political problems in high school and college, and the increased availability of news and documentary material through the mass media, the present generation of young people is far more informed about social and political affairs than any preceding it. The eighteen year old of today is often as conversant with these matters as the equivalent twenty-one year old of several generations ago. It is, of course, difficult to establish comparisons in these matters. But we need not dispute the basic point; there are difficulties enough in it to spoil its value for the argument.

The difficulty which is most evident is that no matter how many facts the high school and early college student knows, they constitute something more like misinformation than information where there is no ability to interpret them adequately. As one who has taught philosophy for fifteen years, I never cease to be impressed by the number of facts that some undergraduates can cite in defense of a social cause. I could not come near it. But I am equally impressed—and depressed—by the almost universal inability to interpret such facts in any really adequate way. They are, often at the insistance of teachers, simply pressed into the most ingenious of interpretive frameworks. As such, the information, for all its detail, constitutes a very inaccurate, if not unreal, picture of the actual state of affairs, made doubly misleading by unawareness of the limitations in understanding and interpretation involved. Unfortunately, much of the information learned is by its nature very abstract (statistics are invariably so); and the compounding of such information (e.g., statistics) produces an illusion of concreteness that is difficult for the undergraduate, let alone the highschool student, to recognize and avoid.

A second difficulty is that it cannot help but be the case that the highschool student will be presented with highly selected lists of facts. Teachers have no choice but to simplify—indeed over-simplify—complex information for presentation; and it cannot help but be the case that political and social views will serve as principles of selection. Even with a will to present all sides equally, it is usually impossible to find equally competent and accessible advocates of all sides; and some positions are bound to be intrinsically more difficult to understand and less immediately appealing than others. Popular publications fail badly enough in these presentations; but the high school teacher is in a worse position. He must not only limit his presentation to the superficial and obvious, but he must keep it exciting enough to hold the attention of a class. And this by itself precludes presentation of the more difficult views. One need only talk to any high school student about his courses having political or social bearing to discover the consequences. There will always be claims of objectivity, but seldom evidences of it. Unfortunately, the high school student lacks that connection with the world that would give him a basis for criticizing claims to objectivity as well as for understanding the difficult. If he rejects his teacher's claimed objectivity, he does so only as he accepts someone else's.

(Generally speaking, where teachers have strong and attractive personalities and are interested in their students, they determine, or at least influence, the political and social

[1] Something similar can be said concerning Peace Corps and Vista work as evidence of maturity. Young people are specially suited for this work not because they are mature, but because their innocence and immaturity make them attractive ambassadors of good will and dedicated workers among the deprived. If maturity is involved at all, it is as the outcome of the experience rather than as the condition for it.

views of those whom they teach. The movement of radical students (who are often attractive persons, and are always interested and interesting) into teaching at all levels thus raises a frightening spectre. For to give political power to every person of eighteen or over is to increase the political power of the S. D. S. and similar organizations with programs for infiltrating the teaching profession. In view of the extreme political and social views that younger faculty are today teaching, this is plainly not a matter of an advantage of liberals over conservatives, but of the political efficacy of advocates of anarchism, violence and revolution.)

A final and telling point against the argument from intellectual maturity is the fact that it is natural for the young to view social problems in abstractly moralistic terms, as contests of "good buys" and "bad guys". This is a mode of thought natural to the young, who tend to see social problems in terms of their own lives; and it is intensified by the television entertainments that constitute much of their early education. It is not by accident that they have appropriated the novels of Tolkien and Salinger, and that they tend to identify themselves with whatever and whomever they take to be symbols of the unspoiled and innocent (of connections with the establishment). It is accordingly not surprising that some young people simply identified evil with President Johnson and now identify it with Vice President Agnew, if not with every politician and institution.

This view is, of course, not restricted to the young; but it is characteristic of the young. For they do not have the advantages of the established, working relations with the world by which it might be transcended. They lack the involvements that would enable them to see that no one in public life is simply good or simply evil, that power will always be founded in objective issues, and that issues will always in some degree serve private purposes.

These, then, are the main arguments for altering the age qualifications for voting. They all propose to establish the fact of competence at an earlier age than most of the States presently recognize; and none, in my estimate, succeed. There remains, however, another kind of argument. This is the pragmatic argument that permitting young people to vote will help them mature politically by giving them a role in political processes. Thus President Johnson spoke of "preparing . . . young people for constructive citizenship," and President Nixon has spoken similarly.

One might immediately object that voting is much too serious and central to a free society to be used as an educational device, however effective it might be. Or he might simply question whether we could hope to produce the political consciousness the nation needs by the device of permitting citizens to vote before they are likely to recognize the need to do so. In any case, the educative process ought not to be destructive of essential elements in this consciousness. But the recommended device may be destructive of the attitude of valuing the right to vote, without which there are insufficient motives for exercising or protecting the right, or for refraining from such abuses as the sale of one's vote. For the individual who values voting regards it as a privilege as well as a right. And it is unlikely that anyone will regard it as a privilege if he is given the vote before it is wanted or sought. A boy who is simply sent on to college as a matter of course after high school may not value college as much as one who has had to wait for it or has had to make an effort to achieve it. A man who merely falls into a job will value it less than one who has passed through a period when he looked forward to it. And so it is with voting. The right to vote is not something a man aspires to by nature; and the respect for the right as a privilege is not an instinctual or natural response to the possession of the right. To bestow the right to vote before it is really wanted—as it would be for almost all eighteen year olds—would degrade it to a degree for which other advantages would not compensate.

The sense of responsibility in voting and the awareness of one's limitations are equally essential to democratic government. A democracy cannot function well where its citizens suppose themselves sufficiently informed on everything and without a due regard for the possible validity of the views with which they disagree. Yet these are, unfortunately, infrequent virtues among adolescents today. Surely whatever brings the wildly aspiring teenager to the self-knowledge of his own political immaturity will not injure him. Significantly, when an eighteen year old has achieved some consciousness of himself—a rare thing in itself—he is generally first to have doubts about his competence as a voter.[2] Such a sense of limitation ought not to be discouraged by denying its correctness.

II

Unfortunately, any argument concerning the age at which a person will most likely become competent to vote rests upon assumptions concerning the function of voting in a democratic nation. It is thus important for the argument to show what this function is, what it is that a citizen should be doing when he votes.

As one would expect, there is more than one function. (1) Most generally, voting brings citizens into political activity. And as the act of voting is in part an assenting to the outcome, voting also provides an occasion for the reaffirming of the basic principle of majority rule. If nothing whatever were decided by voting, these functions would still make voting an essential institution. And so it is regarded in many nations that we do not consider free or democratic, although they so regard themselves.

(2) A more practical function of voting is as a decision procedure for delegating authority to administrators, representatives and judges.

(3) Voting can also serve as a decision procedure on issues and lines of action. Pure instances occur in the New England town meeting, referenda and votes on constitutional amendments; but most commonly, voting functions in this manner indirectly, when we vote for candidates committed to particular positions on current issues.

(4) Voting to delegate authority functions as a device for keeping government responsible to citizens.

(5) Voting functions to give status to divergent views. It is essential to the life of a democracy that there be an opposition of ideas and ideals; and voting if the medium of this opposition.

(6) But behind these functions there is a deeper function. We vote to decide among candidates and issues, and in that enforce responsibility as well as establish a variety of views; but we do this because we are concerned with something essential to ourselves and to our social life. There are several views of what this is.

(a) The most commonly held is that as our basic concern in establishing political institutions is the satisfaction of our various desires, voting determines what the majority desire and by the principle of majority rule binds government to satisfying these. It is assumed that in time any normal desire stands to define a majority, and that the citizen, having desires, is bound to find himself with the majority in some of them.

But this view has serious defects. Men may be quite mistaken concerning their real desires. A man who believes he desires money may only desire to be admired. Or worse, men may not know what they even apparently desire. Many people simply cannot make up their minds. And there is the often-noticed instability of desires. What satisfies today may pall tomorrow. Moreover, what is desired is often in effect destructive of social or political order or individuality. "Give them what they want" may easily be the formula for social or moral degeneration. But most ominous is the fact that desires can be created and exploited. Democratic voting in these cases may only be the instrument of totalitarian control. The tyrant may first appear as demogogue—or as the practitioner of such sciences as B. F. Skinner assumes in *Walden Two*. Finally, if voting serves to express desires, it may well be superfluous. For in a capitalist society in which business is governed by the principle that the greater profit is to be got from giving people what they want, business may well serve to fill desires better than government. What is good for General Motors may be good for most of us.

It may, of course, be held that there is no question about our real desires: we all desire happiness or pleasure; and thus the function of voting will be to determine the consensus of opinion as to the best means to it. But this view not only suffers the earlier defects, but it has the further defect that we can be very mistaken as to means, which are partly technical considerations. What the parents believe essential to happiness may be lothesome to the child. Voting to determine means may not only not produce the intended happiness or pleasure, but may produce misery or pain.

For these reasons, voting seems poorly interpreted as a device to facilitate the optimum satisfaction of desires. And yet, it appears, this is the most commonly expressed view of it.

(b) Another way of looking at voting is as an expression of some basic common will, something that constitutes an historically evolving general outlook basic to social consciousness, self and community. This is what is in mind when people speak of "The American Ideal, or "the New England conscience", or "the Texan way of doing things". But some will doubt that such exists, or that if it exists it is simple and consistent, or that however conceived it needs voting for its determination and expression, it being expressed in all actions and decisions. And some will dismiss the view as vague and obscure.

