FARM TRUCKS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MICHEL. Mr. Speaker, I know that many of my colleagues who represent rural America are as concerned as I am about the Department of Transportation actions relating to drivers of farm trucks.

I think the following editorial from the April 17 issue of the Prairie Farmer sums up my feelings on this matter very concisely:

THIS FARM REGULATION DOESN'T MAKE SENSE

A Department of Transportation edict says that effective July 1 no youth under 21 can drive a truck. Farmers are understandably appalled at the stupidity of this ruling.

The weakness of such a blanket directive from Washington was never so obvious. Actually the ruling was directed at the trucking industry which generally involves large heavy tractor trucks engaged in interstate hauling. Few would argue that skilled mature drivers are essential for this work.

Unfortunately, the federal regulation indiscriminately covers farm youth driving small pickup trucks as well. There is method in this, madness, of course. Some safety regulation is good and necessary, but many grown men can remember driving farm trucks at an early age without mishap.

Farmers have a safer record as truck drivers than commercial teamsters. Farmers drive 3.7 million trucks, generally in short hauls and by family members as well as hired help. Insurance records show that they have only one-third of the bodily injury accidents for all nonfleet commercial vehicles.

The department of transportation has delayed its decision on this matter until July 1. We trust that Secretary John Volpe will see fit to extend the exemption to farm youth driving farm trucks. It makes no sense to entangle farmers further in more high-cost red tape.

HOUSE OF REPRESENTATIVES—*Thursday, April 29, 1971*

The House met at 12 o'clock noon.

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

I trust in the steadfast love of God forever and ever.—Psalms 52: 8.

Most gracious God and Father of mankind, we give Thee our humble and hearty thanks for this good land in which we live and for which we labor, for the freedoms which are ours, for the privileges we enjoy, and for the opportunities open to us day after day. May we be conscious of the responsibilities laid upon us as a free people to so live and to so labor that freedom may continue to be the air we breathe and the atmosphere in which we do our work.

Bless and guide all who work for our country—our President, our Speaker, our Members of Congress, our judges, our Armed Forces, our prisoners of war, all who work on the earth, under the earth, and above the earth. May these labors be done for Thy glory and for the good of mankind. Thus may America be the enduring pattern of justice and peace in our world.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

HON. MENDEL J. DAVIS

Mr. MCMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina, Mr. MENDEL DAVIS, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

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

There was no objection.

Mr. MENDEL J. DAVIS appeared at the bar of the House and took the oath of office.

A CALL FOR THE RESIGNATION OF UMW PRESIDENT W. A. "TONY" BOYLE

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

Mr. HECHLER of West Virginia. Mr. Speaker, a tremendous victory has been scored for the forces of decency within the United Mine Workers of America. The decision of the U.S. district court late yesterday confirmed the conspiracy charges against UMW President W. A. "Tony" Boyle involving the union, the UMW-controlled National Bank of Washington, and the UMW welfare and retirement fund.

This decision is great news for all coal miners, widows, and survivors who have been bilked out of their hard-earned investments through this giant conspiracy involving millions of dollars. The court made it clear that this welfare and retirement fund belongs to the coal miners and their families, rather than being the property of the union or Tony Boyle's whims.

One by one, all of the charges made by the martyred "Jock" Yablonski during his 1969 campaign for the UMW presidency are being proven true. I was proud to campaign shoulder to shoulder with Jock Yablonski during that turbulent campaign in an attempt to restore the rights of coal miners who have been kicked around and exploited too long.

Not long ago, Mr. Boyle was ordered removed as a director of the UMW-controlled National Bank of Washington. Now he has been ordered removed as a trustee of the UMW welfare and retirement fund. And I predict it will not be long before he is removed as president of the union itself.

Mr. Boyle ought to resign now and enable the coal miners to be represented by a strong, clean union which stands up for the rights of all miners throughout the coal fields.

CENSURE CALLED FOR ON MEMBERS' MISUSE OF MEETING ROOMS

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

Mr. WYMAN. Mr. Speaker, I rise to protest against the misuse of facilities and rooms of the Congress by certain Members purporting to conduct congressional hearings on so-called atrocities by members of the armed services of the United States. The use of rooms and facilities of the House to willfully undermine our Armed Forces, damage the reputation of the United States at home and abroad, as well as to make infinitely more difficult the release of our prisoners of war or a negotiated settlement in Southeast Asia, by Members of Congress without any committee authorization whatever, is a deliberate misuse of the facilities of the Congress.

Its continuation is a disgrace to the House and an affront to the authority of Congress itself. No such hearings have ever been authorized. The public is being misled.

A more contrived assault on both the reputation of our fighting men or the jurisdiction of the House Armed Services Committee, would be hard to find. It's hard to see how Congress can complain of permissivism in the Nation if it is to be itself permissive toward such misuse of its facilities and abuse of its standing committees.

Mr. Speaker, I urge that this activity be stopped and that it be made clear that in the future the facilities of the Congress may not be used lacking authority from the House. This sort of conduct while our men are fighting abroad is disgraceful. I believe it merits censure.

Because of the limitations of the 1-minute rule I shall extend these remarks further in the body of the RECORD.

GREEK GOVERNMENT MOVING TOWARD NORMALITY

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

Mr. DERWINSKI. Mr. Speaker, when the present Government of Greece took control of the country in 1967, it was subject to a standard attack from the liberal establishment. Since then, the Greek Government has been subject to a con-

stant barrage of emotional and exaggerated criticism.

I have consistantly maintained that the special cooperation by the Greek Government within NATO, the long history of friendship between the people of Greece and the United States, and the country's obvious geographic relationship to the Middle East, are such that it was practical for us to properly wait for the developments which the government had promised.

While the progress toward reintroduction of democracy has been less than speedy, it is obvious. For example, within the last few weeks the Greek Government has further liberalized provisions pertaining to detainees, closed down the last prison camps, and withdrawn a number of cases from the authority of the courts-martial, referring them to normal civil courts.

Mr. Speaker, of special interest should be the further easing of regulations pertaining to the press. When all these developments are carefully reviewed, even the critics of the Greek Government should grudgingly reach the point of view that slowly, but surely, the regime in Athens is moving toward the restoration of normal political conditions.

COMMENDATION OF PRESIDENT ON RELATIONS WITH COMMUNIST CHINA

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

Mr. CONTE. Mr. Speaker, I rise today to do something that we in this House, and most assuredly those in the other body, do precious little of—commend our President for bold and progressive action.

I am speaking now of Mr. Nixon's wise and welcomed initiatives toward improving the long stalemated relations between this Nation and Communist China.

Everyone in this body knows that what has occurred during the past few remarkable weeks is no cause for widespread euphoria. Only an infant step has been taken by each country; tentative toes dipped into international waters to test the temperature. But, coming as it does after 22 years of no communication whatsoever, even this small beginning is praiseworthy.

Surely, there could be imagined no more innocuous beginning than smiles across a ping-pong table. Yet, how preferable this is to continued fear, distrust, and noncommunication.

Even such a small start demands a changed atmosphere from what we have known for nearly the past quarter century. Mr. Nixon has worked quietly over the past 2 years to help bring about this change.

When the invitation came, the President reacted swiftly and favorably with a lessening of trade restrictions and a cordial announcement that he would welcome visitors from Red China.

There has been no appreciable change in the size or complexity of the differences between the United States and Red China—and we would be deceiving only ourselves if we believed there had been. But, for once in a hostile world, two large powers are giving a try at a civilized approach.

For that, I commend our President highly and I pledge my support for a continuation of his efforts.

USE OF PUBLIC AREAS IN THE NATION'S CAPITAL

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

Mr. FREY. Mr. Speaker, last night in the area between the Lincoln Memorial and 17th Street, south of the Reflecting Pool, there were several softball games taking place. At the far end of this area—about 500 yards from the game—were a group of people with some mule teams, apparently camping in. During the start of the softball games, one of which I was involved in, the police informed us that we could not play there because the entire area from the Lincoln Memorial to 17th Street had been reserved by this group and was closed to the public until May 10.

Now, I am all for people having the right to peacefully protest; however, it is getting ridiculous when we have to close down all our public places for less than the 50 people there last night. This was just a group of Americans, black and white, with their wives and children having fun in a public place.

Subsequently, I found out the full extent of this interference with recreational opportunities for intercity residents. The PCPJ—People's Coalition for Peace and Justice— will occupy the entire West Potomac Park until May 9 and the SCLC will occupy the area bounded by Independence Avenue, the Lincoln Memorial, 17th Street, and the south edge of the Reflecting Pool until May 5.

Between now and May 10, the use of all of these parklands will be denied to the public and, in particular, to the city's residents, mostly black, who use these areas for recreation. Nine softball diamonds and two cricket fields will be closed.

The District of Columbia Recreational Office told me today that they were very upset about this as it means that almost all recreational and group activities for the city's residents and for the public at large will come to a grinding halt—and, just when there is a great increase in use of these parklands by the city's youngsters and the public. The entire softball schedule, for instance, will be postponed during this time; 65 games have been canceled. The District of Columbia Recreational Office said that this will put the entire program for the spring and summer into disarray.

Mr. Speaker, what are we coming to? I would be among the first to guarantee to the SCLC and PCPJ the right to petition their Government and peacefully protest. But, we allow these demonstrators to prevent others from exercising their own right to use public parkland for recreation?

These parklands were designed for recreation—not to be used as a private campground. It is time that the rights of all the people should be considered and not just those of a vocal few.

AGITATION AND DISRUPTION BY ANTIWAR DEMONSTRATION HAS SERVED NO VISIBLE PURPOSE

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

Mr. EDWARDS of Alabama. Mr. Speaker, the agitation and disruption created by the antiwar demonstrators this week has served no visible purpose, as I see it, other than to alienate a great many people against the cause these dissenters claim to represent. We all want our troops to be brought home from Vietnam as quickly as possible. Well, the tearing up of park benches for firewood, the burning and desecration of the American flag, disrupting vehicle traffic, and moaning and groaning in the Halls of Congress certainly will not bring our troops home any sooner. I will tell you what it will do, though. It will create an increasing feeling of repulsion and resentment toward these malcontents from every freedom loving citizen of this Nation. And if that is what they want, they appear well on the road to bringing this about.

The cause of getting us out of Indochina is nothing new. These protestors have voiced their opinions a hundred times over. We have heard them. We have read them. And, frankly, I think most of us have had a stomach full of their rantings and ravings.

I believe President Nixon, Attorney General John Mitchell, and the Washington police should abandon their wait-and-see attitude immediately, and get on with the job of seeing to it that these irresponsible malcontents pack up and hit the road out of Washington without another day's delay.

U.S.S. "GLENARD P. LIPSCOMB," SSN–685

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

Mr. HOSMER. Mr. Speaker, Secretary of the Navy John H. Chafee is to be congratulated on his decision to name the Navy's first quiet submarine for our departed colleague, Glen Lipscomb.

Glen was among the strongest congressional supporters of our nuclear Navy, and particularly of the Navy's nuclear undersea arm. At the time of his passing in February 1970, he was the ranking minority member of the House Defense Appropriations Subcommittee.

The keel of the U.S.S. *Glenard P. Lipscomb*, SSN–685, will be laid June 5 in Groton, Conn., at the Electric Boat Division of General Dynamics Corp. The ship will feature a turbine electric drive and other advanced silencing techniques for quieter operation. It is expected to

provide the Navy guidelines for developing newer and even better silencing techniques for its submarines.

A close friend of Mr. Lipscomb, Vice Adm. H. G. Rickover, is the guiding genius behind the nuclear Navy in general and the quieting of its ships in particular.

THREATS BY PEACE DEMONSTRATORS TO CLOSE THE DISTRICT OFFICE OF REPRESENTATIVE TEAGUE OF CALIFORNIA

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

Mr. TEAGUE of California. Mr. Speaker, I have just received notice that peace demonstrators will attempt to close down my California district congressional office 1 day next week.

Now, what in the world they think they are going to gain by doing this is more than I know.

I do not plan to be in the office at that time because of my duties here in the House of Representatives, but I do have three women employed there full time who take care of our casework consisting of cases of men who have returned from Vietnam, conscientious objectors, and all sorts of problems with which we have to deal.

Mr. Speaker, we are not going to close down the office.

Perhaps, the people who think they will accomplish something by this sort of activity will have second thoughts.