(c) While at first sight it appears that voting compels governments to conform to majority ideals or to satisfy majority desires, to a more incisive view voting provides something necessary for the development of the institutions we need to realize our own ideals and satisfy our own desires. For as the state underwrites and, where necessary, provides the institutions we need to act effectively in our own interests, it requires some compelling, authoritative indication of where development is needed; and it needs a consensus of common-sense estimations of char-

[2] Andrew Hacker, writing in the New York Times Magazine (July 7, 1968), observes that if given the vote most young people will not vote, and that if they do vote they will as likely vote conservative as liberal. The suggestion is that the reason for not voting is a lack of interest. It would be unfortunate if it were not in at least some cases an appropriate sense of incompetence. But this, if it occurs, means that those who do vote will be the less self-critical, who are generally associated with political extremes, both of the right and the left. We can be sure that all members of the Students for a Democratic Society and the John Birch Society will vote and encourage others of like mind to vote. We cannot be sure about others.

acter and competence for delegating authority for the design and administration of these institutions. The adequacy of institutions has to be judged at the point at which they are demanded and used; and the competence of those charged with responsibility for institutions has to be determined as one is able to judge character and conversance with the problems, interests and ideals of those whom institutions serve. Thus we vote to express the demands made with respect to the institutions on which we depend for the fulfillment of wills and desires, indeed for the very wills and desires themselves. This concern for the institutional conditions of action and being is the substance of *political will*. One without such a will cannot be politically competent.

These points are well borne out in fact. Particular referenda are typically concerned with such things as bond issues and ordinances implementing institutional changes; and elections are always elections of individuals to public offices charged with responsibility for particular institutions. Thus we vote for the building of a new school as we judge it necessary for educating the children of a community; and we vote for a member of a school board as we judge him more capable than his opponent to deal with the issues encountered in the running of a school system. It is not a question of our desires in either case, at least not directly, but of the institutions involved. Again, in national elections we vote for a president or representatives not because we know what they will do for us—we do not really know that—but because we believe they understand our institutional needs and, we trust, have sound judgment in matters bearing on the functioning of institutions. In any presidential election a prime consideration is always whether a candidate can unify the nation, work with Congress and deal with other heads of state. One who puts other considerations ahead of these basic requirements seems not to be thinking concretely. Plainly we in fact vote less to select among promises and proposals than to express demands we come to make as we work in and through the institutions which serve our particular existences and our special purposes.

Fact also bears out the observation concerning the conditions of competence. We do not commonly regard children as competent to vote because their wills are neither really their own nor politically significant. They do not really have wills with respect to the political. They are not participants in the institutions of social life in the full sense.[3] The founders of our nation believed strongly in property qualifications because such served as fair indicators of the involvement that generates political will. And they did not contemplate extending the vote to women because they believed them involved in essential institutions only as a child is involved in his school or with businesses. Literacy is regarded as essential for voting not so much because of its connection with information as that its absence cuts a man off from genuinely participatory roles in institutions. Men who cannot read cannot easily take care of their own affairs. The extension of the franchise to Negroes has been slow in the South because race there has served as a fair indicator of the abilty to participate in institutions as more than mere benefactor or servant. Property, sex and race have now been excluded as qualifications for voting because they no longer serve to distinguish involvement in institutions from its absence. But the literacy requirement has been attacked only because it has been abused by Southern politicians.

Thus voting in fact serves as an essential instrument for the realization of institutions, and is in fact so viewed. Democracies are in this way distinguished from merely socialist or citizen-oriented governments. And the voting characteristic of a functioning democracy requires voters possessing developed political wills. Democracy will not work in a community of peasants or primitives. And the adulteration of the vote with the desires and abstract ideals of citizens who are not yet fully committed participants in the main institutions of actual social and economic life cannot but hinder democratic processes.

These points have been made and labored because they bear immediately on the nature of the intelligence requisite for effective participation in democratic processes. What kind of intelligence is this?

Surely it is not the intelligence associated wth the retention of complex information or facility in abstract reasoning. It is not the intelligence measured by "I.Q." tests. The voter is not required to deal with the complex, for which we need specialists. His opinion is not sought on the intricacies of funding the national debt, international affairs or the management of the post office. Indeed, this "intellectual" intelligence often stands in the way of political insight: professors and scientists of recognized ability in their fields often show surprising naivete on political issues. The abstract thinking characteristic of intellectual pursuits when turned to the polictical, which it looks upon as an object for analysis, is likely to be shallow and unrealistic and inclined to go off in extreme directions—right or left. The type of thinking distinctive of political intelligence is, by contrast, not abstract.

The type of thinking that is required for intelligent voting is the type of thinking that anyone does when he thinks *in terms of* (not merely *about*) the institutions that enable him to act as an individual. This is less a matter of ascertaining means and ends than of recognizing structural demands, defects or deficiencies in an order or organization. We do not vote as to whether we should be in Vietnam; we vote for candidates who are aware of the implications of our presence there and in Asia, or, from another perspective, who are aware of the problems involved in maintaining the balance of power among nations. This kind of thinking cannot be taught. It simply develops as one is involved in the institutions of social and economic life.

It would seem, then, that the argument that modern high school students know more about social and political matters, even if true, establishes nothing concerning their ability to do the kind of thinking that qualifies a voter for the task he is called upon to perform, to provide that judgment that the free society depends upon him to provide. Hence it offers nothing in support of the suggested change.

There are no sure tests for the ability to think intelligently in political affairs. The best we can do is to accept as evidence for it that a man has participated in those aspects of actual living in which political and social intelligence develop. A man who owns property, earns his own living, has a family, shares in civic projects and responsibilities, etc., thinks in a way quite different from a schoolboy, who merely thinks about the institutions of the practical life and does not think himself as realized in them. He may, of course, think in this manner with respect to his club, his friends, his family or his school; but this is insufficient to the social and economic issues of a civil election.

It seems safe to say, then, that the intelligence desirable in a voter cannot be expected to develop any earlier than the age when a person becomes involved in some appreciable degree in the activities involving institutions we enter into political life to maintain. There is no reason to believe that for the average citizen this comes about any earlier than it ever did at any other time. Twenty-one years is, if anything, a low estimate. So far, at least, no one has advanced an adequate argument that it is not.

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[3] This is a difficult point. A child goes to school and buys from the local merchants. To this extent he participates in the institutions of education and business; and his opinion is significant when he complains that his courses are too dull or too easy or that the stores do not stock the merchandise he wishes to purchase. But there is something external or abstract in both the participation and the opinions. He merely receives what the school offers; he merely uses the local stores. When he complains concerning his class, he has no thought concerning the larger purposes the institutions must serve or the conditions for serving them. He does not take into account the necessity of dealing with a variety of interests at a variety of levels, of securing adequate teachers, putting together schedules, financing, or the relevance of the institution to his later life. He does not consider the function of public schools in distinction from private schools. Similarly with his complaints concerning the businesses from which he buys: the whole economic context is lacking. By contrast, when an adult complains concerning the quality of his child's education, he may have in mind the range of possibilities, or at least they will be relevant to his judgment if brought to his attention; his complaint will be founded on his perception of the educational needs of his child in later life. Similarly, when he complains concerning the quality of merchandise at a store he does so with some understanding of the problems of the store keeper and of the relation of his particular interests to those of others the store must also serve. It is childish to complain that a garage does not service one's automobile fast enough merely because one wants it, but adult to complain that it takes longer than it should because of an indifference to customer priorities or a misuse of facilities, and to press that complaint because one realizes that he cannot do his work when his automobile is tied up. Similarly, the complaint against taxes by itself is merely childish, unless there is some grasp of the economics of supplying the services taxes pay for and some conception of which services are essential.

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## ONE BILLION DOLLARS A YEAR FOR CANCER RESEARCH

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

Mr. MINSHALL. Mr. Speaker, I am today introducing a resolution which would call for a 10-year program involving a minimum $10 billion in Federal funds for the national cancer research program. My resolution would guarantee an appropriation of not less than $1 billion yearly, with $250,000 of the first $2 billion to be used to construct five new cancer research centers across the Nation.

Cancer is an enemy killing more than 300,000 Americans yearly. This dreaded disease is no respecter of age or person. Its scourage has touched the life of every American, if not personally, then through his loved ones or friends.

We talk about priorities and goals for our Nation, yet we have only a little more than $200 million budgeted for the war on cancer this year. Nearly 900 citizens of all ages, races, and walks of life are dying of cancer daily; an additional million Americans now are under treatment for the disease.

I call this a national crisis, deserving and long overdue for an all-out drive to discover the cause, prevention, and cure of this devastating killer.

The full text of my resolution follows:

Whereas cancer takes the lives of more than 300,000 Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than 1,000,000 Americans are currently under treatment for cancer; and

Whereas it is clearly in the interest of all mankind that this disease be prevented, controlled, and cured; and

Whereas prominent authorities have indicated that cancer can be cured and controlled if the necessary funds are made available, and

Whereas current appropriations are not adequate to accomplish this task; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer: It is hereby

Resolved, That it is the sense of Representatives that no less than $1,000,000,000 be appropriated annually over the next 10 fiscal years for the National Cancer Research Program; and,

Be it further resolved, That no less than $250,000,000 of this appropriation be used to construct five new cancer research institutes in the United States during the first two years of the new appropriations.

## M. JOSEPH MATAN RETIRES AS CHIEF COUNSEL OF THE LEGAL AND MONETARY AFFAIRS SUBCOMMITTEE

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

Mr. FASCELL. Mr. Speaker, since January 1963 it has been my privilege to serve as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. The 7 years since have been exciting and rewarding ones. The subcommittee has conducted numerous studies into agencies within its jurisdiction. Each study has been aimed at making it easier for a citizen to deal with his Government and at insuring that the taxpayer's dollar is spent with the greatest possible care.

The studies are too numerous to list. Nevertheless, whatever good may have been accomplished is largely the result of the hard work of one man, M. Joseph Matan, the subcommittee's counsel. Because Joseph Matan is retiring I would like to take just a few moments to pay tribute to this exceptional gentleman whom I am proud to call my friend.

Joe, as he is known to his many friends, began his career in the public service in 1935 when he became associate attorney in the Maryland Assistant Attorney General's Office. During that same year Joe married his charming and lovely wife Anne Marie Caulfield. Since then Joe and Anne have become the justly proud parents of six children: Joseph, Grace, Thomas, James, Mary, and Anne.

In 1936, Joe became a Special Assistant to the U.S. Attorney General, in the Criminal Division of the Justice Department. In 1944, Joe joined the Navy and served with distinction until 1946 when he returned to private practice in Washington.

In 1961, Joe came to Capitol Hill as counsel to the Subcommittee on Foreign Operations and Monetary Affairs of the House Committee on Government Operations. In 1963, when I became chairman of the Legal and Monetary Affairs Subcommittee, I asked Joe to become the Legal and Monetary Affairs Subcommittee's counsel and staff administrator.

As subcommittee counsel, Joe presided over many studies—some of the most significant of which were: Crimes Against Banking Institutions; Coin Shortage, Part 1; Coin Shortage, Part 2; Search and Rescue Operations for U.S. Private Pilots Missing in Foreign Areas; Federal Effort Against Organized Crime: Report of Agency Operations; Customs Control Over Petroleum Imports; and Marketing of Federal Obligations—Participation Certificates.

Mr. Speaker, while I have touched briefly on Joe's fine family, and some of his many achievements as a public servant no tribute would be complete without mentioning Joe's passion for the game of tennis. With all his new leisure time to practice and further develop his already great skill I certainly do not envy his opponent.

Mr. Speaker, in 15 years on Capitol Hill I have come to learn that the men and women who staff the offices of the Congress are, almost without exception, people of extraordinary intelligence, loyalty, and integrity. These are qualities which distinguish any person but Joe Matan stands out even in such distinguished company. His retirement will be a great loss to the subcommittee, to the Congress, and especially to the people of this Nation for whom he has worked so diligently over the years.

## LUIS A. FERRE, GOVERNOR OF PUERTO RICO

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

Mr. PEPPER. Mr. Speaker, yesterday in Miami under the auspices of the Greater Miami Chamber of Commerce, there was a great assembly to commemorate the 18th anniversary of the Pan American Union. A large audience of the leaders of the Greater Miami area gathered to commemorate this occasion which means so much to the Greater Miami area and to Florida as well as to our country.

The distinguished speaker who rose to the occasion with wisdom and eloquence was the Honorable Luis A. Ferre, Governor of Puerto Rico. Governor Ferre's address not only emphasized the magnificent significance of the Pan American Union, but laid down out of his great knowledge and experience a declaration of principles to be followed by the United States and the nations of this hemisphere in progressing the great cause which command our common interest and concern.

I can assure you, Mr. Speaker, that all who read Governor Ferre's able address will have a better understanding of Pan Americanism and the role that our country should play in our hemisphere in the years ahead. Therefore, I insert Governor Ferre's address in the RECORD following my remarks:

PAN AMERICAN DAY

(By Gov. Luis A. Ferré)

Mr. Chairman, honored guests, ladies, and gentlemen: It is a distinct pleasure for me, as a Puerto Rican, to be speaking to you here in Miami today, Pan American Day. Ferré, I find, is a name not unknown to you here. And Miami of course, is the gateway to Latin America, including Puerto Rico. There are over 200 flights a week between Miami and San Juan, not to mention the rest of Latin America.

Puerto Rico is a good vantage point from which to view Inter-American relations. Puerto Rico, itself, is inter-American—a link betwen the Americas. The island lies about half-way between the two continents. We are both Latin American and North American in our traditions. We have a Spanish culture and American citizenship, and we speak both Spanish and English. In Puerto Rico, we like to think that we have the best of both worlds.

What is the nature of the inter-American system that we commemorate today? Who are its members? What holds it together? And how did it get started in the first place?

The inter-American system is a complex network of treaties, conferences and organizations which join the people of the Americas in common purposes. It includes mutual defense agreements like the Rio Treaty of 1947, international conferences of many kinds, and elaborate structures, such as the Organization of American States. The OAS has 24 members. All independent nations in the Western Hemisphere except Canada and Guyana belong to the OAS.

The inter-American system is bound together as a result of its geographical isolation from the rest of the world, a general rejection of authoritarian institutions of the Old World and a choice of republican forms of government, and a common fear of aggression from powers outside this hemisphere.

On the other hand, divisive forces have been at work: political rivalries among the states, disputes as to their national boundaries, long distances and inadequate transportation, absence of a common language and culture, and the overwhelming power and influence of one member, the United States.

Simon Bolivar, the great liberator of most of South America, is generally regarded as the father of Pan-Americanism. In his time, great areas of South and Central America were united. Present-day Venezuela, Colombia, Panama and Ecuador were then one nation—Gran Colombia. In Central America, the present-day states of Costa Rica, Guatemala, Honduras, El Salvador and Nicaragua were a unified republic. Bolivar invited all nations of the Western Hemisphere to attend a congress in Panama in 1826. Gran Colombia, Central America, Mexico and Peru attended. The United States was invited and sent two delegates. One fell ill and died enroute. The other arrived after the congress had adjourned. Relations of the United States with the republics to the south did not begin auspiciously.

The Congress of Panamá is known for its ambitious Treaty of Union, League and Perpetual Confederation. Only one of the signatory states ever ratified it, but the principle of collective security embodied in the Panamá treaty was later incorporated into the Rio Pact of 1947, which forms the basis for collective defense of the hemisphere today.

In the mid-nineteenth century, there were three more Spanish-American conferences, but they were poorly attended and, with but

one exception, a consular convention, their acts were not ratified.

In 1881, on the initiative of then U.S. Secretary of State, James G. Blaine, the United States invited the Governments of Latin America to participate in a conference to be held in Washington. Because of changes in government following the assassination of President Garfield and the unfavorable international situation in South America, the invitation was subsequently withdrawn. Interest in the idea, however, persisted. A number of bills were introduced into the United States Congress to authorize the President to convoke a congress of American republics in the interest of peace, commerce and mutual prosperity.

As a result, the First International Conference of American States was convened in Washington, D.C. Blaine was again Secretary of State at that time, and he presided over the meeting, which was held in 1889–1890. The conference established the International Union of the American Republics, with a secretariat, the Commercial Bureau of the American Republics. This step was taken eighty years ago today, on April 14, 1890, an anniversary now celebrated as Pan American Day throughout the Hemisphere.

Starting with this modest measure for commercial cooperation, Pan Americanism spread to the fields of health, cultural cooperation, child welfare, law, science and finally, political consultation and collective self-defense. In 1948, the Organization of American States was established to give an institutional framework to all these activities.

The road of inter-American cooperation did not always run smoothly. The Monroe Doctrine and Theodore Roosevelt's Big Stick Policy raised suspicions of U.S. intervention, which did take place on numerous occasions. The Latins considered U.S. trade policies discriminatory and in some cases expropriated the property of U.S. businesses in Latin America. In the period 1945 to 1960 the United States neglected Latin America in favor of Europe, and inter-American cooperation in favor of cooperation through the United Nations.

But there were also a number of bright spots along the way, notably President Franklin D. Roosevelt's Good Neighbor Policy and the Hull Reciprocal Trade Agreements of the 1930's which greatly benefited Latin America. During the Second World War, all Latin American Nations except Argentina cooperated with the United States against the Axis Powers, and at the height of the Cuban missile crisis, all Latin American nations supported the United States in its policy to effect their removal.

There are few problems between the United States and Latin America that cannot be solved by better communication, increased understanding, good will and cultural empathy. In the case of the United States, this means respect for the national identity and national dignity of people in Latin America. It means recognition of the plus factors in the Latin American environment, for example, the generally harmonious racial relations and the generally close family ties among Latins. Even the siesta is worthy of respect. It may not increase Latin American productivity (except productivity of children) but then, too, Latins are less prone to heart attacks, ulcers and suicide. In Puerto Rico, where medical facilities are inferior to those in the United States, life expectancy is longer than in the United States.

Latin American wants are reasonable. They wish to be treated as equals and respected as nations. They require U.S. assistance but would like to be freed of restraints that require them to purchase only in the United States. Furthermore, they seek a lowering of U.S. trade barriers so that they can sell their products in the United States. Since the United States balance of trade with Latin America is favorable, this would not appear to be an unreasonable demand. And the Latin Americans would like a bit more understanding from the United States of the peculiar aspects of their culture and less so-called American leadership and more equalitarian cooperation.