MEMBERS OF CONGRESS WHO HAVE CALLED HEARINGS ON WAR CRIMES

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

Mr. RYAN. Mr. Speaker, in response to the gentleman from New Hampshire who spoke a moment ago, the Members of Congress who have called and conducted the ad hoc hearings on war crimes have done so out of a sense of responsibility to themselves, to their constituents, and to the Nation.

If the gentleman from New Hampshire had attended those hearings, I am sure the gentleman would have learned a good deal, and the hearings might have had an effect upon his thinking about the war which continues to rage in Southeast Asia.

Mr. Speaker, we have offered to turn over to the Armed Services Committee the testimony which has been elicited, and the Armed Services Committee had an opportunity to have the witnesses come before it.

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

Mr. RYAN. I shall yield to the gentleman from New Hampshire after I have finished my statement.

It is essential that Congress and the American people understand the nature of the war in Vietnam—the death and devastation visited among a civilian population, the brutalization of young American soldiers, the failure of command responsibility. The war must end. I hope that the hearings will help Congress to realize how wrong it has been.

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

Mr. RYAN. I yield to the gentleman from Louisiana, the chairman of the Armed Forces Committee.

Mr. HÉBERT. Mr. Speaker, I think the gentleman from New York has made an inaccurate statement. The Armed Services Committee has had repeated correspondence with those individuals who want to hold rump sessions and have asked them to give the committee any evidence they have and we will look into it. However, to this date, we have not received one word.

Mr. RYAN. The full transcript will be sent to the chairman of the Armed Services Committee, and I urge him to use it as the basis for exhaustive hearings in order to fix ultimate responsibility for the way in which this war has been conducted.

The SPEAKER. The time of the gentleman has expired.

SUBPENAING OF TELEPHONE RECORDS

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

Mr. HAYS. Mr. Speaker, it will be in the newspapers eventually anyway, but I would like to notify the Members of the Congress that it has come to my attention as chairman of the House Committee on House Administration that at least one former U.S. district attorney has undertaken to subpena telephone records of certain Members of the Congress, with a subpena signed by an assistant clerk of a Federal court. That is the only signature on it.

That gentleman will appear before the committee on next Tuesday to explain why these actions have taken place in the past. I can assure the House this—that I am making arrangements that subpenaing of phone calls of Members from now on will be only through the Clerk of the House. If there is any wrongdoing or suspected wrongdoing on the part of a Member those records could be subpenaed in the regular order; that is, by providing the Clerk of the House of Representatives with a subpena which he would then present to the House for the House to approve for turning those records over to a court. This would permit it to be known, and it would permit it to be done in an orderly fashion, but I can assure you that so long as I am chairman of the House Committee on House Administration that there is not going to be any back-door subpenaing of any private records of any Members of the Congress, because I am going to do all I can to preserve the separation of powers, even if we have to put in our own phone system around here.

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

MORATORIUM ON TROOP REPLACEMENTS TO VIETNAM

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

Mr. PUCINSKI. Mr. Speaker, there has been an encouraging response to our call for signatures on discharge petition No. 2, which calls upon the President to impose a moratorium on the sending of any further troops to Vietnam. Under our proposal, as the troops are being rotated back home in the normal rotation system, they would not be replaced. I hope that the President will seriously consider such a moratorium at this time.

Between now and December 1, when the President's directive for reducing U.S. forces by 100,000 in Vietnam becomes fully effective, we will send to Vietnam only 31,930 replacements. This figure is arrived at by computing the total number of U.S. troops that will be rotated home during the next 7 months. This comes out to 131,930. Since President Nixon has ordered a troop reduction of 100,000 troops between May 1 and December 1, 1971, we will replace only 31,930 troops during that period. Therefore, I have reason to believe that a moratorium at this time would indeed lead the way to the release of our prisoners of war, and also lead the way to a cease-fire in Vietnam, so that we could ultimately get all our troops out of Vietnam.

Mr. Speaker, I ask all of our colleagues to support this discharge petition No. 2 but, more importantly, I hope our President will consider such a moratorium at this time as a means of opening up a new dimension for the peace talks in Paris. I believe since only 31,930 replacement troops are involved in the next 7 months, it is worth the risk that a moratorium would lead to release of our prisoners of war and a cease-fire.

The SPEAKER. The time of the gentleman has expired.

AUTHORIZING FUNDS FOR EXPENSES OF THE COMMITTEE ON INTERNAL SECURITY

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 274

Resolved, That (a) effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to clause 11 of rule XI of the Rules of the House of Representatives, incurred by the Committee on Internal Security, acting as a whole or by subcommittee, not to exceed $670,000, including expenditures—

(1) for the employment of investigators, experts, attorneys, special counsel, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to

section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions; shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and not to exceed $2,500 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Internal Security shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, this matter comes to the House from the Committee on House Administration. Am I correct in understanding that the rules under which this resolution will be debated provides for 1 hour of debate

The SPEAKER. The gentleman is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, the gentleman from New Jersey controls the time of 1 hour; is that correct?

The SPEAKER. That is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, am I correct in my understanding that no person will be recognized during debate for an amendment to the committee amendment, and there is a committee amendment on this resolution, or for an amendment to the resolution under the rules unless the gentleman from New Jersey yields for that purpose?

The SPEAKER. The gentleman is correct.

Mr. ICHORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Mr. Speaker, when will the vote on the committee amendment come? Will that be at the conclusion of debate or upon the adoption of the previous question, if the gentleman from New Jersey moves the previous question?

The SPEAKER. Upon the adoption of the previous question, the first vote will come on the amendment.

Mr. ICHORD. I thank the Speaker.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 6, strike out "$670,000" and insert in lieu thereof "$450,000".

The SPEAKER. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 274, which would provide the money for the Committee on Internal Security came before the subcommittee on accounts of the Committee on House Administration of which I am a member. The chairman of the Committee on Internal Security was invited to appear as was the ranking minority member, and we had what we considered to be a comprehensive——

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 73]

Alexander	Gray	Moorhead
Anderson, Tenn.	Green, Pa.	Murphy, N.Y.
Ashley	Gubser	Patman
Aspin	Hagan	Pryor, Ark.
Boland	Halpern	Quillen
Broomfield	Hammer-schmidt	Rees
Camp	Hanley	Reid, N.Y.
Carter	Hansen, Wash.	Rosenthal
Celler	Hawkins	Runnels
Chisholm	Hébert	Scheuer
Clark	Hillis	Schneebeli
Clausen, Don H.	Jones, Ala.	Springer
Clay	Jones, Tenn.	Steiger, Ariz.
Conte	Keith	Steiger, Wis.
Corman	Kemp	Stokes
Davis, Ga.	Kluczynski	Stubblefield
Diggs	Landrum	Stuckey
Dorn	Latta	Symington
Edwards, La.	Lloyd	Thompson, Ga.
Esch	Long, La.	Ullman
Fraser	McCulloch	Waldie
Gallagher	Madden	Wiggins
Grasso	Michel	Wilson, Bob
	Mills	Young, Tex.

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

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

AUTHORIZING FUNDS FOR EXPENSES OF THE COMMITTEE ON INTERNAL SECURITY

The SPEAKER. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 274, funding the Internal Security Committee, came before the Subcommittee on Accounts of the Committee on House Administration. The chairman of the committee was invited, the ranking minority member, and such others as they wanted to bring along. We had a rather extensive discussion of the request.

Last year, the Internal Security Committee was authorized to spend $450,000. With that amount of money they had an average of 48 persons on the committee staff. They came before us asking for an additional $220,000—in other words, just about a 50-percent increase over the amount which they expended last year. Extended logically and reasonably, this would enable them to employ at least 24 more persons.

It was the judgment of a majority of the committee that the request was in excess of that which was justified and was in excess of that which is needed.

It is not my purpose to cripple the committee. I think the amount as reflected in the committee amendment will allow that committee to function as it has been functioning.

I might point out that the Committee on Internal Security does not have oversight jurisdiction as do most standing committees of the House. Legislation on emergency detention, which had been in their jurisdiction heretofore, has been transferred to the jurisdiction of the Committee on the Judiciary and is no longer a matter of concern of the Internal Security Committee.

The Internal Security Committee is now allowed two additional employees in accordance with the Legislative Reorganization Act.

In other words, I feel, and I feel sincerely after a very careful analysis, that the amount as set forth in the committee amendment is generous and fully enough for the operation of the committee at the same level on which it has been operated in the past. They are able, I might say, to do a rather remarkable amount of work with the 48 employees which they have averaged. They maintain, it is my understanding, 754,000 cards of names of individuals or organizations, each card representing a file. Only part of that information is available to Members of the House. It is not fully available. It is composed, according to my understanding, for the most part of public information relating to the 754,000 individuals or organizations.

Mr. ICHORD. Mr. Speaker, will the gentleman yield for a clarifying question?

Mr. THOMPSON of New Jersey. Yes; I yield to the chairman of the committee, the gentleman from Missouri.

Mr. ICHORD. The gentleman made the statement, if I understood him correctly, that the House Committee on Internal Security has no oversight jurisdiction.

Mr. THOMPSON of New Jersey. That is my understanding.

Mr. ICHORD. I would point out to the gentleman that under the rules establishing the House Committee on Internal Security, the gentleman is not correct in that statement.

Mr. THOMPSON of New Jersey. I will be glad to be corrected if the gentleman can do so briefly.

Mr. ICHORD. The rule reads as follows:

All other questions, including the administration and execution of any law of the United States or any portion of law relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The committee specifically has oversight jurisdiction in the field of subversion.

Mr. THOMPSON of New Jersey. I am glad to be corrected. I am sorry I made a mistake. The gentleman's contribution is a very valuable one.

I might point out, in terms of production of legislation, there has been virtually none over the years.

I emphasize this: The Subcommittee on Accounts and the Committee on House Administration went into this matter, I believe, fairly, and certainly thoroughly. I, as chairman of the Subcommittee on Accounts, was not persuaded, although the committee has done some fine things, that it needs the additional moneys represented in the original request. It simply, as a matter of economics, was not established that there is a need.

I ask the Members of the House to support the work of the committee.

The SPEAKER. The gentleman from New Jersey consumed 7 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 7 minutes to the gentleman from Missouri, the chairman of the committee.

Mr. Speaker, I have yielded to the gentleman for the purpose of debate only.

Mr. ICHORD. How many minutes did the gentleman yield? I understood the very generous gentleman would yield me 10 minutes, rather than 7 minutes.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey used 7 minutes, and the gentleman from New Jersey yielded 7 minutes to the gentleman. Then let us see how we do.

Mr. ICHORD. Let me ask the gentleman from New Jersey a further question.

The gentleman from New Jersey, my very good friend, as the Speaker pointed out, controls all the time. If the gentleman moves the previous question, no Member can submit an amendment.

I believe the gentleman from New Jersey should inform the House as to how he intends to proceed.

Let me ask the gentleman from New Jersey if he will yield to me for the purpose of presenting an amendment to the committee amendment?

Mr. THOMPSON of New Jersey. No; I cannot do that.

Mr. ICHORD. Does the gentleman from New Jersey intend to yield to any Member in debate for the purpose of submitting an amendment either to the committee amendment or to the resolution?

Mr. THOMPSON of New Jersey. He does not.

Mr. ICHORD. Does the gentleman intend to offer any amendment to the committee amendment?

Mr. THOMPSON of New Jersey. He does not.

Mr. ICHORD. I thank the gentleman for the forthright answers.

Mr. Speaker, in view of the statement by the gentleman from New Jersey, I must oppose the committee amendment.

Mr. Speaker, as chairman of the House Committee on Internal Security, speaking in behalf of all the members of the committee except our colleague from Massachusetts, I want to urge the Members of the House to defeat the Committee on House Administration's amendment to House Resolution 274 which would strike $220,000 from the amount we initially requested. House Resolution 274 in its original form proposed an authorization of $670,000 for the operation of the Committee on Internal Security during 1971. The amendment offered by the Committee on House Administration would reduce the requested sum to $450,000.

House Resolution 274 will authorize expenditures for the committee to conduct investigations and studies pursuant to House Resolution 5, which was approved by the House on January 22, 1971. My letter to Chairman HAYS of March 5, which is set forth in full in the Committee on House Administration's report—No. 92–160—sets forth the proposed manner in which we would budget these funds. The letter further explains in great detail the committee's activities during 1970 and our program for 1971. I believe the objective reader will find ample justification in the explanation for the expenditure of the requested funds.

Last year the committee was allocated $450,000. The increase of $220,000 sought for 1971 is primarily due to, first, an anticipated increase of about $25,000 in expenses of travel, per diem, telephone, hearing reporters, and supplies; second, an increase of about $50,000 for the two 6-percent salary increases since the 1970 appropriation; third, $82,000 for additional employees; fourth, $25,000 to enable the committee to hire consultants; and, fifth, approximately $25,000 for contingency.

The sponsors of the amendment to cut the requested appropriation have argued that the recommended amount of $450,000 would keep the Committee on Internal Security operating at the same level as last year. This reasoning is fallacious. Expenses continue to escalate. The salary raises have added $50,000 to payroll expenses and $25,000 more will be needed for travel, per diem, telephone, and reporters. If the amendment is not defeated there will be no alternative but to reduce the committee staff and diminish our operations.

I know you are completely cognizant of the new requirement in the Legislative Reorganization Act which establishes minority staffing rights. This, of course, will necessitate additional funds.

The Committee on Internal Security has been mandated by the House to perform what is certainly a unique function. Some critics complain that the committee produces very little legislation in comparison with other standing committees. The analysis is valid but the complaint is not. In addition to the responsibility to report legislation, the committee is obligated to investigate and hold hearings concerning organizations which seek to establish a totalitarian dictatorship in the United States or to alter our form of government by force or other unlawful means. To accumulate evidence and testimony in this regard requires considerable time, effort, and money. Surely this committee and surely the House expect the Committee on Internal Security to exercise the highest degree of care and to be meticulously thorough in its inquiries, in the publication of transcripts, and in the preparation of reports. In dealing with this sector of our national life which must continually be weighed in balance against individual liberties, it would ill behoove us to be hasty, inaccurate, or superficial. The Congress cannot legislate intelligently in the field of internal security, nor act wisely in many related areas, unless it has up-to-date and reliable data. I would hope that the Congress would always desire to act upon the basis of knowledge rather than supposition. Who, then, is to develop such information and make it available for the Members of Congress if not the House Committee on Internal Security? To whom will the Congress turn if it does not equip itself? The executive branch? I think we have had ample demonstration of the exercise of executive privilege. For many and sundry reasons the executive branch is reluctant to furnish data in this respect to the Members of Congress. Thus, it becomes incumbent upon the Committee on Internal Security to furnish that information which the Congress as a whole desires, and which individual Members daily demonstrate they desire for their own assistance and for the aid of their constituents.

During 1970 the committee furnished responses to 1,057 requests from Members of Congress for information. How is this information acquired? In addition to keeping abreast of what is being written in numerous journals and periodicals, the committee investigates and makes a public record on such organizations as the size of the staff and available funds permit. During the 91st Congress the committee investigated four organizations of national importance: Students for a Democratic Society, Black Panther Party, Progressive Labor Party, and New Mobe. The committee favorably reported three very significant pieces of legislation: the defense facilities bill, obstruction of Armed Forces, and amendments to the Emergency Detention Act. The defense facilities bill was overwhelmingly approved by the House but was not acted upon in the Senate. The latter two bills did not receive action by the House. In all, 30 bills were referred to the committee.

During 78 days of hearings, investigative and legislative, the committee heard

175 witnesses, and recorded and published 8,150 pages of testimony and reports. I think this must be considered to be substantial achievement. I can tell you of the thousands of committee documents distributed to citizens, including Members of the House and Senate, in search of facts. There is, of course, no means to measure the ultimate value to them or of the ultimate significance of their impressions and actions upon digesting these facts. The list of publications during 1970 may be found on page 8 of Report No. 92–160.

I too feel there is a need for additional legislation within the committee's jurisdiction. It is my intention to give very serious consideration to a number of proposals this year. For example, the committee has already authorized and held hearings in April on the role of the Subversive Activities Control Board and the condition of the Federal civilian employee loyalty-security program. These hearings, begun last September, are in the nature of oversight. It is expected that a number of weaknesses and deficiencies will require remedial legislation. The committee has already on March 24 favorably reported H.R. 820, a bill to amend the Emergency Detention Act. The committee has already begun hearings to take a fresh look at the theory and practice of communism. Still other hearings contemplated are covered in my letter to Chairman HAYS.

The funds which the committee is requesting will be necessary for the staff to operate in a professional manner and at the level of activity established in the 91st Congress. As a mark of the efficiency with which the staff now operates, I want to point out that our entire activities during 1970 were reviewed in a 196-page annual report which was very promptly filed with the House on February 25, 1971.

The problems in the field of internal security are becoming very complex. Judicial decisions have impaired the effectiveness of a number of significant statutes and have declared others to be invalid. Dangers and threats to the national security are not being reduced. They are instead increasing and are perhaps more serious than ever before. The civil turmoil in the United States at the present time may be judged by history to be more severe than any we have experienced. There is a great proliferation of subversive organizations. The Congress must decide and by its vote on House Resolution 274 will determine, whether or not it desires to have the full capability of the Committee on Internal Security to analyze legislative needs on these important issues and to develop facts independently by investigation.

I earnestly solicit the support of my colleagues for the full amount of $670,000 in House Resolution 274 to insure that the Committee on Internal Security can continue to discharge its mandated responsibilities.

If the amendment of the committee is adopted, I have no choice except to dismiss employees of the House Committee on Internal Security.

Mr. Speaker, 8 years ago I went on the House Committee on Un-American Activities not at my own request but at the request of the gentleman from Massachusetts, the late Speaker of this House, John McCormack.

Mr. THOMPSON of New Jersey. Will the gentleman yield to me?

Mr. ICHORD. Will the gentleman yield me additional time? I am a little pressed for time. I will yield to the gentleman if he will yield me the additional 3 minutes as originally agreed upon.

Mr. THOMPSON of New Jersey. The gentleman will be glad to yield the gentleman from Missouri an additional 3 minutes.

Mr. ICHORD. Will the gentleman yield me at this time an additional 3 minutes?

Mr. THOMPSON of New Jersey. Yes.

Mr. ICHORD. Then, I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. According to the letter to Chairman HAYS which you wrote on March 5, 1971, giving a very detailed analysis of your expenditures, and so on—and it was a very well done letter—the 6-percent salary increases to which you referred would cost, in your own estimate $25,793, according to your own letter.

Mr. ICHORD. I will say to the gentleman from New Jersey that there was another 6-percent pay increase in 1970, after the committee authorization for 1970 was approved. I overlooked the preceding 6-percent increase. It is my estimate that it will cost at least an additional $50,000.

I refuse to yield any further at this time, because I do have a statement that I want to conclude.

Mr. Speaker, 8 years ago I went on the House Committee on Un-American Activities. This being a small committee of only five members, 6 years later I found myself, by reason of the resignation of one member, the death of another, and the defeat of another member, the chairman of the House Committee on Un-American Activities. Immediately thereafter I asked the House in effect to abolish my position as chairman. I submitted House Resolution 89 which set up the House Committee on Internal Security. That resolution was adopted by an overwhelming vote of 305 to 79.

The House Committee on Internal Security is given investigative and oversight jurisdiction over activities that would overthrow the Government by force, violence, and unlawful means. Is there anyone in this body—and I ask, is there anyone in this body—who will stand up and deny—is there anyone in this body who denies that this is a legitimate legislative responsibility? Is there anybody in this body who would deny the right of Congress to inquire into the financing, the objectives, the numbers of organizations that would destroy this form of government by force, violence, and unlawful means? This is the jurisdiction of the House Committee on Internal Security, and it is a responsible and necessary jurisdiction if this society is to preserve itself.

No one can legitimately dispute the mandate of the committee. The objection, Mr. Speaker, must go to specific investigations and procedures used by the committee. I am prepared to defend each and every one of those investigations and those procedures.

The truth is, Mr. Speaker——

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

Mr. ICHORD. I do not yield at this time.

The truth is, Mr. Speaker, that this legislative fight has been brought about by a national, well-organized, well-financed committee originally called the Committee to Abolish HUAC. As soon as the House Committee on Internal Security was formed that committee changed its name to the Committee to Abolish HUAC–HCIS. That same committee has undergone another name change. I think they call themselves the Committee Against Regressive Legislation. The Members of this House have received information from that lobbying group a communication urging the defeat of the funding of the committee was sent to every Member. These organizations change their name so fast that it is even impossible for me to keep up with them.

Mr. Speaker, I may have caused some of the Members of this House some chagrin by the statement that I made on the floor of the House on April 6, which received very little publicity by the Nation's press and none at all by the eastern press until the NPAC, the organization that sponsored the demonstration last Saturday called a press conference to dispute the statements I made. I warned the Members that they should look at leadership of NPAC and PCPJ before they publicly supported the demonstrations.

Mr. Speaker, I pointed out in the speech of April 6 that Communist elements in the Nation were supplying the principal leadership of NPAC and PCPJ. I revealed that four of the five national coordinators of NPAC were affiliated with the Socialist Workers Party.

Now, gentlemen, the Socialist Workers Party is not composed of ordinary Socialists like Norman Thomas that I suppose a large percentage of the Members of this body believe. The Socialist Workers Party are the Trotskyites Communists of this Nation. If you will examine that press conference, not one fact that I stated in my speech of April 6 was denied by NPAC. As a matter of fact, the only way they made their defense was to charge that I was engaged in Red baiting.

Mr. Speaker, we are living in a very trying period of our Nation's history. We have witnessed, particularly since the beginning of the very frustrating and divisive war in Vietnam, the proliferation of many subversive groups that would destroy this free system of Government.

The vote today will determine whether or not the House wants to continue the fight against these groups. That is the issue before the House.

I urge the defeat of the amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like the Members of the House to know that no House committee is dedicated to the abolition of the House Internal Security Committee. No outside force influenced the reduction of the money request made by the Commitee on House Administration.

We recognize fully the position of the gentleman's committee. However, I did not address myself critically to any of the issues which have been mentioned by the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, will the gentleman yield at that point?

Mr. THOMPSON of New Jersey. Not at this point.

I simply said on the floor a few minutes ago, and I repeat now, that the gentleman from Missouri showed us a justification for the amount of money reflected in the committee amendment. The gentleman did not persuade me for one second——

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 additional minute.

The SPEAKER. The gentleman from New Jersey is recognized for 1 additional minute.

Mr. THOMPSON of New Jersey. The gentleman from Missouri did not persuade me or the members of the subcommittee that the Committee on Internal Security needs all of this extra money. The argument here is not whether one is critical of equal or free speech or anything else. The argument here is simply that you have justified the amount reflected in the committee amendment and no more. Nothing you have said on the floor has indicated to me the slightest justification for any more than $450,000.

Mr. Speaker, I yield the gentleman from Ohio (Mr. HAYS) 5 minutes.

Mr. HAYS. Mr. Speaker, this is not a very enviable position for me as chairman of the full committee. Unfortunately, when this matter was being voted upon, and I was called to the Committee on Rules to appear on a bill for the Committee on Foreign Affairs, which I had handled. I left my proxy, which was voted against the amendment. However, I would have voted for an amendment to cut some money from this committee had I been there.

I can understand that the gentleman from Missouri (Mr. ICHORD) is in a rather unenviable position as chairman of the Internal Security Committee, he being attacked from the kooks on the right and the creeps on the left, and he is sort of in the middle.

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

Mr. HAYS. Yes; I will yield to the gentleman.

Mr. ICHORD. Mr. Speaker, I certainly want to agree with the gentleman from Ohio (Mr. HAYS), and I say this—that the people who are framing the issues for the Nation in the field of internal security are the kooks on the left and the kooks on the right, and altogether too often, Mr. Speaker, the liberals are going with the kooks on the left, and the conservatives are siding with the kooks on the right. The reasonable people are left to pick and choose their issues as they come, and we are losing ground in the fight against subversive organizations.

Mr. CONYERS. Mr. Speaker, will the genteman yield?

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

Mr. CONYERS. My friend, the gentleman from Ohio, does not mean in the Congress?

Mr. HAYS. No; of course not. You know I defend the Congress at all times. The gentleman heard what I had to say to the gentleman from Michigan on the other side of the aisle. I do not believe there are any kooks or creeps in Congress. I think every Member here does what he does because of a sincere belief, but I do not believe you could argue that there are not some kooks outside of the Congress.

Mr. CONYERS. Well, I would like to suggest to my good friend, the gentleman from Ohio, that perhaps some of the people who are arguing the same kind of arguments outside of the Congress may not be kooks, even though they are not in the Congress.

Mr. HAYS. Every Member of the Congress has a right to his own opinion, and I meant no inference about anybody in Congress.