A rational U.S. policy toward Latin America for the 1970's would incorporate at least five features.

First, U.S. policy must promote the expansion of communications and understanding between the Americas. Through travel, conferences, language instruction, development of media, cultural exchanges and dozens of other ways, the people of the hemisphere must be brought closer together. Unless there is a basic compatibility among the people of the Americas, there can be no basis for enduring, long-range cooperation. It would be desirable, for example, for all Latin Americans to learn English, as we are doing in Puerto Rico, and for more Americans to study Spanish. To this end, the federal government might appropriate some funds to those school systems in the various states that adopted Spanish as a second language. Such a gesture would have very beneficial effect in Latin America. We could also offer to supply English teaching personnel to Latin American republics which might wish an exchange program.

I think that both Governor Rockefeller, in his report to the President, and President Nixon, in his speech of October 31, did not allot sufficient attention to the problem of promoting understanding among people of this hemisphere. However, I have noted that recently adopted amendments to the OAS Charter give greater prominence to cultural affairs by giving the Inter-American Cultural Council greater autonomy.

Second, we must make clear that dealing with undemocratic regimes does not mean their endorsement. It is often necessary, for reasons of diplomatic propriety, to carry on relations with existing regimes, whether we like them or not. Nonrecognition has often been regarded as interference in internal affairs. But relations with undemocratic regimes should be formally correct and no more.

Third, we must give Latin American nations more opportunity to sell their products in the United States. I know that the mood of the country is protectionist at the moment, but such policies are self-defeating. President Nixon has promised to seek a world-wide system of tariff preference for manufacturers and semimanufacturers from all developing countries. If this cannot be achieved in a reasonable time, he has said he will consider alternative actions to assure that nations in the Americas have preferential access to the U.S. market.

A fourth *must* in our policies toward Latin America is less emphasis on owning land and property in the area and more emphasis on "selling" our capital and know-how. Latin Americans are rightly resentful when U.S. businesses acquire large land holdings for exploitation of natural resources or cheap labor. We should, instead, make loans and technical knowledge available to these nations for economic and social development. Capital and know-how cannot be expropriated but can nevertheless reap a good return on one's investment, in addition to good-will.

I spoke to President Nixon about this when I saw him last September. I told him that this was the policy that the Soviets were following around the world with considerable success. I don't know if my words had any impact but I take comfort from the following words from his report to Congress on foreign policy last February:

"Foreign investments are the most exposed targets of frustration, irrational politics, misguided nationalism. Their potential for mutual benefits will only be realized through mutual perception and tact. The nations of this hemisphere must work out arrangements which can attract the needed technical and financial resources of foreign investment. For their part, investors must recognize the national sensitivities and political needs of the 1970's. There is no more delicate task than finding new modes which permit the flow of needed investment capital without a challenge to national pride and prerogative."

In 1961, in a speech before the U.S. Inter-American Council of Commerce and Production, I advanced the idea of a Pan-American Code to accelerate the flow of capital to Latin America. I think it is as valid today as it was then. The Code incorporated 12 principal features:

(1) Regional common markets in which tariffs and other trade barriers are gradually reduced as wage rates are increased to equalize wage levels.

(2) A Pan American Loan Fund to finance economic development and to guarantee private foreign investment in the various member countries against unlawful and willful expropriation or against inconvertibility or devaluation of currencies, with the conditions that such new investments would permit at least 40% participation by local interests.

Such a fund also could be used to stabilize commodity prices within certain limits, and bring about the establishment of buffer stocks. It also could dispose of excess production to satisfy needs in critical world areas.

(3) Regional minimum wages to be attained within a fixed period of time, say ten years.

(4) A minimum Standard of Social Protection establishing the rights of unionization and collective bargaining; workmen's compensation, etc.

(5) A progressive income tax, the foundation of an equitable tax system and policy, should be established in all countries.

(6) Basic standards on contributions and expenditures for public education, sanitation and health.

(7) A system for financing housing, based on FHA concepts.

(8) Creation of added Pan American Cultural Centers in the various nations.

(9) More constant exchange of teachers between Latin America and the United States.

(10) Limitation of military budgets to a maximum percentage of each national budget.

(11) Continuous visits of Latin American workers and labor leaders to United States industrial plants and farms. This is an effort private industry may well want to finance itself.

(12) Art exchanges between the nations.

Finally, another plank in our Latin American policy, correctly expounded by the President in his recent speeches on Latin America, is that of increased emphasis on multilateral programs and organizations. Decisions taken regarding Latin America should be decisions in which the Latin American nations participate as equals. They will be joint Latin America decisions and policies rather than U.S.-imposed decisions and policies. Thus, they will arouse less resentment and hopefully a more enthusiastic response.

I believe that Puerto Rico can play a vital role in promoting our nation's policies in Latin America. We have an inexhaustible pool of bilingual personnel. We have most of the technical, scientific and managerial skills that the other Latin Americans need. We ourselves, in Puerto Rico, are a living example of what cooperation between Latin Americans and North Americans can bring about. Starting from a very low base, we now have the highest per capita income, highest gross national product, highest literacy rate and highest standard of living of any areas in Latin America. I have offered the resources

of Puerto Rico to our Federal Government. I have offered Puerto Rico as a site for inter-American conferences and seminars. I have offered our people to the U.S. Foreign Service and to our foreign aid program. I hope that our Government will take advantage of our cultural affinity to the people of Latin America, and thus, our ability to communicate with them effectively.

Under Presidents Kennedy and Johnson, a Puerto Rican was U.S. Ambassador to Caracas and later head of the Alliance for Progress, and another Puerto Rican was Deputy Assistant Secretary of State for Inter American Affairs and later Special Assistant to the Secretary General of the Organization of American States. At present, there is no Puerto Rican in a comparable position dealing with Latin America.

One step which I am taking immediately to increase inter-American understanding is the creation in Puerto Rico of a North-South Center to bring technical and scientific personnel, managerial personnel, educators and others from both North and South America to Puerto Rico for technical and scientific training and contacts. We feel we have the ideal bi-lingual, bi-cultural setting for such a Center. Puerto Rico, I am convinced, can serve as a bridge to bring our Latin American and North American brethren together before it is too late.

We are actively seeking support for this Center from all quarters—foundations, governments, corporations, private citizens, organizations, and wherever else interest may lie. We feel we have an important contribution to make to our nation's foreign policy through this Center, and as concerned Americans, we are pushing ahead with its establishment.

I feel we must begin to concentrate our foreign policy energies and resources in this hemisphere. There is little we can do in Asia and Africa to change the situation. But Latin America and Europe, which have so much in common with the United States, are our natural allies. Europe and Latin America are our last lines of defense. We can be effective here, in our own backyard, if we will but concentrate more of our energies on Latin American problems and opportunities.

Latin America has always held a special relationship to the United States because of its proximity, our common Western heritage and our common desire to live in this hemisphere in freedom. This special relationship resulted in the Good Neighborhood Policy, the reciprocal trade agreements, the Rio Treaty, the Bogotá Pact, the Caracas Resolution, the Alliance for Progress and many other programs for inter-American security and progress. It has resulted in a proposal to create an Under Secretary of State in the U.S. Department of State with the responsibility of coordinating U.S. policy toward Latin America.

I think, too, that the United States must learn to take criticism from Latin America in stride. The United States will always be an inviting target for attack because of her size and power. Because of her disproportionate wealth and affluence, she will be envied and even disliked. It will always be good politics for the irresponsible demagogue to tug at Uncle Sam's beard. The United Kingdom experienced the same phenomenon at the height of its power. If we cannot be liked then we must strive at least to be respected.

In concluding these remarks on Pan American Day and the Inter-American system, I think it is fitting to return to the memory of the father of Pan Americanism and to his famous "Jamaican Letter" of September 6, 1815. In this letter, Simón Bolivar writes more eloquently than I could ever speak.

I quote:

"How beautiful it would be if the Isthmus of Panamá could be for us what the Isthmus of Corinth was for the Greeks! Would to God that some day we may have the good fortune to convene here an august assembly of representatives of republics, kingdoms and empires to deliberate upon the high interest of peace and war with the nations of the other three-quarters of the globe. This type of organization may come to pass in some happier period of our generation."

## MAYOR RICHARD GORDON HATCHER AND CITY COUNCIL OF GARY, IND., ON THE VIETNAM WAR

(Mr. MADDEN asked and was given permission to extend his remarks in the body of the RECORD and to include a resolution by the City Council of Gary, Ind.)

Mr. MADDEN. Mr. Speaker, when I was home this weekend I was visited by a delegation of citizens from my congressional district who presented a resolution adopted by the City Council of Gary, Ind. The import of the resolution was urging the President and the Congress to exert every effort to bring the war in Vietnam to an immediate end.

The news media of my area, and I might say the Nation, have more or less "played down" in their columns that in a very short time this conflict and vast expenditure of the American taxpayers' money in Southeast Asia has been going on an increasing degree each year for almost 10 years.

They fail to remind the public that the Southeast Asia Treaty, which indirectly led us into our present involvement, was signed in 1954 during the Eisenhower period by the then Secretary of State, John Foster Dulles.