But I would say further that I have not heard anybody in Congress attack the gentleman from Missouri (Mr. ICHORD) here, as an individual—they may have had some reservations about how the committee has been run in the past, but just let me proceed for a minute to say that I have been here for a long time watching this committee, and usually voted to give it less money than it asked for.

I want to say that, as far as the gentleman from Missouri (Mr. ICHORD) is concerned, that I think he has brought more order and more sanity with regard to the staffing of that committee than we have had in the past. You may not agree with what he does. You may think it is pretty bad. But you ought to have been around here in the days of some of the previous chairmen—and some of them are no longer on earth, and I do not want to talk about them—but when I first came here it was a lot worse than it is today, as far as not preserving the rights of people, and trampling upon the rights of people, and so forth.

What I really want to say here is that I am going to support the House Administration Committee because I feel, as chairman of the committee, I have to go along with the majority of the committee, although that was not exactly the way I would have had it. I talked to the gentleman from Missouri, and I told him that he could do as he liked as a Member of the House, the same as I, or any other Member, and if he wanted to fight the amendment on the floor that was his privilege. I told him that if he did not, and he came back at a later date to the House Administration Committee and could demonstrate any legitimate need for more money, that I would do the best I could to see that he got it.

I did not intend to be here today. I have delayed my departure for a speech, and I may be late getting there because I felt that I had to be here as chairman and say these things.

There is one thing that troubles me. If you have a Committee on House Administration to hear these matters and decide on them, and then the chairman of the committee requesting funds can come to the floor and overrule the decision, I would be in the position I think next year of telling every chairman to say how much money he wanted, and we will just put a rubber stamp on it and give it to him.

We have cut other committees this year, but we have told every one of those chairmen that if they find out that they cannot get along on what they have been given, and they will come in and show that they spent the money in a legitimate way, and that they need more, that the committee will be receptive to giving it to them.

I can make that same commitment to the gentleman from Missouri. If this amendment is sustained and he gets a smaller amount then I personally would be receptive to giving him additional money at a later date, if justified.

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

Mr. HAYS. Mr. Speaker, may I ask the gentleman from New Jersey to yield me 2 additional minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am very glad to yield to the gentleman from Ohio, the chairman of the Committee on House Administration, 2 additional minutes.

Mr. HAYS. I think they asked for too much money. I think the cut was too severe. You and I can have an honest disagreement about that.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I have told the gentleman from Missouri and every other committee chairman that if they justify any amount that is at all reasonable, I will request my subcommittee to report that amount. If the committee amendment is supported, and I hope it is—the gentleman can still come in at any time at all to present his justification for additional funds and I assure him he will get a complete and fair hearing.

Over the period from 1957 to 1970 the funds authorization to the Committee on Internal Security and before that the Committee on Un-American Activities has ranged from a low of $300,000 in 1964 to a high of $450,000 in 1970. In the year 1967 it was $350,000; in the year 1968, $375,000; in the year 1969, $400,000 and in the year 1970, $450,000.

I have yet to see a justification for 5 cents over the $450,000.

Mr. HAYS. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, there is one thing I do want to say—there was a controversy on this floor and it took a long time for me to find the record. It turned out to be back in 1968, about witnesses before this committee being paid under

contract and paid by the Congress. I reread that today and I want to say that the gentleman from Missouri did not know that that was going on and he was not the chairman then. The staff man who did it was sitting here on the floor, and I brought the matter up to the then chairman and he turned to the staff man and the staff man said that it was not being done. Well, I knew that was a lie because I was chairman of the contracts subcommittee and I had inadvertently approved the contract.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, will the gentleman from New Jersey yield me 3 additional minutes.

Mr. THOMPSON of New Jersey. I yield the gentleman 3 additional minutes.

Mr. HAYS. Mr. Speaker, I hope that I can shed a little light on this although I just did not want to get into this. But I want to tell you that and the gentleman from Missouri, when he became the chairman, dismissed that employee and that matter was cleared up. I just wanted to let the House know that he has tried, in my opinion, to act in a responsible manner. I can assure him that if this thing is voted through the way it is and he needs more funds, he will get a receptive hearing later in the session.

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

Mr. HAYS. I yield to the gentleman.

Mr. ICHORD. I thank the gentleman from Ohio, the distinguished chairman of the Committee on House Administration, for yielding.

I want to make a public confession at this time that I took issue with the gentleman from Ohio when he brought that matter before the House because I had been informed that that had not happened and the gentleman is correct in stating that that employee is not a staff member of the House Committee on Internal Security now.

Mr. HAYS. I thank the gentleman. I just want to say again, I am going to support the committee although I would not have voted for this deep a cut had I been there. But it is my committee and the majority wanted it that way. Again, I say, if this thing stands and the committee really needs more money, we will be glad to give them another hearing.

The SPEAKER. The time of the gentleman has expired.

The gentleman from Ohio has consumed 9 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, how much time do I have remaining?

The SPEAKER. The gentleman has 32 minutes remaining.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. DICKINSON).

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

Mr. DICKINSON. I yield to the gentleman from California for a unanimous-consent request.

Mr. GOLDWATER. Mr. Speaker, I would like to argue strongly against any effort by the Members of this House to cut the funding for the House Internal Security Committee.

I would suggest that any Member who feels disposed to reduce the committee's funds open his eyes to the situation in America today, a situation which demands careful monitoring by the Internal Security Committee.

I would suggest that any Member who feels the committee's existence is unwarranted take a careful look around him today. Let him look at the offices of those Senators who were invaded by the so-called "peaceful protestors," individuals who shoved around secretaries and threw red paint over office walls and furniture.

I would suggest that that Member take a look at the bomb damage to our Capitol, to hundreds of public facilities around the country, to the headquarters of major corporations, and to buildings on campuses of our great universities. Then let him tell me that there is no problem with internal security in America today.

We are not talking about nonviolent marchers and protestors any more. We are facing a direct threat from a coalition of groups whose openly avowed purpose is to bring the capitalistic system to a grinding halt. Down with the establishment is no longer a hippie phrase, it is becoming a literal physical threat.

During the course of this week, we have seen the operations of major governmental agencies seriously threatened by physical blockades of the demonstrators. Thousands of people are dreading the anticipated "stall-in" next week, when the protestors will follow up their activities on the New Jersey Turnpike by attempting to cut off access to Metropolitan Washington.

As far as I am concerned, this constitutes sabotage and treason, and is exactly as dangerous to the country as foreign infiltration and sabotage. The net results are the same—a threat to our internal security and the free operation of our system.

The Internal Security Committee is the agent of the American people which meets this threat and takes appropriate legislative action to counter it. It seems foolish in the extreme to me to cut funding for the committee at the very time when the need for its activities is greatest.

Mr. DICKINSON. I thank the gentleman from New Jersey for yielding.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yielded for debate only.

Mr. DICKINSON. Mr. Speaker, the situation as outlined by the gentleman from Ohio, the chairman of the full committee, is entirely correct. I should like to explain the parliamentary situation in the committee. A motion was made to strike all funds. That motion failed. An amendment was then offered to set the amount of the authorization at $450,000. I moved to amend that by way of a substitute which would reduce the funds from $670,000 to $570,000, reducing the amount by $100,000, because I recognized that there is some fat in the proposal. I agree with my colleague from Ohio (Mr. HAYS) that the amount was high.

I think the proposed cut is unreasonably severe. I believe the committee did make a case for some amount over what they were given last year. If, as has been pointed out on the floor previously, the committee is funded only to last year's level, it will, in fact, represent a substantial cut because there have been salary raises totaling 12 percent which would come out of this authorization and that were not in last year's budget.

It is not my intention at this time—and I would like to so inform the House—to offer any amendment on the floor to reduce the amount by $100,000 as I offered in the committee. In other words, if the bill as amended in committee is voted down then the full amount requested by the Committee on Internal Security of $670,000 is restored.

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

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

Mr. ICHORD. I advise the gentleman from Alabama that there will be no opportunity for any amendment, because the gentleman from New Jersey said that he is going to move the previous question and he will not yield for any amendment. If the gentleman from New Jersey would yield for an amendment, I think I could offer an amendment which would work this controversy out. But I do agree with the gentleman from Alabama that if this committee amendment is adopted, I shall have no choice but to lay off—which I shall do immediately—discharge employees of the House Committee on Internal Security, and we will take the matter from there.

Mr. DICKINSON. Just as long as the House understands the parliamentary situation, and I think I do, if the committee amendment is voted down, then the final vote will be on the full amount of $670,000, and we will vote that up or down.

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

Mr. DICKINSON. I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I appreciate the gentleman's yielding and his explaining the parliamentary situation that occurred in the committee. Am I correct in saying that this particular result that we have on the floor of the House, and for which the chairman has expressed some regret, would never have occurred if there had not been proxy votes? It is an example of why I oppose proxy voting. Were they not decisive in the vote that resulted in the cut that has been characterized here as too drastic?

Mr. DICKINSON. As the gentleman knows, that was the deciding factor, the proxy vote, because most of us were there and voting.

Mr. CLEVELAND. Thank you. For the information of the Members an account of the committee action and the deciding role of the proxies may be of interest, as follows:

COMMITTEE VOTE

After considerable discussion Mr. Podell offered a motion to strike out the entire amount requested. Mr. Devine then offered a motion to table Mr. Podell's amendment. Mr. Abbitt seconded the motion. On a voice vote the motion carried.

Mr. Podell then offered a motion to reduce the amount to $450,000.

Mr. Dickinson then offered a motion to amend the Podell proposal to read $570,000. Mr. Gray seconded the motion. This motion failed to carry on a record vote, 9 ayes to 10 nays.

The next vote was on Mr. Podell's motion to cut the amount to $450,000. On a roll call vote there were 11 ayes and 7 nays.

The Committee then agreed to the amended ($450,000) resolution by voice vote.

AMENDMENT BY MR. DICKINSON TO REDUCE AMOUNT TO $570,000

Hays: Aye (Proxy).
Thompson: Nay.
Abbitt: Aye.
Dent: Nay (Proxy).
Brademas: Nay (Proxy).
Gray: Aye.
Hawkins: Nay (Proxy).
Gettys: Aye.
Bingham: Nay (Proxy).
Podell: Nay.
Annunzio: Nay.
Mollohan: Nay.
(4 ayes, 8 nays.)
Devine: Aye.
Dickinson: Aye.
Cleveland: Aye.
Schwengel: Nay.
Harvey: Aye.
Veysey: Aye.
Frenzel: Nay.
(5 ayes, 2 nays.)

AMENDMENT BY MR. PODELL TO REDUCE AMOUNT TO $450,000

Thompson: Aye.
Abbitt: Nay.
Dent: Aye (Proxy).
Brademas: Aye (Proxy).
Gray: Aye.
Hawkins: Aye (Proxy).
Gettys: Nay.
Bingham: Aye (Proxy).
Podell: Aye.
Annunzio: Aye.
Mollohan: Aye.
(9 ayes, 2 nays.)
Devine: Nay.
Dickinson: Nay.
Cleveland: Nay.
Schwengel: Aye.
Harvey: Nay.
Veysey: Nay.
Frenzel: Aye.
(2 ayes, 5 nays.)

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr. Speaker, in a colloquy with the gentleman from Missouri earlier, I said that I did not intend to yield to any Member for the purpose of offering an amendment. I have been requested by the chairman of the committee (Mr. HAYS) to yield for an amendment. I did not mean to deceive the gentleman from Missouri.

I now yield 2 minutes to the gentleman from Ohio for the purpose of offering an amendment.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Speaker, I have an amendment which I propose to offer. I want to read it to the House as the Clerk may have trouble with my handwriting.

Mr. PODELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Ohio yield for a parliamentary inquiry?

Mr. HAYS. Yes; I yield for that purpose.

Mr. PODELL. It was my understanding that the gentleman from New Jersey controls the time of the debate. It was my further understanding that at the outset of the debate the gentleman from New Jersey said that he would yield for no amendment to be offered by anyone at any time. By what authority does the gentleman from New Jersey now change the applicable rules of the debate in the middle of the debate?

The SPEAKER. The gentleman from New Jersey is in charge of the resolution.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Perhaps I can answer that by saying the gentleman used his prerogative, which is not only reserved for women, and changed his mind—at my request.

Mr. THOMPSON of New Jersey. I should like to emphasize that I yielded for amendment only.

Mr. HAYS. That is right. I am going to read my amendment.

Mr. THOMPSON of New Jersey. As soon as the gentleman mentioned women, I got a little frightened.

Mr. HAYS. Well, I am surprised by that. I thought that was the last thing on earth that would frighten the gentleman.

Mr. Speaker, I propose to read this amendment. As I was saying, I wrote it down in a hurry, and the Clerk might not be able to read my writing.

I propose to amend the amendment by striking out "$450,000" in line 6 and inserting "$570,000" which would be a cut of $100,000 from what the committee first requested. In my opinion they can get along with that amount of money.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

Mr. HAYS. Mr. Speaker, I yield to the gentleman for that purpose.

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ICHORD. Is the amendment now offered by the gentleman from Ohio before the House for its consideration?

The SPEAKER. It has not been reported. It has not been offered, so far as the Chair knows.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I am now offering the amendment. I wanted to read it so that the Clerk could decipher my writing.

The SPEAKER. The clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAYS: Strike out "$450,000" in line 6 and insert $570,000".

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes in support of the amendment.

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

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

Mr. PODELL. Is not the $100,000 cut the gentleman from Ohio now proposes the exact amount of a cut that was proposed by the gentleman from Alabama (Mr. DICKINSON) which was defeated in the subcommittee?

Mr. HAYS. I was not at the subcommittee meeting, and I am not in a position to answer that inquiry.

Mr. PODELL. I may take the opportunity to enlighten the gentleman from Ohio. This is the exact amount proposed by the gentleman from Alabama, and it was defeated overwhelmingly in the subcommittee.

Mr. HAYS. Perhaps the subcommittee will now consider it made a mistake.

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

Mr. HAYS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I guess we had better define the word "overwhelmingly" for the benefit of the House. The vote was 10 to 9; that is pretty close.

Mr. PODELL. Mr. Speaker——

Mr. HAYS. Just a minute. That was not in the subcommittee. The subcommittee does not have that many members. That was in the full committee.

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

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

Mr. PODELL. It was in the full committee, and the vote was 11 to 7. The record, I think, indicates that.

Mr. HAYS. The press has asked for the poll of the committee, which they have a right to under the new Reorganization Act. I told them they could have it. They asked when, and I said, "The law says at a reasonable time." They wanted to know when that was, and I said, "About the first of June."

What I am trying to do here is to get some kind of a compromise, so we can get this over.

I think if we do not accept this cut, the whole thing will be voted down, and the committee will get the full amount requested. I think that is more than they ought to have, more than they can usefully utilize.

I have agreement from the minority and from the chairman. I think this is what we ought to settle on.

I am not trying to impose my will on the House. I think this is a reasonable compromise.

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

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

Mr. ICHORD. I compromise very readily. I accept the amendment of the gentleman from Ohio.

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

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

Mr. ASHBROOK. I thank the gentleman for yielding.

One point has not been made, and I will take 1 minute to explain it.

The gentleman's amendment helps to assure, I say to my fellow Republicans on this side, some equitable staffing for the minority which would not have been possible under the situation had the amendment of the committee stood.

I appreciate the gentleman's assist-

ance. It will help the minority to have some staffing.

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

Mr. HAYS. I yield to the gentleman from Massachusetts.

Mr. DRINAN. I thank the gentleman from Ohio for yielding.

As a member of the committee, I recently went through all of the archives and saw there before me the files of 750,000 American individuals and groups.

If the Members of this House vote for your increase today, they are voting for further surveillance by this House of Representatives. They will have more Americans on 3 by 5 cards in all of the rooms in the Cannon House Office Building. Furthermore, they will be voting for Government agencies, Federal agencies, without any authorization or any valid Executive order coming in there every day and taking this information and thereby precluding Federal jobs for these individuals. Furthermore, there will be a continuing impounding of individuals who have been elected to this House. The staff admits in a very secret, heavily impounded area they have files on Members who are now Congressmen and who as Americans were deemed by these professional or unprofessional people——

Mr. HAYS. Let me answer one or two of your arguments.

If they do not vote for my amendment here, there will be $100,000 more, even, to do what you say.

I am aware of this business about Congressmen. I suspect that if you could get my file and read it, it is probably the worst one in the whole bunch.

I am also realistic, Father, and I will say to you that I know what this House is going to do. You had better buy my amendment, or we are going to have $100,000 more than what I am even suggesting.

Mr. DRINAN. I am appealing to the reason and rationality of this House. Many of us have deplored the surveillance carried out by the executive branch. This is surveillance that is unauthorized by any statute carried out by the executive branch.

I do not demean this House of Representatives. I believe when they understand these facts, they will vote this down and say that we should not be in this business, and this committee which so defamed and disgraced the House over the years will be out of business. This will give to the House a unique opportunity today to bring the House of Representatives away from the shadow and shame of this committee. I suggest to you that the only thing that deters them is fear.

The distinguished gentleman from Ohio says he knows what they want to do. That is because they are still subject to this fear that political opponents back home will say that they are soft on communism. The time has come to rise above that and to say this committee has no place in this House.

Mr. Speaker, in a former hearing room of the Cannon Building of the House of Representatives there is a very large filing area which contains 754,000 3 by 5 cards all containing the names of individual Americans or groups. The names of these 754,000 individuals and groups were placed on these cards by nameless employees of the House Internal Security Committee; they extracted the names from unspecified magazines and newspapers which alleged that these individuals for unstated reasons were somehow a threat to the internal security of this country.

Members of the House who today vote to sustain any funds for the House Internal Security Committee vote in effect to continue the surveillance by a committee of this House over the lives and activities of an ever-mounting number of American citizens.

Any member of this House, moreover, who votes to finance the House Internal Security Committee today votes to continue to allow a large but undisclosed number of Federal agencies to inspect the 754,000 cards and utilize the information on them in any way that the personnel director of any Federal agency desires.

In the recent past I, as a member of the House Internal Security Committee, took a comprehensive tour of the several offices in the Cannon Building occupied by the staff of this committee.

In all candor I was distressed and frightened by the following disclosures made by the highest ranking member of the 49-member staff of the House Internal Security Committee:

1. Any Member of the Congress of the United States may request and receive a complete dossier on any individual on whom the House Internal Security Committee has a file. I have in my hand a 21-page single-spaced document acquired by me on the life and activities of a distinguished citizen of New York City. I have been assured by the professional staff of HISC that there is absolutely no ban on publication of any file acquired by a Congressman.

I have recently asked for the files of several other individuals and expect to send the material to them in order that they may know the secret file maintained on them not by the Department of Justice but by the Congress of the United States.

2. In addition to making available any file to a Member of the Congress the staff of the House Internal Security Committee makes at least the information on the 3-by-5 cards available to officials of the U.S. Civil Service Commission and an undesignated number of other Federal hiring agencies. It is not entirely certain what use the U.S. Civil Service Commission makes of the information acquired in this manner but it would seem clear that it can be and probably is used to preclude the hiring or the upgrading of prospective or present Federal employees.

The mere maintenance of such a file, composed of raw data taken both from right-wing journals and allegedly Communist publications, violates the letter and spirit of a bill pending before this House, H.R. 854, the Federal Privacy Act, now cosponsored by at least 114 Members of the House of Representatives. The Federal Privacy Act would require that the Government notify an individual if it is maintaining a record on such individual and that the Federal agency with such a file make a commitment that it will not disclose information from such a file except with the consent of the individual. In addition the Federal Privacy Act would require the agency maintaining a file on an individual to maintain a record of all persons given access to this file.

The 114 Members of the House of Representatives who have cosponsored the Federal Privacy Act cannot consistently finance a committee not merely of the Federal Government but of this very House of Representatives which violates every single provision and guarantee of the Federal Privacy Act. I appeal to the 114 Members who have cosponsored H.R. 854, a group which incidentally crosses party and philosophical lines, to apply the provisions of that act to the Congress itself by voting today to deny funds for the continued maintenance by this very House of more than 700,000 secret files whose unreliable information is made indiscriminately available to all Congressmen and to Federal agencies.

3. There is a special, highly secret and strictly impounded section of the files of the House Internal Security Committee where the files of individuals who became Congressmen are kept. The committee insists that it does not have in its active file any dossiers on present Congressmen. The number, however, of persons on whom the House Internal Security Committee did in fact have a file before they became Congressmen is not disclosed.

The staff of the House Internal Security Committee has informed me that not even the nine members of the House Internal Security Committee could give to a present Congressman any file that the committee impounded upon his election. To release such an impounded file would take a majority vote of the entire House of Representatives.

If the files of HISC are worth anything at all does it make sense to make them available to a Federal agency when this agency is thinking of hiring a person who has a file in HISC while impounding completely a file on a person after the people of this country have elected him to the Congress of the United States?

Any Member of this House who today votes to continue the maintenance of the files of HISC also votes to perpetuate the absurdity and hypocrisy of impounding those files of allegedly subversive American citizens as soon as these individuals are elected to the Congress of the United States.

4. Members of this House who today vote for the continued funding of the House Internal Security Committee will be approving of an appropriation which, at least in part, will be utilized to undertake a study, approved by the Committee on Internal Security, with this Member dissenting, just yesterday on April 28, 1971. This study, unprecedented in the entire history of the committee, will investigate allegedly subversive activities of individuals and groups who have sought to mobilize veterans against the military. In a truly incredible 13-page document issued by the staff of

HISC to justify this new adventure for the committee, the staff made it clear that it intended to investigate the lives and activities of virtually any American citizen who has had any contact with antiwar agitation inside or outside the military.

Aside from the uselessness of such an inquiry there is the added complication that HISC, as so often in the past, having no real clear jurisdiction of its own, is now colliding with the jurisdiction and objectives of the House Armed Services Committee.

5. Members of the House who today vote for any continued appropriations for the House Internal Security Committee are voting to maintain an unauthorized snooping and reporting service which provides the Executive branch of Government with alleged information about American citizens. There is no authorization for this service in Federal law. On March 25, 1947, Executive Order 9835 did in fact direct that each loyalty investigation of a person entering the Federal service should include a check of the files of the House Committee on Un-American Activities.

On April 27, 1953, however, Executive Order 10450 which superseded Executive Order 9835, above mentioned, does not mention the files of the committee. Despite the clear exclusion of the files of the House Un-American Activities Committee by Executive Order 10450, an order which is still in effect, the staff of the House Internal Security Committee have continued the clearly unauthorized and illegal practice of allowing the executive agencies to continue the practice initiated under Executive Order 9835 of checking the files of the committee in investigations of persons entering the Federal service.

Members of this House, therefore, who vote today for the appropriation for the House Internal Security Committee condone the practice unauthorized by law or Executive order of the staff and personnel of the House Internal Security Committee making its files available to Federal agencies in the Executive branch of Government. Those who vote, in other words, for the continuation of HISC vote to perpetuate the system by which the Executive branch gathers ambiguous information from a committee of this Congress and thereby besmirchs the reputation of the House of Representatives by utilizing the information which this House has collected from unnamed sources and faceless informers.

I submit that the House of Representatives cannot legally and should not morally continue to be an accomplice in this deplorable practice allowed by the House Internal Security Committee despite its prohibition years ago in Executive Order 10450 on April 27, 1953.

HISC DEFIES 175 YEARS OF CONGRESSIONAL HISTORY

On January 3, 1945, Congressman John McCormack argued vigorously and cogently against the establishment of the House Un-American Activities Committee as a permanent body within the House of Representatives. Congressman McCormack's words on that very first day of a new Congress are worth recalling:

I hope that on this day we will view this Amendment from the angle of reason and from the angle of the legislative history of the very body of which we are members. I do not know when in the history of our country the national House of Representatives has ever provided by rule for a permanent investigating committee. Mark what we are doing. This is not a question of establishing an investigating committee to investigate conditions that arise from time to time; it is a question of amending the rules of the House to provide for a permanent Standing Committee.

Congressman McCormack went on to note that the action taken on that day of January 3, 1945, involved "a vote against the procedure that in 150-odd years of constitutional history" Congress had never established a permanent committee of the nature of the House Un-American Activities Committee. Congressman McCormack's hope that the amendment would be defeated was not realized when the Congress in a vote of 134 to 146 adopted the motion offered by Congressman John Rankin, of Mississippi.

The disrepute which the House Un-American Activities Committee has brought to this House through all of the years of its existence is too well known to elaborate. Congressman THOMAS O'NEILL, of Massachusetts, speaking on the floor of this House on February 18, 1969, stated it this way:

Through the years the House Un-American Activities Committee has brought disrepute to the House of Representatives. The coverage and elevation of ridiculous and farcical groups has not enhanced the reputation or the influence of the Congress, but has instead made a mockery of the important legislative and investigative powers and responsibility.