I do not need to repeat the step-by-step progress of our Nation being enmeshed gradually in the Asian mainland troubles until American boys were sent into a shooting war in numbers up to almost one-half million and to date have suffered approximately 41,274 casualties. The unfortunate situation is that over the recent years the people of South Vietnam, who we are trying to protect, have been unable to establish a stable government over any reasonable period of time and have not contributed to the kind of cooperation with our fighting forces that will assure any foreseeable victory.

President Nixon, during his campaign in the fall of 1968, on several occasions assured the American people of a rapid termination of the South Vietnam controversy. He reiterated this statement when he assumed office. Today, the situation in that area at present seems to include the adjoining countries of Laos and Cambodia, which will further complicate our involvement over additional territory on the continent of Asia.

It took the French Government almost 15 years to realize they were in a fathomless war to which they could see no end, and withdraw.

I, and many other citizens of the Nation, endorse President Nixon's statement of a year and 4 months ago when he assured a rapid termination of the conflict and withdrawal of troops. The situation has not changed over this period of time and, according to a recent poll, almost 80 percent of the American people have signified their desire for the return of our boys from Vietnam and surrounding territories.

Generals Thieu and Ky and the South Vietnamese Government should immediately arrange to accept and support an interim coalition government of all factions within the borders of South Vietnam and establish a unified government for their future freedom. Negotiation should also be immediately set up for the release of all American prisoners now being held by the Hanoi Government.

Over the years our Nation has sent billions of dollars into the Southeast Asia war. This has caused unreasonable sacrifices by the American people who are almost unanimous in their desire to spend this money for our many problems here at home. Education, hospital, and school construction, welfare and health needs, housing, highways, and so forth, are some of the primary and immediate needs of millions of folks living in urban areas throughout our Nation.

Mr. Speaker, I ask unanimous consent to include with my remarks the resolution of the City Council of Gary, Ind., and also a message from Mayor Richard Gordon Hatcher to the Common Council, City of Gary, Ind., on the war in Southeast Asia:

RESOLUTION OF THE CITY COUNCIL OF GARY, IND., ON THE NEED TO BRING AN IMMEDIATE END TO U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA

Whereas: Our military involvement in Vietnam and elsewhere in South-East Asia, despite some scaling down of the war there, continues to take a heavy toll in death and destruction on both sides, with the consequent further erosion of our country's position abroad and increased dissension at home; and

Whereas: The immense sums being expended there and elsewhere for carrying on these military operations are so desperately needed here at home, the plight of the city of Gary being but one example of the cost of that war—the schools closed; the welfare system near collapse, health and medical services hard to come by for many in need; whole areas of the city lying in waste and decay—these and other examples might be brought forward almost without end.

Whereas: The Congress has before it proposals that would bring an end to the conflict in keeping with our stated objectives of assuring the people of South Vietnam the right of self-determination.

Be it resolved: That the Council of the City of Gary herewith petitions the President and the Congress to adopt those measures that will ensure an immediate end to our involvement in the war in Vietnam and the withdrawal of *all* our military forces not only from that area, but from Laos and Thailand as well; and

Be it further resolved: That with those steps taken a re-appraisal be made of national priorities to the end that all our people can once again go forward, re-united, in pursuit of those goals set before us over the years by the men and women who carried forward the vision of what this country might become; and

Be it further resolved: That copies of this resolution be sent to the President, and to Senators Vance Hartke and Birch Bayh, and to Representative Ray Madden, and to the Mayor of Gary and the Governor of Indiana.

OFFICE OF THE MAYOR,
*Gary, Ind.*

To: The Common Council, City of Gary, Indiana.
From: Mayor Richard Gordon Hatcher.
Date: April 7, 1970.
Re: Pending Resolution 70–11.

I am most gratified that the Common Council of the City of Gary has addressed itself, via resolution to our Nation's growing involvement in the war in Southeast Asia. The recent news from Laos and Cambodia indicates that, rather than keeping to its promise and disengaging our forces rapidly from Vietnam, our Nation has become involved in warfare in two more countries on the southeast Asian landmass. It therefore behooves all citizens, and all bodies representing our citizens, to speak out in opposition to a policy in southeast Asia which has proved disastrous since its inception.

My interest in supporting the resolution before the council is threefold. First, participation in the war in Vietnam, and now in Laos and perhaps in Cambodia, is in and of itself immoral and harmful. The American people have, time and time again, shown that they want an end to our involvement in this conflict. They have shown that they believe, as they ought to believe, that the affairs of Vietnamese, or Laotions or Cambodians, ought to be managed by them, without the interference of America's armed might.

Secondly, I am concerned because the war has been used as an excuse which has kept a desperately needed larger portion of our national wealth from being used for the solutions of problems faced by Americans at home, problems of the city, of poor people, of environmental pollution, etc. An end to our involvement in the wars of southeast Asia will at least remove the excuse which is now so handy, that we must fund the war on Asian peoples before we fund the war on poverty, on slums, on unemployment, on miseducation and on pollution. The war must end then, and end at once, so that at least the possibility will exist for funding these vital programs.

Thirdly, I am concerned because the heaviest burden of the war is being borne by poor people. The sons of the middle and upper classes can often find ways around service in Vietnam in far greater numbers than can the sons of the poor. Therefore, our army in Vietnam is disproportionately made up of black people and of poor whites and the poor people of Latin American background. The income tax surcharge, a percentage of taxes already payed, rests most heavily on poorer people, who can least spare any additional money, especially for unproductive purposes, from their already inflation-stretched budgets. Thus, the poor bear the weight of this war in three ways—more of their sons die in the war than of any other segment of the population; their problems as city dwellers are neglected; they must pay for the war out of the funds they cannot afford.

For these reasons, I am fully in concurrence with the city council's resolution on ". . . the need to bring an immediate end to United States military involvement in southeast Asia". I congratulate Mrs. Mitchell, who caused the presentation of this resolution to the council. I urge council passage of the resolution.

RICHARD GORDON HATCHER,
*Mayor.*

## EDUCATIONAL TELEVISION

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

Mr. TIERNAN. Mr. Speaker, it has been over 3 years since the Carnegie Commission published its report on educational television. That report proposed a plan that would free the Corporation for Public Broadcasting from the annual Government budgeting and appropriation procedures, by providing for long-range financing through a manufacturer's excise tax on television sets. It is now a year since Prof. Dick Netzer's report "Long-Range Financing of Public Broadcasting" was published. Yet, today the Corporation for Public Broadcasting and the Chairman of the FCC came before the House Subcommittee on Communications in support of another stopgap piece of legislation.

I am surprised that there is such general agreement on the thought that the Corporation should not be subject to the yearly ordeal of trying to cajole Congress into giving a paltry sum of money to finance its work, yet that there is so little action. Congressmen, Senators, FCC Commissioners, the administration, and a host of private concerns have voiced support for the idea of long-term financing. Most agree that the Corporation should not be subject to the political pressures that year-to-year financing causes. Yet we continue to procrastinate on the formulation of such plans.

America has been derelict in its duty to its people. The Government will continue to bear the weight of this criticism as long as it choses to relegate educational television to a position of infirmity due to inadequate financing. We love to think of Americans as the best educated people on the face of the earth, yet we fail to utilize the most potent instructional tool in our educational arsenal to its full potential. U.S. Federal budget outlays for education in 1970 are estimated at $10.1 billion yet the CPB is lucky to get $20 million. Why should we expect full quality instructional broadcasting when we allocate such a meager sum.

The Carnegie and Netzer studies on educational TV have proposed a number of long-range financing plans. I think it is time that we in Congress call on the expertise of the FCC and the Corporation for Public Broadcasting to report to us on the feasibility of these proposals, so that next year we will have legislation before us dealing with this problem.

Sesame Street has shown that TV can be highly instructional yet interesting. We must now show that America is prepared to plan intelligently for the educational needs of today's citizens. We need to try new teaching methods, imaginative technological experiments and a host of other innovations to cope with today's problems.

It is time that each of us stops passing the buck to another Government agency on this issue. We in Congress will pass the needed legislation if only the experts at the CPB, FCC, and HEW will present us with the most viable alternatives. I am today offering to the Congress a concurrent resolution, which calls on these groups to formulate reports and send them to us by October of this year. Each of these groups is charged with dealing with educational TV—here is their opportunity to bring forth the expertise they have.

The 1960's witnessed the advance of educational TV as a broadcasting entity—the 1970's have the potential of seeing it put in a position of major influence and prominence. There should be no partisanship on this issue for we all have been a bit negligent. Let us now resolve to begin the new decade on a positive step.

## ARMY TREATMENT OF KENNETH WAYNE PHILLIPS

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

Mr. TIERNAN. Mr. Speaker, I would like to call the attention of my colleagues to a matter which I feel is a blatant example of the frustrations the bureaucracy, which in this case is the Army, is perpetrating on our young people.

A young constituent of mine, feeling it was his duty to serve our country, enlisted in the Army for 3 years in October of 1966, fully aware of the responsibilities such an act entailed and expecting to be discharged in October 1969. Approximately 9 months later he was caught in a whirlpool from which he has not been able to escape.

In April of 1967, Kenneth Wayne Phillips, was ordered to Fort Dix, N.J., for shipment to Germany, an assignment he willingly accepted. While preparing to go overseas, he was told that his records had been lost and he should go to this home address on record and wait for further notification. In the pursuing months and years, Mr. Phillips made numerous efforts to contact the Army. At one point, he drove to Fort Dix, but was told he did not belong there and was not even allowed to spend the night on the base.