The serious and meaningful work of the Congress is delegated to a lesser position when equal standing and power are given to a committee that exposes for exposure's sake and gives priority to hearings rather than meaningful legislation.

Yet we have allowed this Committee, which has only dabbled in legislation and completely ignored Constitutional guarantees, to continue unchecked and unabated.

Congressman O'NEILL stated on that day that—

I have long believed that the activities and interests of the House Un-American Activities Committee rightly belong under the jurisdiction of the Judiciary Committee. The rules of the House and traditional practice have granted the Judiciary Committee jurisdiction over legislation dealing with espionage, sedition, crime, and punishment. The always-too-vague and all-embracing investigative powers of the HUAC have conflicted with that jurisdiction.

On the same day, February 18, 1969, Congressman EDWARD BOLAND of Massachusetts, recommended in this Chamber that the House Un-American Activities Committee be placed under the jurisdiction of the House Judiciary Committee. Congressman BOLAND stated that—

The "past record (of HUAC) in this area stands as a shoddy testament to abuse of the investigation prerogative. But the stigma attached to this Committee makes it imperative that the House be done with it and that its functions be transferred to the Committee on the Judiciary.

Congressman BOLAND went on to say:

Regrettably, the Committee on Un-American Activities has been guilty innumerable times of overstepping the legitimate boundaries of Congressional inquiry. It has exposed for exposure's sake. It has invaded the rights of free speech. It has laid itself open to disruptive, chaotic and embarrassing hearings by calling witnesses and attempting to compel from them testimony which the Committee knew full well would precipitate recalcitrant, anger and demonstration. Too often its policy has been one of deliberate provocation for the purposes of gaining publicity. Too seldom has its policy been designed to further the legitimate ends of Congressional inquiry.

Congressman BOLAND concluded that—

The history of the Committee does not merit its continuance.

Members of this House are today asked to make a decision which in all candor would recognize that Members of this House in 1945 made a mistake in creating a permanent standing committee of the House Un-American Activities Committee. Members of this House are also asked today to concede that the change in the name of this committee agreed to by a vote of 262 to 123 by this House on February 18, 1969, has really made no difference in the activities or accomplishments of this committee.

Members of this House have, however, a very splendid and unique opportunity to cast a vote today against secret surveillance carried out by unnamed individuals who are accountable neither to the person about whom they inform or to the authority to whom they report. The House of Representatives has the opportunity today to extricate this House from the shadow and the shame of the files in the Cannon Building of which no Member of this House can be proud and of which, in my judgment, every Member of this House has reason to be ashamed.

A vote to continue the House Internal Security Committee cannot be justified because of any legislation which it has produced; the laws which this committee has proposed or enacted during the 26 years of its life are infinitesmally small. A vote on behalf of HISC cannot, furthermore, be justified on the basis of any education which it might have carried out with regard to subversive or Communist elements in this country; the education and the literature which this committee has issued in the recent past, as always, is one sided, unimpressive, undocumented, and in short almost useless for the scholar or the public.

A vote can be justified by a Member of this Congress on behalf of the House Internal Security Committee only because he fears that his vote to transfer the Committee on Internal Security to the Judiciary Committee will be caricatured by future political enemies as a vote which indicates that he is "soft on communism." How long must Members of this Congress be subservient to this craven fear? How much longer will Members of this House refuse to do what the Senate did years ago; namely, place the Internal Security Committee under the jurisdiction of the Judiciary Committee.

A vote to fund the Committee on Internal Security means inevitably that a number of Americans, perhaps a large

number, will be damaged in their reputation during the next fiscal year because of the hearsay evidence of a derogatory nature transferred by a committee of this Congress to a Federal agency. A vote for HISC is a vote to continue an illegal and unauthorized practice of which I, as a Member of this Congress and of the House Committee on Internal Security, am ashamed.

I plead with you not to vote for further damage to come to the 754,000 persons and individuals whose names are on 3 by 5 cards in a former hearing room of the Cannon Building of the House of Representatives.

The SPEAKER. The House will be in order. The Chair must admonish the guests of the House in the galleries that they are to make no demonstration of approval or disapproval of any of the proceedings on the floor of the House. That is a part of the rules of the House.

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

Mr. HAYS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would simply like to say that the eloquent argument just advanced in opposition to surveillance at least on occasion is without value because I am led to believe that it was because of surveillance that the Justice Department just made an arrest having to do with the bombing of the U.S. Capitol, and I applaud it.

Mr. Speaker, when it comes to the security of the country and its survival, I say we must have surveillance.

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

Mr. HAYS. I yield to the gentleman.

Mr. ICHORD. I want to point out two errors made by the gentleman from Massachusetts.

First of all, there are not 750,000 names and the gentleman from Massachusetts did not see 750,000 names.

Second, there are no files maintained on any Member of Congress except one Member of Congress and that is the gentleman from Missouri, yours truly.

I am not surprised that my good friend, a member of the committee, the gentleman from Massachusetts——

Mr. HAYS. Would you answer a question for me right there?

When you became chairman there were files on Members of Congress; were there not?

Mr. ICHORD. There were files. Those files have been removed. There are no files now except one.

Mr. HAYS. Where are they?

Mr. ICHORD. I believe they are in the Archives.

Mr. HAYS. But they are still around, then. What you ought to do is destroy them.

Mr. ICHORD. But they are not in the committee.

I say to the gentleman I am not surprised that the gentleman from Massachusetts would make the statements that he did because he has been quoted as saying "I am seeking to collapse the committee from within."

But there are no files maintained by the House Committee on internal security at the present time.

Mr. EDWARDS of California. Will the gentleman yield for an observation?

Mr. HAYS. If I have the time.

Mr. EDWARDS of California. What the chairman of the committee, the gentleman from Missouri (Mr. ICHORD) said over and over is he has maintained no files on Members of Congress. And yet, on page 11181 of the April 21, 1971, CONGRESSIONAL RECORD, Senator GEORGE MCGOVERN is referred to in a very derogatory manner out of the files of your committee, and then on pages 11192 and 11195 material from the committee files refers to our colleague, the gentleman from California (Mr. DELLUMS).

Mr. EDWARDS of California. Mr. Speaker, just last month the California Senate decided to do away with its un-American activities committee after the president pro tempore of the senate, Senator James Mills, of San Diego, discovered that the committee maintained a file on him.

I am suggesting that the House of Representatives do the same thing—eliminate the Internal Security Committee, for the California reason, and for many others.

We can only surmise from this outrageous disclosure that each and every Member of Congress may be included in the committee's files and that gossip and innuendo about any of us are disseminated on a worldwide basis.

Mr. Speaker, it is time for us to put our House in order like California has done and eliminate this committee. It is time to eliminate the committee because it is a holdover from another age—from the dark days of the McCarthy era when Americans accused other Americans of disloyalty because of different political opinions.

The purpose of the committee has nothing to do with the operation of a legislature in a democratic society. It investigates members of the public to determine if they have said the wrong thing, joined the wrong group, or attended the wrong meeting. It violates the Constitution because it asserts the right to call individuals before it whom it accuses of being disloyal. These individuals are given none of the procedural rights guaranteed in a free society; no grand jury; no right to know the specific charges; no right to counsel; no right to an impartial jury and neutral judge.

There is no indication that the committee has changed its purpose candidly stated in the past "to expose individuals to the pitiless glare of publicity." It returned to this practice recently in its illegal publishing of the names of allegedly radical speakers at college campuses, the purpose being to intimidate college administrators and alumni.

The committee uses a large portion of its funds in a totally unauthorized manner—the maintenance of a data bank and free reporting service.

I refer to the data bank as "public" because the information is available to all Members of Congress and their staffs. The Congressman can disseminate the information as he sees fit. In addition, more than 40 Federal agencies have access to the files with no apparent restrictions regarding public dissemination of the information.

The data bank consists of hundreds of thousands of dossiers on individual Americans and organizations. Derogatory information is collected from newspapers, magazines, letterheads, the committee's investigative files and presumably from unsolicited letters and telephone calls. I do not know if attempts are made to verify what is put in the files. What is clear is that the House of Representatives, a legislative body, is maintaining an unauthorized snooping and reporting service, providing the executive department and others with gossip about American citizens.

In recent months we have witnessed a rising tide of concern by the American people regarding Government snooping. Senator ERVIN's hearings have alerted us all to the need to establish checks on the Government's reckless use of data banks. Indeed, the chairman of the Democratic Caucus, Congressman OLIN E. TEAGUE, working with Congressman KOCH of New York is sponsoring a Federal Privacy Act that, if enacted, would have a great impact on HISC's data bank. Nearly 70 of our colleagues are cosponsors of this bill, H.R. 854. The bill has been introduced by Senator BIRCH BAYH in the Senate.

The committee has asked for an additional appropriation for this year of $670,000, a substantial increase over last year's $450,000. I refer to this request as "additional" because it is in addition to approximately $250,000 which HISC gets automatically as a standing committee of the House.

But these two sums, totalling nearly a million dollars for this year, do not begin to cover the fantastic annual expenditures in taxpayers' money chargeable to this committee.

Believe me, Mr. Speaker, the more money you give this committee, the more you burden the Department of Justice and the Federal Court system with hundreds of thousands of dollars in tedious and usually unnecessary criminal trials and law suits.

From January 3, 1945, to the present 187 contempt citations have been voted by the House of Representatives; 174 of these came from this committee or its predecessor, the HUAC. Of these citations, 142 failed in court, either in trial or on appeal. Just think of the money and effort the Department of Justice was forced to expend. And in more than 80 percent of the cases the actions of the House were not supported by the courts.

A distressing example is the Stamler contempt citation voted on October 19, 1966. There is no way to count the hundreds of thousands of dollars this case has cost the American taxpayer in the past 5 years, and the end is not in sight. It has been in a district court, twice before a three-judge court, twice to the court of appeals, twice to the Supreme Court, and back to the House of Representatives early this session for debate and a vote on the scope of the discovery to be permitted the Stamler lawyers.

The Hentoff case is presently in the court of appeals. It was also in this ses-

sion the subject of lengthy debate and legislative action in the House. This lawsuit concerns a staff report issued by HISC entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." A district court judge found that the publication of the report serves no valid legislative purpose, consists of a "blacklist" of persons whose views are considered repugnant by the HISC, and interferes with the first amendment freedom of those persons named in it.

I am not here today to judge this case. I just want to point out that the preparation of this useless and illegal report is typical of the work of HISC, and if you give them more money, you are asking for more legislative and judiciary confrontations, more lawsuits and more millions spent in futile legal wrangling. One estimate is that this particular case has already cost the taxpayers between $50,000 and $100,000. This is another example of the hidden costs of HISC.

Mr. Speaker, I urge my colleagues to resist each and every attempt to increase the funds for the HISC and to vote against the appropriations on final passage.

Mr. ICHORD. Mr. Speaker, will the gentleman from Ohio yield further?

Mr. HAYS. I yield further to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, all of the information in the files reference section is public source information. These are not investigation files. I want to point out to the gentleman from Ohio and the gentleman from California, what would be the result of all this furor that has come about by the revelation of Army surveillance. If you take the FBI and the House Committee on Internal Security out of the field of subversion, you will have no one left in the United States looking into subversion, because the Supreme Court has held that State governments do not have the authority to deal with subversion.

Mr. EDWARDS of California. Oh, no.

Mr. HAYS. Mr. Speaker, I do not yield further.

The SPEAKER. The gentleman from Ohio refuses to yield further.

Mr. HAYS. Mr. Speaker, I did not intend to take this much time and did not intend to bring about all of this discussion. However, there is an old saying, "Blessed are the peacemakers," which I was trying to be. However, they usually get the stuffings kicked out of them.

Mr. Speaker, I move the previous question on the amendment to the committee amendment.

The previous question was ordered.

Mr. RYAN. Mr. Speaker, once again, the House is called upon to provide funds for the House Internal Security Committee. House Resolution 274, as amended by the Committee on House Administration, provides $450,000 for so-called investigations and studies. This is in addition to the sums—approximately $250,000—which the committee receives automatically as a standing committee of the House. And it appears that the committee may be handed an additional $120,000 by virtue of passage of an amendment to the committee amendment.