For 2 years Mr. Phillips coped with military inefficiency, callousness, and a basic disregard for justice. For 2 years Mr. Phillips was technically employed by the U.S. Army, but received no pay, and was unable to assume another job. Finally, in June of 1969, exactly 2 years after he was sent home, he was ordered to Fort Devens, Mass., where unbelievable as it may sound, he was charged with being on excessive leave and it was recommended that he be retained in the Army until January 1972.

In February of 1970, I became involved in this case. On the 13th of that month I sent a telegram to 1st Army Headquarters requesting further consideration. In following through on this request, I kept getting reports that the records had been misplaced or misfiled and I began to feel to a small degree the frustration of Mr. Phillips. It is now, 2 months since I started my investigation. Today, I was informed that Mr. Phillips' papers were sent from Fort Benjamin Harrison to the Bureau of Separation and Retirement on March 31. They have still not been received in Washington. If

this was an isolated incident, it might be accepted, but it has become the rule rather than the exception. Gentlemen, these papers have been "lost" at Fort Meade, at Fort Benjamin Harrison, and now at the Bureau of Separation.

I contend that Mr. Phillips' contract with the Army expired in October of 1969. Yet, he is still in the Army and has been told he will have to serve until 1972 to make up the time lost—time lost through no fault of his own.

I have just received the following letter from Fort Devens. This is absurd and it cannot be allowed to continue.

APRIL 10, 1970.

Hon. ROBERT O. TIERNAN,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. TIERNAN: This is in further reply to your inquiry in behalf of Private Kenneth W. Phillips, a member of the 382nd Personnel Services Company, Fort Devens.

In view of the length of time since our last correspondence, we felt it was necessary to advise you that we have not received a determination from the Department of the Army. Please be assured that as soon as a determination is made you will be promptly advised.

Sincerely,

W. F. BLEILER, Jr.,
*Major, AGC, Adjutant General.*

## CONGRATULATIONS TO PRIZE-WINNING EDITORIAL ON HIGHWAY SAFETY FROM THE CLARION, PA., NEWS

(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, it is with a great deal of pride that I bring to your attention an editorial entitled "Will Improve This Road 19??" from the Clarion, Pa., News. The editorial, though depicting a grim and senseless tragedy, won the third-place award in the American Trucking Association's annual newspaper competition for highway safety writing.

The authors of the editorial are Miss B. L. Bartley and Mr. W. L. Smith, present and former editors of the Clarion News which is published in my congressional district.

Each year the ATA sponsors a nationwide competition to recognize newspaper writers who have made outstanding contributions to highway safety. An appropriate ceremony was held here in Washington on April 9 at which time Miss Bartley and Mr. Smith were presented with a $300 check, certificates, and commemorative plaques.

It is strange, sad, and true, that Americans evidence an almost total "unconcern" with the daily carnage on our highways. Traffic "accidents" are something that happen to "the other guy." The grim statistics prove otherwise but who is listening?

Thanks to the efforts of the ATA and courageous writers like Bartley and Smith, the public is being made aware of the necessity for highway planning and construction to cut down on the kinds of tragedies reported in the editorial. Thanks to the organization's recognition of newspaper writers, the program to make the public aware of highway hazards is receiving the kind of press treatment it deserves. No one likes to write about tragedy but those that must deserve the accolades granted by the ATA.

Having driven Clarion's "murderous road" more times than I like to admit, I know from personal experience what Bartley and Smith are writing about. They end their editorial with the plaintive cry, "how many more must die before somebody actually does something" to improve the road?

Such a question is valid for too many of our roads—and not just in Pennsylvania. The public has been warned; the highway department has been warned; the next step is up to you and I—in every State—as citizen road users.

The prize-winning editorial is reproduced below:

WILL IMPROVE THIS ROAD 19??

For reasons presently unknown—and probably never to be known with certainty—a car left Route 322 at the end of the Route 322 bridge on Monday afternoon, rolled over and plunged into 18 feet of water.

But the elderly man and woman who drowned on Monday afternoon, on the 54th anniversary of their marriage, did not die because of brake-failure or recklessness, but because of deadly grades, the dogleg curves and the narrow bridge decks which are the built-in hazards of the state's "horse-and-buggy" bridges across the Clarion here. Monday's deaths were the latest in a long, grim list.

Thus, the death-car's driver had undoubtedly traveled Clarion's murderous River Hills many times, had certainly crossed the too-narrow bridge many times, had perforce twisted around the dog-leg approaches many times. The elderly couple who died on Monday are well-known to many Clarion people, had often patronized Clarion business-places; their home was only 25 miles away.

They died on Monday—just as tragically, just as needlessly, as if they had never before seen our built-in death-traps at the river.

As has happened here so many times before, the community was shocked. The chilling words, "There's a car in the river at the 322 bridge!" always trigger a familiar chain-reaction here. People hearing the news called their homes to make sure of loved ones' whereabouts and safety; volunteer firemen dropped their workaday tasks and sped to the riverbank; several policemen and citizens risked their lives on the river, in its dark depths or on its precipitous bank—to recover two cold, lifeless bodies.

Several people heard an aged woman's shrill, pathetic, hopeless cry for help as the car rolled into the water and sank; the bubbles and oil and the mud came slowly up; a sheared-off strip of chrome-plated metal shone from the thicket from which the rolling car had catapulted off the bank.

Frank and Teresa Regina, 78 and 74, thus suddenly became two more highway-accident statistics. The News charges that their sudden projection into the horde of Pennsylvania's traffic dead was peculiarly unnecessary.

Frank Regina—who was almost certainly driving the car—was driving in a known, familiar situation when his car's brakes failed; he apparently thought he saw a way out of the dilemma, took a desperate chance, steered straight across traffic emerging from a busy, "blind" bridge on his right, bounced straight down a rough, narrow lane. He and his wife were to live only a few seconds longer, because here his luck ran out, the car became unmanageable, it rolled over, the river's water closed over it.

Had the Route 322 bridge's approaches been safer, more suited to today's cars and traffic, wider, straighter, less fraught with old, built-in danger—then this latest victim would have steered his free-rolling car easily out onto a wide and level bridge and would have stopped—alive.

We've now had three vehicle-caused drownings here within four months and four days; and preceding these latest deaths, there have been scores of other, all-too-similar ones. Of the three most-recent fatalities, all were needless, in that none was caused by irresponsible or reckless driving, and in that the old, built-in hazards of the inadequate bridges were primary factors.

There are many, many places within the Commonwealth where the tragic statistics grow much faster than they do at our deadly bridges, it's true. The accident statisticians in Harrisburg can point to notorious stretches of roadway in Pennsylvania which cost more lives in a month than will our bridges and their dogleg curves in a term of years.

But, let's face it; we kill our share, and most of them needlessly since the old, basic factor in all these deaths could be corrected—with the expenditure of some money.

As we drive in Pennsylvania, we all see those Highway Department signs which tell us about our "highway dollars at work" and which say, in others places, "Will improve this road in 1970."

How many more needless death-statistics must we compile, here on our doorstep, before some of those highway dollars do some essential, life-saving work for us?

How many more must die before somebody actually does something?

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELLENBACK (at the request of Mr. GERALD R. FORD) on account of illness—hospitalized in Bethesda Naval Hospital.

Mr. PATMAN (at the request of Mr. BOGGS) for today on account of official business.

Mr. HANNA (at the request of Mr. SISK) for today on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SCOTT for 1 hour, today.

(The following Members (at the request of Mr. BURKE of Florida) to revise and extend their remarks and include extraneous material:)

Mr. CONTE for 20 minutes, April 16.

Mr. ESCH for 5 minutes, today.

Mr. MILLER of Ohio for 5 minutes, today.

Mr. HOGAN for 10 minutes, today.

(The following Members (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ for 10 minutes, today.

Mr. FARBSTEIN for 20 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BETTS, and to include extraneous

material in the Committee of the Whole today on H.R. 16311.

Mr. BYRNES of Wisconsin during general debate on H.R. 16311, to include extraneous material, charts and other tabular matter.

Mr. LANDRUM to revise and extend his remarks made on House Resolution 916.

Members speaking in general debate on H.R. 16311 (at the request of Mr. MILLS) to revise and extend their remarks and include tables, charts, and other extraneous matter.

(The following Members (at the request of Mr. BURKE of Florida) and to include extraneous matter:)

Mr. DUNCAN.
Mr. WYMAN.
Mr. RHODES in five instances.
Mr. BUSH.
Mr. FINDLEY in two instances.
Mr. WINN.
Mr. MCCLORY.
Mr. MYERS.
Mr. DAVIS of Wisconsin.
Mr. HANSEN of Idaho.
Mr. DERWINSKI in two instances.
Mr. REID of New York.
Mr. SCHERLE.
Mr. ROBISON.
Mr. AYRES.
Mr. BOB WILSON in two instances.
Mr. NELSEN in three instances.

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous material:)

Mr. PEPPER.
Mr. JACOBS.
Mr. ROONEY of Pennsylvania.
Mr. MCCARTHY in three instances.
Mrs. GRIFFITHS in two instances.
Mr. GONZALEZ in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in three instances.
Mr. BURKE of Massachusetts in two instances.
Mr. PATMAN in two instances.
Mr. YATRON in two instances.
Mr. DANIEL of Virginia in three instances.
Mr. MARSH.
Mr. HAWKINS in three instances.
Mr. BARING in two instances.
Mr. ALBERT.
Mr. MATSUNAGA.
Mr. O'NEILL of Massachusetts.
Mr. ALEXANDER.
Mr. RYAN in three instances.
Mr. EDWARDS of California.
Mr. FRIEDEL in two instances.
Mr. DINGELL.
Mr. VANIK in two instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2846. An act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3637. An act to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes; to the Committee on Interstate and Foreign Commerce.

## MOTION TO ADJOURN OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I move that the House do now adjourn.

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

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HAYS. 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.

Mr. Justice Douglas has been on the Bench for a great many years, and he can wait for one more night. I have not had my dinner.

The SPEAKER pro tempore. The Chair will count.

Mr. HAYS. Mr. Speaker, I am willing to withhold my motion if the gentleman wants to ask permission to insert his remarks, but obviously all these speeches were written by the same author, and I do not think we ought to have to sit here and listen to them.

Mr. SCOTT. Mr. Speaker, if the gentleman will yield, my remarks will not take more than 10 minutes.

Mr. HAYS. I have been hearing that for a long time now.

Mr. WYMAN. Mr. Speaker, I rise to a point of special privilege.

The SPEAKER pro tempore. There is a motion pending.

Mr. HAYS. Mr. Speaker, I insist on the point of order.

The SPEAKER pro tempore. The gentleman from Ohio insists on the point of order.

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 81, nays 75, not voting 274, as follows:

[Roll No. 80]

YEAS—81

| | | |
|---|---|---|
| Adair | Haley | Podell |
| Albert | Hays | Pollock |
| Ayres | Henderson | Price, Ill. |
| Bell, Calif. | Hungate | Pucinski |
| Berry | Hunt | Randall |
| Brasco | Jacobs | Reid, Ill. |
| Brinkley | Jones, Ala. | Reifel |
| Burke, Mass. | Jones, Tenn. | Rogers, Colo. |
| Bush | Kazen | Rostenkowski |
| Clausen, Don H. | McClory | Roth |
| | McEwen | Roudebush |
| Collins | Mahon | Ruth |
| Colmer | Mann | Scherle |
| Cunningham | Matsunaga | Scott |
| Davis, Wis. | Mayne | Skubitz |
| Dennis | Michel | Staggers |
| Derwinski | Miller, Ohio | Stanton |
| Devine | Minish | Stratton |
| Downing | Nelsen | Taylor |
| Dulski | O'Hara | Vanik |
| Evans, Colo. | O'Konski | Watkins |
| Fish | O'Neal, Ga. | Whitehurst |
| Ford, Gerald R. | Patten | Winn |
| Friedel | Perkins | Wold |
| Gonzalez | Philbin | Wydler |
| Gray | Pickle | Zwach |
| Green, Oreg. | Pirnie | |
| Grover | Poage | |

NAYS—75

| | | |
|---|---|---|
| Addabbo | Foreman | Mizell |
| Anderson, Calif. | Fountain | Myers |
| | Frey | Natcher |
| Belcher | Gallagher | Obey |
| Bennett | Gilbert | Rarick |
| Bray | Griffin | Roybal |
| Brotzman | Hagan | Ryan |
| Brown, Ohio | Hall | St. Onge |
| Burlison, Mo. | Hammer-schmidt | Saylor |
| | | Schadeberg |
| Caffery | Harrington | Slack |
| Camp | Hastings | Smith, Iowa |
| Chamberlain | Hechler, W. Va. | Snyder |
| Chappell | Helstoski | Steiger, Wis. |
| Clawson, Del | Hogan | Stephens |
| Cleveland | Horton | Stokes |
| Corman | Hosmer | Stubblefield |
| Culver | Johnson, Calif. | Symington |
| Daniels, N.J. | Jonas | Thompson, Ga. |
| Dickinson | Jones, N.C. | Wampler |
| Duncan | Koch | Watson |
| Eckhardt | Landgrebe | Wiggins |
| Flowers | Lloyd | Wyatt |
| Flynt | McCarthy | Wylie |
| Foley | Mink | Wyman |
| Ford, William D. | Minshall | Zion |

NOT VOTING—274

| | | |
|---|---|---|
| Abbitt | Diggs | Lennon |
| Abernethy | Dingell | Long, La. |
| Adams | Donohue | Long, Md. |
| Alexander | Dorn | Lowenstein |
| Anderson, Ill. | Dowdy | Lujan |
| Anderson, Tenn. | Dwyer | Lukens |
| | Edmondson | McCloskey |
| Andrews, Ala. | Edwards, Ala. | McClure |
| Andrews, N. Dak. | Edwards, Calif. | McCulloch |
| | Edwards, La. | McDade |
| Annunzio | Eilberg | McDonald, Mich. |
| Arends | Erlenborn | |
| Ashbrook | Esch | McFall |
| Ashley | Eshleman | McKneally |
| Aspinall | Evins, Tenn. | McMillan |
| Baring | Fallon | Macdonald, Mass. |
| Barrett | Farbstein | |
| Beall, Md. | Fascell | MacGregor |
| Betts | Feighan | Madden |
| Bevill | Findley | Mailliard |
| Blaggi | Fisher | Marsh |
| Biester | Flood | Martin |
| Bingham | Fraser | Mathias |
| Blackburn | Frelinghuysen | May |
| Blanton | Fulton, Pa. | Meeds |
| Blatnik | Fulton, Tenn. | Melcher |
| Boggs | Fuqua | Meskill |
| Boland | Galifianakis | Mikva |
| Bolling | Garmatz | Miller, Calif. |
| Bow | Gaydos | Mills |
| Brademas | Gettys | Mize |
| Brock | Giaimo | Mollohan |
| Brooks | Gibbons | Monagan |
| Broomfield | Goldwater | Montgomery |
| Brown, Calif. | Goodling | Moorhead |
| Brown, Mich. | Green, Pa. | Morgan |
| Broyhill, N.C. | Griffiths | Morse |
| Broyhill, Va. | Gross | Morton |
| Buchanan | Gubser | Mosher |
| Burke, Fla. | Gude | Moss |
| Burleson, Tex. | Halpern | Murphy, Ill. |
| Burton, Calif. | Hamilton | Murphy, N.Y. |
| Burton, Utah | Hanley | Nedzi |
| Button | Hanna | Nichols |
| Byrne, Pa. | Hansen, Idaho | Nix |
| Byrnes, Wis. | Hansen, Wash. | Olsen |
| Cabell | Harsha | O'Neill, Mass. |
| Carey | Harvey | Ottinger |
| Carter | Hathaway | Passman |
| Casey | Hawkins | Patman |
| Cederberg | Hébert | Pelly |
| Celler | Heckler, Mass. | Pepper |
| Chisholm | Hicks | Pettis |
| Clancy | Holifield | Pike |
| Clark | Howard | Poff |
| Clay | Hull | Powell |
| Cohelan | Hutchinson | Preyer, N.C. |
| Collier | Ichord | Price, Tex. |
| Conable | Jarman | Pryor, Ark. |
| Conte | Johnson, Pa. | Purcell |
| Conyers | Karth | Quie |
| Corbett | Kastenmeier | Quillen |
| Coughlin | Kee | Railsback |
| Cowger | Keith | Rees |
| Cramer | King | Reid, N.Y. |
| Crane | Kirwan | Reuss |
| Daddario | Kleppe | Rhodes |
| Daniel, Va. | Kluczynski | Riegle |
| Davis, Ga. | Kuykendall | Rivers |
| Dawson | Kyl | Roberts |
| de la Garza | Kyros | Robison |
| Delaney | Landrum | Rodino |
| Dellenback | Langen | Roe |
| Denney | Latta | Rogers, Fla. |
| Dent | Leggett | Rooney, N.Y. |

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|---|---|---|
| Rooney, Pa. | Steed | Waldie |
| Rosenthal | Steiger, Ariz. | Watts |
| Ruppe | Stuckey | Weicker |
| St Germain | Sullivan | Whalen |
| Sandman | Taft | Whalley |
| Satterfield | Talcott | White |
| Scheuer | Teague, Calif. | Whitten |
| Schneebeli | Teague, Tex. | Widnall |
| Schwengel | Thompson, N.J. | Williams |
| Sebelius | Thomson, Wis. | Wilson, Bob |
| Shipley | Tiernan | Wilson, Charles H. |
| Shriver | Tunney | |
| Sikes | Udall | Wolff |
| Sisk | Ullman | Wright |
| Smith, Calif. | Van Deerlin | Yates |
| Smith, N.Y. | Vander Jagt | Yatron |
| Springer | Vigorito | Young |
| Stafford | Waggonner | Zablocki |

So the motion was agreed to.

Messrs. SCOTT, GERALD R. FORD, ALBERT, POAGE, RANDALL, MANN, PICKLE, FRIEDEL, O'HARA, ROSTENKOWSKI, PATTEN, DULSKI, MAHON, PHILBIN, PERKINS, TAYLOR, RUTH, PRICE of Illinois, WYDLER, GROVER, PIRNIE, Mrs. REID of Illinois, and Messrs. WHITEHURST, POLLOCK, DENNIS, DAVIS of Wisconsin, MICHEL, ROTH, STANTON, EVANS of Colorado, JONES of Tennessee, GRAY, STAGGERS, NELSEN, WINN, BUSH, JACOBS, Mrs. GREEN of Oregon, and Messrs. REIFEL, ZWACH, KAZEN, McEWEN, DON H. CLAUSEN, VANIK, BURKE of Massachusetts, and O'NEAL of Georgia changed their votes from "nay" to "yea."