Since the inception of this committee's predecessor, the House Un-American Activities Committee, the House has sustained a body which has been inimical to the civil liberties embodied in our basic traditions. So long as we continue to sustain that committee—now operating under the rubric of the Internal Security Committee—we sustain a threat to those liberties.

This is a committee which nurtures guilt by association. This is a committee which panders to a paranoid fear of dissent. This is a committee which in blunt terms, does a disservice to America. And until the House ends the committee's existence, the House must bear the responsibility for allowing that disservice to survive.

I know that some of my colleagues, while dubious about the exercises of this committee, continue to sustain its existence despite their doubts. To them I would say—if the affronts to civil liberties committed by the committee are not enough—then look, in terms of money, at what this committee is and does.

This is a committee whose total staff ranks fourth in size of all the standing committees of the House. As of December 31, 1970, 48 staff members occupied positions on this committee. This is more than the staff of the Armed Services Committee whose jurisdiction extends over more than $70 billion of authorization. This is greater than the staff of the Ways and Means Committee, which has jurisdiction over the Nation's entire tax structure and social security laws. It is more than the staff of the Judiciary Committee, whose jurisdiction encompasses the basic issues of law and order.

A chart listing the staff sizes of the standing committees of the House, as of December 31, 1970, follows:

Committee	Staff	Rank
Education and Labor	76	1
Government Operations	60	2
Banking and Currency	49	3
Internal Security	48	4
Interstate and Foreign Commerce	43	5
Public Works	42	6
Armed Services	34	7
Post Office and Civil Service	34	8
Judiciary	32	9
House Administration	28	10
Science and Astronautics	25	11
Ways and Means	24	12
Foreign Affairs	21	13
Merchant Marine and Fisheries	19	14
Veterans' Affairs	18	15
Agriculture	17	16
Interior and Insular Affairs	15	17
District of Columbia	12	18
Rules	8	19
Standards of Official Conduct	5	20

If the committee were a hotbed of legislative activity, one might understand the large staff size and its enormous expenditures, even though no matter how much legislative activity was occurring, the committee's very existence still could not be justified. But, in actuality, the committee is virtually moribund, insofar as legislation is concerned. More than 20,000 bills were introduced in the 91st Congress; it is incredible, but true, that the grand total of 29 bills were referred to the Internal Security Committee. And of those 29, 22 were either identical to each other or similar. Thus, this committee, staffed by 48 people, had referred to it seven substantive pieces of legislation.

Just how expensive this offensive boondoggle is is seen by looking at the appropriations and expenditures of the standing committees of the House. Both in terms of appropriations and expenditures, the House Internal Security Committee ranked sixth—receiving an appropriation of 850,000—in addition to the approximately $250,000 it receives automatically as a standing committee—and spending $820,871.24 of that appropriated amount. Thus, each of these seven substantive pieces of legislation cost the taxpayers of this country, just by virtue of its being referred to the committee, $117,000.

The figures become even more astounding—and I commend these particularly to those Members who constantly decry the expenditures of taxpayers' dollars—when we find that of those seven pieces of legislation, only one reached the House floor. For that bill, the American public paid over $820,000. Finally, I would note that that bill—the Defense Facilities and Industrial Security Act of 1970, H.R. 14864, which passed the House on January 29, 1970, was never acted upon by the Senate.

There is an old saw about throwing good money after bad. So far as the House Internal Security Committee is concerned, the saw must be modified—the House continues to throw bad money after bad.

Following are charts listing the appropriations for each of the standing committees of the House in the 91st Congress, and the expenditures of these appropriated funds by each of them.

APPROPRIATIONS [1]

Committee	Funding	Rank
Government Operations	$1,750,000	1
Education and Labor	1,539,200	2
Panking and Currency	1,373,700	3
Biblic Works	1,073,000	4
unterstate and Foreign Commerce	1,060,000	5
Internal Security	850,000	6
Post Office and Civil Service	806,000	7
House Administration	800,000	8
Science and Astronautics	715,000	9
Judiciary	530,000	10
Armed Services	425,000	11
Foreign Affairs	350,000	12
Merchant Marine and Fisheries	310,000	13
Veterans' Affairs	250,000	14
Agriculture	200,000	15
Interior and Insular Affairs	195,000	16
District of Columbia	100,000	17
Ways and Means	50,000	18
Standards of Official Conduct	20,000	19
Rules	5,000	20

[1] Does not include the approximately $250,000 each committee automatically receives as a standing committee.

EXPENDITURES OF APPROPRIATED FUNDS [1]

Committee	Expenditures	Rank
Government Operations	$1,729,043.39	1
Education and Labor	1,371,359.02	2
Banking and Currency	1,281,164.86	3
Public Works	1,072,370.99	4
Interstate and Foreign Commerce	1,012,243.65	5
Internal Security	820,871.24	6
Post Office and Civil Service	763,047.46	7
Science and Astronautics	695,793.98	8
House Administration	620,325.01	9
Judiciary	520,893.54	10

Footnote at end of table.

EXPENDITURES OF APPROPRIATED FUNDS [1]—Continued

Committee	Expenditures	Rank
Armed Services	$343,012.59	11
Foreign Affairs	295,531.20	12
Merchant Marine and Fisheries	285,611.41	13
Veterans' Affairs	217,149.42	14
Agriculture	187,983.29	15
Interior and Insular Affairs	161,269.73	16
District of Columbia	103,953.55	17
Ways and Means	18,992.41	18
Standards of Official Conduct	5,996.62	19
Rules	2,851.37	20

[1] Does not include the approximately $250,000 each committee automatically receives as a standing committee.

What is the House Internal Security Committee spending its funds on? Certainly, 48 people are not diligently working on legislation—that is demonstrable by the ludicrous work product of the committee.

In fact, this money is being spent on hearings whose only function is to sustain the theme of guilt by association and to chill dissent. Only yesterday, the committee voted—not unanimously, I should point out—to conduct a study of allegedly subversive activities of individuals and groups who have sought to mobilize veterans against the military. Let me, for one, say right now that the majority of the veterans—particularly those organized as the Vietnam Veterans Against the War—who have come to Washington in recent days to express their opposition to the war have demonstrated a commendable sincerity and depth of feeling.

The committee's money—money provided by this House—is also being used to maintain a massive system of files, which are not only being used by the committee for its arcane purposes, but by the executive branch as well. How the House can condone, even if just by silence, this situation, is bewildering to me.

Particularly strange is the opening of these files to the executive. In the 1970 annual report of the committee, at page 166, it is stated:

Some 25 departments and agencies of the Federal Government include a search of committee records in their security programs, under Executive Order. During the past year there were 1,348 visits to that section by authorized representatives of the Federal Government.

And in the 1969 annual report, it was stated that—

(S)ome 25 departments and agencies of the Federal Government include a search of committee records in their security programs under Executive Order. During the past year there were 1,506 agency visits to the files section.

Of course there were, as I understand it, numerous inquiries by Federal agencies, in addition to "visits."

I find no authority for this state of affairs. Rule XI, paragraph 27(c) of the House of Representatives provides that committee files are the property of the House of Representatives, stating:

All committee hearings, records, data, charts and files shall be kept separate and distinct from Congressional office records of the Member serving as Chairman of the Committee, and such records shall be the property of the House.

The chairman of the Internal Security Committee himself has expressed the view that he requires the authorization of the House to release files. This occurred on March 2 of this year, when the House was considering House Resolution 264, regarding compliance by the committee with a court order for discovery issued by the U.S. District Court for the Northern District of Illinois. At page 4585 of the CONGRESSIONAL RECORD, the chairman stated:

Under the privileges of the House no document under the control and in the possession of the House of Representatives can by the mandate of process of the ordinary courts of justice be taken from such control or possession except by the permission of the House of Representatives. . . . I as the chairman of the House Committee on Internal Security do not have the authority to release these documents. No Member of the House has the authority to release these documents without the permission of the House of Representatives.

If a committee does not have the authority to comply with a valid order of a Federal court to produce files, unless the House consents to that compliance, how then does the committee have the authority, in the absence of any ostensible judicial compulsion, to open its files to the Executive? All I can find as possible authority is the committee's reference in its reports to an Executive order. However, an order of the Executive has no relevance to the workings of a coequal branch of the Government—the Congress. That Executive order is no authority for even opening the door to the committee office, let alone for opening up the files which the committee holds for the House.

The committee's filekeeping function alone—forgetting about the other affronts of the committee to civil liberties, forgetting about the exorbitant amounts this committee throws down the pit of repressive intentions—mandates the demise of the House Internal Security Committee.

But let me continue, and attempt to ascertain what substantive justification warrants this committee. After all, I suppose someone might make the claim that seven pieces of legislation have to be taken care of somehow. If the contention follows, however, that no other committee could do so and, therefore, the Internal Security Committee is necessary, then there is something very much wrong with this House. If we can sit to decide the most complex legislation on the floor, certainly we could devise language in the rules of the House to assure that this legislation would have a committee within which to lodge, without having to create an enormous committee just for those few bills.

The fact is, however, that the House is sufficiently able to tend to its own functions. The Committee on the Judiciary does have jurisdiction to handle the legislation which has been referred to the Internal Security Commitee, and that is the final nail which drives the fact of the continued existence of the Internal Security Committee into the realm of absurdity.

Let me briefly outline the nature of the seven substantive pieces of legislation which occupied 2 years of the committee's time.

H.R. 384, introduced on January 3, 1969, required the Attorney General to maintain a register of Communist-action, Communist-front, and Communist-infiltrated organizations. This bill, which has been introduced in each of the past several Congresses, has never been reported out of the committee. Meanwhile, numerous bills concerning subversive activities have been referred to the Judiciary Committee.

H.R. 959, introduced on January 3, 1969, proscribed two types of activity—obstructing movement of military personnel or supplies, and giving aid to nations with which the United States is engaged in armed conflict. Again, this bill could have been referred to the Judiciary Committee, as evidenced by the fact that an almost identical bill introduced by the same Member in the 89th Congress—H.R. 11864—was referred to that committee.

H.R. 11731 made Federal offenses of acts on college campuses—acts which actually should be handled by local law enforcement. The bill proscribed acts of force, threats of such acts, occupying of buildings, and "any other overt act in violation of any provision of law or any duly adopted rule or regulation promulgated by appropriate administrative authority of such federally assisted institution" willfully committed with intent to prevent, obstruct, or interfere with the orderly administration or operation of a federally assisted institution. This is another bill which the Internal Security Committee never reported out. Again, similar bills in the 91st Congress such as H.R. 10940 and H.R. 13842, which would "prohibit the disruption of the administration or operation of federally assisted educational institutions," were referred to the Judiciary Committee.

H.R. 11825, along with 15 other similar or identical bills, provided for the repeal of the Emergency Detention Act provisions of the Internal Security Act of 1950. A so-called compromise bill—H.R. 19163—was introduced by the committee chairman and the ranking minority member following hearings on the repeal legislation. The fact that this legislation—both the bills originally introduced for complete repeal, and the so-called compromise produce—were clearly within the jurisdiction of the Judiciary Committee is demonstrated by that committee's holding hearings this year on virtually the same legislation to repeal the Emergency Detention Act. Both the Internal Security bill and the Judiciary Committee bill have been reported out of committee in this Congress, and are currently lodged in the Rules Committee.

H.R. 14864, which was passed by the House on January 29, 1970, was entitled the Defense Facilities and Industrial Security Act of 1970. The Washington Post well characterized this piece of legislation in its editorial of January 29:

Behind this malevolent and maladroit piece of legislation lies the misconception that lay behind the McCarthy hysteria of the

1950's—the misconception that the way to promote national security is to mistrust all Americans and to judge their suitability for employment in terms of the conventionality of their ideas.

Again, this bill should have been referred to the Judiciary Committee, as were other bills—such as H.R. 16554—which made unlawful certain acts which ostensibly fomented domestic disorder.

H.R. 18204, introduced on June 6, 1970, provided that under the Internal Security Act of 1950 the attorney general of a State or Commonwealth would have the power to initiate cases before the Subversive Activities Control Board—an attempt to provide some excuse for the continued existence of that moribund body. This was another bill which was never reported out of committee, and which could have been referred to the Judiciary Committee, as was H.R. 725, a bill concerned with strengthening internal security.

In sum, it is clear that the House Internal Security Committee is an albatross around the figurative neck of this body—an albatross which we could easily drop by terminating this committee's mandate and its money. The committee serves virtually no legislative function. It serves no legitimate function. Its continued existence is an affront to civil liberties.