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON of Georgia. Mr. Speaker, if there is no quorum present, and there is a negative vote, what is the action of the Chair?

The SPEAKER pro tempore. The Chair will state that the action of the Chair is to wait until a quorum appears.

Mr. THOMPSON of Georgia. If no quorum appears, then what?

The SPEAKER pro tempore. The Chair will state that if a quorum does not appear, then the House operates under the automatic rule that they would bring the Members in.

Mr. THOMPSON of Georgia. Is a motion in order to go out and arrest the Members and bring them in?

The SPEAKER pro tempore. Under the rule, the Sergeant at Arms would bring the Members in.

Mr. THOMPSON of Georgia. Thank you, Mr. Speaker.

Messrs. CUNNINGHAM, MILLER of Ohio, ROUDEBUSH, HALEY, BERRY, BELL of California, SKUBITZ, O'KONSKI, DERWINSKI, WOLD, COLLINS, PUCINSKI, and ROGERS of Colorado changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The doors were opened.

## ADJOURNMENT

Accordingly (at 9 o'clock and 51 minutes p.m.) the House adjourned until tomorrow, Thursday, April 16, 1970, at 12 o'clock noon.



## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1925. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a revised report correcting the report transmitted April 14, 1970, on the operation of the limitation on 1970 outlays, pursuant to section 401 of the Second Supplemental Appropriation, 1969 (Public Law 91–47) (H. Doc. No. 91–310); to the Committee on Appropriations and ordered to be printed.

1926. A letter from the Comptroller General of the United States, transmitting a report on the results of the examination of financial statements of the Tennessee Valley Authority for fiscal year 1969, pursuant to 31 U.S.C. 841 (H. Doc. No. 91–309); to the Committee on Government Operations and ordered to be printed.

1927. A letter from the Attorney General, transmitting his annual report for fiscal year 1969; to the Committee on the Judiciary.

1928. A letter from the Postmaster General, transmitting a copy of the revenue and cost analysis report for fiscal year 1969, pursuant to 39 U.S.C. 2331; to the Committee on Post Office and Civil Service.

1929. A letter from the Secretary of the Treasury, transmitting an explanation of legislative proposals for accelerated payment of gift and estate taxes; to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 16999. A bill to amend the Internal Revenue Code of 1954 to provide for an income tax deduction for additions to reserves for estimated air and water pollution control expenses; to the Committee on Ways and Means.

H.R. 17000. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for depreciation on capital expenditures incurred in connecting residential sewer lines to municipal sewer systems; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 17001. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BIESTER (for himself and Mr. STEIGER of Wisconsin):

H.R. 17002. A bill to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons; to the Committee on Banking and Currency.

By Mr. COLLIER:

H.R. 17003. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 17004. 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. FARBSTEIN (for himself, Mr. MOSS, Mr. ECKHARDT, Mr. MURPHY of NEW YORK, Mr. ROONEY of Pennsylvania, Mr. OTTINGER, Mr. TIERNAN, Mr. ADDABBO, Mr. ANDERSON of California, Mr. BINGHAM, Mr. BOLAND, Mr. BRASCO, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. CLAY, Mr. CORMAN, Mr. DADDARIO, Mr. EDWARDS of California, Mr. WILLIAM D. FORD, Mr. FREY, Mr. FULTON of Pennsylvania, and Mr. GALLAGHER):

H.R. 17005. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself, Mr. MOSS, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. HORTON, Mr. JACOBS, Mr. KOCH, Mr. LOWENSTEIN, Mr. MATSUNAGA, Mr. MIKVA, Mr. MILLER of California, Mr. MOORHEAD, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. POWELL, Mr. REES, Mr. REUSS, Mr. RODINO, Mr. ROE, and Mr. RYAN):

H.R. 17006. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself, Mr. MOSS, Mr. ST. ONGE, Mr. SCHEUER, Mr. TUNNEY, Mr. UDALL, Mr. CHARLES H. WILSON, and Mr. YATES):

H.R. 17007. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 17008. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 17009. 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. FULTON of Tennessee:

H.R. 17010. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs; to the Committee on House Administration.

By Mr. GARMATZ (for himself, Mr. CLARK, Mr. LENNON, Mr. KEITH, and Mr. GROVER):

H.R. 17011. A bill to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GETTYS:

H.R. 17012. 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 Mrs. GRIFFITHS:

H.R. 17013. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HANNA (for himself and Mr. VAN DEERLIN):

H.R. 17014. A bill to create marine sanctuaries from leasing pursuant to the Outer

Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Interior and Insular Affairs.

By Mr. HENDERSON (for himself, Mr. LENNON, Mr. TAYLOR, Mr. GALIFIANAKIS, and Mr. JONES of North Carolina):

H.R. 17015. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. JARMAN:

H.R. 17016. 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. QUILLEN:

H.R. 17017. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RIVERS:

H.R. 17018. A bill to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 17019. A bill to amend the Public Health Service Act, the Federal Food, Drug and Cosmetic Act, the Community Mental Health Centers Act, and other acts to establish a comprehensive program to deal with narcotic addiction and drug abuse, to provide for control of marihuana, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUDEBUSH:

H.R. 17020. A bill to amend title 39, United States Code, to provide for the mailing at no cost to the sender of first-class letter mail containing Federal income tax returns and certain related matter; to the Committee on Post Office and Civil Service.

By Mr. ST. ONGE (for himself and Mr. DAVIS of Georgia, Mr. GALLAGHER, Mr. HALL, Mr. MURPHY of Illinois):

H.R. 17021. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHADEBERG:

H.R. 17022. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 17023. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ESHLEMAN:

H.R. 17024. A bill to provide for orderly trade in textile articles and articles of leather footwear and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN (for himself, Mr. MOSS, and Mr. HAWKINS):

H.R. 17025. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA (for himself, Mr. NELSEN, and Mr. ABERNETHY):

H.R. 17026. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. GREEN of Pennsylvania:

H.R. 17027. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 17028. A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 17029. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 17030. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 17031. A bill to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps; to the Committee on Education and Labor.

By Mr. ST. ONGE (for himself, Mr. BUTTON, Mrs. CHISHOLM, Mr. COWGER, Mr. DADDARIO, Mr. DIGGS, Mr. EDWARDS of California, Mr. ESCH, Mr. GOLDWATER, Mr. HAMILTON, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. HICKS, Mr. HOWARD, Mr. HUNGATE, Mr. KOCH, Mr. LONG of Louisiana, Mr. MACGREGOR, Mr. MCKNEALLY, Mr. MIKVA, Mr. MOLLOHAN, Mr. MOORHEAD, Mr. MURPHY of New York, Mr. NIX, and Mr. PERKINS):

H.R. 17032. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ST. ONGE (for himself, Mr. BROWN of California, Mr. DULSKI, Mr. POWELL, Mr. ROE, Mr. ST GERMAIN, Mr. WALDIE, and Mr. WIDNALL):

H.R. 17033. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 17034. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 17035. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 17036. A bill to extend to all unmarried individuals the full tax benefits of income now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. HALPERN, Mr. HASTINGS, Mr. LUKENS, and Mr. WATSON):

H.J. Res. 1172. Joint resolution proposing an amendment to the Constitution of the United States, with respect to the appointment of judges of the Supreme Court; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 1173. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; to the Committee on the Judiciary.

By Mr. SCHWENGEL (for himself, Mr. MAYNE, Mr. KYL, Mr. GROSS, and Mr. TAFT):

H. Con. Res. 574. Concurrent resolution providing that the Chief Justice of the United States be invited to address a joint session of Congress on the state of the judiciary; to the Committee on Rules.

By Mr. MINSHALL:

H. Res. 918. Resolution to provide an annual appropriation for cancer research; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH (for himself and Mr. ADAIR):

H. Res. 919. Resolution expressing the support of the House of Representatives with respect to the Strategic Arms Limitation Talks, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 920. Resolution impeaching William O. Douglas, Associate Justice of the Supreme Court of the United States, of high crimes and misdemeanors in office; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIEL of Virginia:

H.R. 17037. A bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the estate of the late R. Gordon Finney, Jr.; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 17038. A bill for the relief of Laurence E. Peterson; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 17039. A bill for the relief of Alberto Gutierrez-Silva; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 17040. A bill for the relief of Constantin Polycandriotis, his wife, Helene Polycandriotis, and their two sons, Peter and Dimitros Polycandriotis; to the Committee on the Judiciary.

By Mr. MCCULLOCH:

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

355. By the SPEAKER: A memorial of the Legislature of the State of Kansas, relative to rescinding its actions memorializing Congress to call conventions for the purpose of proposing amendments to the Constitution of the United States; to the Committee on the Judiciary.

356. Also, a memorial of the Legislature of the State of California, relative to recognition of Mexican-Americans in the census; to the Committee on Post Office and Civil Service.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

450. The SPEAKER presented a petition of the Florida Board of Regents, State University System of Florida, Tallahassee, Fla., relative to designating Cape Kennedy as the operational base of the space shuttle system, which was referred to the Committee on Science and Astronautics.