Each year until this one its budget has increased. In 1967, the House appropriated $350,000 for HUAC; in 1968, the figure rose to $375,000. In 1969, HUAC's successor—the present Internal Security Committee—received $400,000. Last year, the figure rose to $450,000. Today, House Resolution 274, as amended by the House Administration Committee, provides $450,000. It may be that an additional $120,000 will be added today on the floor. Yet, while bad money follows bad, the basic nature and purposes of this committee persevere—hostility toward civil liberties the spread of the guilt by association, and the attempt to chill dissent.

The resolution before us today should be defeated, as the first step in the total dissolution of the House Internal Security Committee—a blot upon the House of Representatives and upon America.

Mr. MITCHELL. Mr. Speaker, I rise to speak concerning the 1971 budget request of the House Internal Security Committee for $670,000. This is supplemental to the sum of approximately $250,000 which the committee receives automatically as a standing committee of the House of Representatives.

Ideally, the burden of proof of need for these funds should lie with the body making the request. It should be the House Internal Security Committee which bears the responsibility for clearly demonstrating that its request for more than half a million dollars is financially sound, within the best interests of the Congress, and contributory to the progress and well-being of our Nation.

Can the Internal Security Committee provide one sound reason why it should be funded again this year? I, for one, have seen no proof of its positive function. Its negative achievements are, however, abundantly clear. In the past 25 years of its existence as a standing committee, its legislative record has been practically blank. It has spent more than $7 million, to ferret out of every nook and cranny, what it sees as Communist threats. It has labored to expose, harass, and discredit innumerable organizations, none of which could be seriously considered a substantial threat to our Government. When it was most effective in the 1950's HUAC–HISC irreparably damaged the reputations, careers and private lives of countless American citizens, and fostered a pervading atmosphere of fear and suspicion in our society. It has tied up the courts with more than 130 cases, only a small percentage of which have resulted in convictions, and even the convictions were only for contempt or, in two cases, for perjury. To the best of my knowledge, as a direct result of the committee's efforts, no single person has been convicted of substantive crimes and threats which the committee has claimed to investigate such as espionage, sabotage, and insurrection.

Thus, as a legislative unit the Committee indisputably has been a fiasco, producing no legislation in the past years which could not have emanated from the Judiciary Committee or another committee of the Congress. As an investigative unit, surely the best that can be said is that it is immeasureably less efficient than the numerous agencies such as the FBI, which concern themselves totally with the goal of domestic security. As a self-styled quasi-judiciary unit, it can only be viewed as a latter day Star Chamber. And, as a mechanism for warning the public of dangers to its security, surely it has propagated more fiction than truth. It has contributed all too substantially to the divisiveness in our society, and to the anti-Communist paranoia which has played a significant role in our counterproductive foreign policy during the past 25 years.

The dominant theme of the committee throughout its tumultuous history has been one of abuse—abuse of legislative authority, abuse of citizen rights, abuse of information and abuse of fundamental American beliefs and ideals.

Volumes have been written on this abuse. I wish today merely to stress the committee's repressive and harmful influence in three areas—foreign policy, civil rights, and congressional responsibility.

As America in the 1950's arrogated to itself the role of policeman of the world, so the House Un-American Activities Committee arrogated to itself the parallel role of policeman of "Americanism" at home. Its existence was predicated on the myopic and, I believe, irrational vision, which became so popular in the 1940's and 1950's, of a world threatened by monolithic communism.

That international vision led to the destructive belief that domestic dissent, especially radical dissent, was more dangerous to America than the committee's own desecration of such cherished ideals as freedom of speech; freedom of association, freedom of the press and freedom of assembly. The Committee pilloried a succession of often decent Americans, innocuous dissenters, and others who failed to conform to its narrowminded vision of what it means to be an American. By its narrow definition of the bounds of reasonable dissent, the committee contributed to the suppression of a fundamental and legitimate questioning of the premises of American foreign policy, and thereby helped to perpetuate a policy which increasingly appears very costly, unlikely of success, and at times, as in Southeast Asia, immoral.

It is precisely this rhetorical, defensively uncritical and self-righteous posturing regarding our foreign policy that has kept the blinders on a generation of Americans. It was relatively easy, for example, for many of us to recognize, as did then Majority Leader Lyndon B. Johnson in 1954, that the French were engaged in a colonial white man's war in Indochina. But in our self-protected image of our own conduct, fostered by HUAC–HISC, it has generally been considered subversive to suggest that perhaps America has been pursuing a singular course.

In the early days of our involvement in Southeast Asia, only a handful of men with incredible courage and moral conviction spoke out against our policy. They now have been joined by millions of Americans who strenuously protest our tragically misguided involvement in that part of the world. These Americans have reclaimed their right to dissent. Although they regard HUAC–HISC with ridicule, as an innocuous and irrelevant arm of Congress and although they no longer fear its subpena, HUAC–HISC remains a symbolic threat to their right to dissent—one which I cannot, in good conscience, support.

If we wish, in the near future, to come to a significant reappraisal of our foreign policy, particularly in Asia, then we must make it abundantly clear that those who advocate such a reappraisal cannot be labeled un-American, as they have in the past.

HUAC–HISC not only has operated to maintain an inept foreign policy, it has promoted internal insecurity in our Nation. This has been notable, since the fateful days of its inception, in the area of race relations. The committee has played a historic role in reinforcing and promoting prejudice, discrimination and racial persecution. Directly and indirectly it has impeded the movement for equality and it continues to pose a threat of repression.

Black Americans remember that during the civil rights movement of the 1960's the committee knowingly or unwittingly buoyed reactionary efforts in the South to suppress the legitimate struggle for equal rights under the law. Black Americans know something about the use of raw unevaluated data from HUAC–HISC files to defame civil rights leaders; something about the "little HUAC" committees which were formed in several State legislatures to uncover Communist influences; something about the attacks on civil rights organizations, such as the Atlanta Student Nonviolent Coordinating Committee, using HUAC–HISC information to substantiate charges of Communist infiltration. Black Americans know something about the 1963 effort of a Southern Congressman

to bring dishonor to the NAACP and defeat to pending civil rights legislation by reading into the CONGRESSIONAL RECORD pejorative quotes from HUAC–HISC dossiers on leading black and white rights activists.

Black Americans know that 110,000 Americans of Japanese descent were wrenched from their homes and incarcerated in detention camps during the Second World War. They also know that no German-Americans or Italian-Americans were subjected to the same treatment. Although this tragedy occurred as a result of an executive action, it was the Congress that provided by law for a possible repeat. By the passage of the Internal Security Act of 1950, over the veto of the President, the Congress gave credence to the nightmares of a future rounding-up of undesireable citizens.

Bills to repeal the Emergency Detention Act have been referred to HUAC–HISC since 1968, but they have never been reported out. Rather, last session after extensive hearings, the committee favorably reported out its own bill for consideration, a piece of legislation which glosses over its evil content with a transparent sheen of respectability.

Black middle-class Americans still are uneasy about the charges by Black militants in 1967, that detention camps were being prepared for ghetto rioters. The emphatic rebuttals by civil rights leaders and government officials, that these charges were false rumors, were severely undercut by the committee. HUAC–HISC, in this period of racial turmoil, gave fuel to the fire and unwarranted credibility to the militant claims. In its May, 1968 report, "Guerilla Warfare Advocates in the United States," it suggested, among other outrageous proposals, the use of detention centers, provided for the McCarran Act, "for the temporary imprisonment of warring guerillas."

This is only one case in which public leaders have been obliged to undo severe damage done by the committee. Referring to the HUAC–HISC report, an editorial in the Evening Star of May 17, 1968 stated:

> It is doubtful that any enemy agent intent on sowing the seeds of discord and violence in American society, could not have done a better job than HUAC has done in this instance.

Black Americans have demanded and will continue to demand their rightful place in society. All but a handful are peacefully struggling within the system to achieve their constiutional rights and civil liberties. They know that what they are doing is right. And yet black Americans also know that any minority which wants change faster than the consensus is a threat to the status quo, as narrowly conceived. Such threats have been capitalized on in the past by the committee. It is not unreasonable to anticipate the HUAC–HISC might again use its abusive power in the future to frustrate this sort of legitimate challenge to the slow pace of change sanctioned by the committee.

Just as those advocating a change in our foreign policy must be guaranteed their constitutional rights to dissent, so those demanding racial equality and a fundamental change in our attitudes and policies at home must also be protected. HUAC–HISC symbolizes a threat to this protection.

In conclusion, I wish to discuss the question of congressional responsibility and complicity. Would the Congress today vote such a committee into existence? I think not. And yet for the past 25 years, it dutifully has voted to continue and increase HUAC–HISC appropriations, with apparently little substantive justification.

Are we also intimidated by the false power of the committee, or do we unequivocally support its goals? Do we grant it funds because its activities justify its huge budget or are we stymied by inertia and the desire not to rock the boat? These questions must be answered.

The committee appears to have been instituted out of fear and intimidation. It was made a standing committee on the first day of the 79th Congress by a skillful parliamentary maneuver, an amendment to the House rules. Although the amendment lost on the initial voice vote, it passed 208–186 when a rollcall was demanded. Thus, it seems that by 1945, the committee had already defined, even for the Congress, the meaning of un-American. It would have been un-American to be on record as having voted against the committee.

President Truman once said:

> The Committee on Un-American Activities is the most Un-American thing in America.

I find it shocking that this body has not confronted his statement in a straightforward manner. It is our responsibility either to fully justify the existence of HUAC–HISC, or to terminate its mandate. And yet annually, we sweep his statement under the rug, and annually, we tend to grant the committee's every wish.

The Rules Committee, for example, has bottled up legislation first proposed by a committee opponent in 1959, to abolish the committee or to transfer it to the jurisdiction of the Judiciary Committee. And yet, that same Rules Committee, in 1969 considered and favorably reported out the HUAC resolution, House Resolution 89, changing the committee's name and broadening its mandate.

Similarly, just last month, we supported the committee's refusal to comply with a Federal court discovery order, relative to the Stamler case. By approving House Resolution 264, we denied the defendants evidence which the Federal court indicated was crucial to their case. This despite the fact that House Resolution 9, passed on the opening day of the 92d Congress, authorized the committee and all other committees, to comply with court orders.

Although we are outraged by the disclosure that the Army compiled files on American citizens, including some of our distinguished colleagues, we silently tolerate the widespread use of the mumbo-jumbo HUAS–HISC files by individuals, organizations, businesses, and Government departments.

It is not enough to condemn the committee's actions in the privacy of our offices. It is not enough to deplore among ourselves its violations of constitutionally guaranteed rights. It is not enough to apologize for the embarrassment it has caused the Congress. So long as we continue to approve its requests for appropriations we are its indirect accomplices.

It is a House committee and it is, therefore, our responsibility to answer to constituents whose freedoms are stifled because of HUAC–HISC's ominous presence. It is our responsibility to explain to them why we propose in 1971, to spend $670,000 to provide for an investigation of the Progressive Labor Party and the theory and practice of communism, instead of to provide for the construction of new schools or low-cost housing units, or for medical school scholarships and food for the hungry. I, for one, cannot explain these priorities.

It is the genius of America that it can tolerate a wide variety of dissent and can allow the full exercise of constitutionally guaranteed freedoms. It is only when we question the strength of our guiding principles that our national purpose is jeopardized.

The committee was first proposed for a cause many at the time, found just. It was originally conceived of as a means to curb rightwing influence and investigate pro-Nazi propaganda in the 1930's. In retrospect, we can know the most serious implications of institutionalizing the repression of dissent, no matter how worthy the cause might seem at the time.

As Justice Hugo Black stated in 1961 in his dissenting opinion on the Wilkinson case.

> This country was not built by men who were afraid and it cannot be preserved by such men. Our constitution, in unequivocal terms, gives each of us the right to say what we think without fear of the power of Government. That principle has served us so well for so long that I cannot believe it is necessary to allow any governmental group to reject it in order to preserve its own existence. Least of all do I believe such a privilege should be accorded the House Un-American Activities Committee. For I believe that true Americanism is to be protected, not by Committees that persecute unorthodox minorities, but by strict adherence to basic principles of freedom that are responsible for our nation's greatness.

Gentlemen, we can no longer delay a thorough questioning of the committee's purpose and the underlying asumptions which guide it. Our Nation faces severe crises at home and abroad. It is essential that a serious reevaluation of our policies be made, and that creative innovative solutions to our problems be explored. These problems are too great to permit HUAC–HISC to impede free discussion of pressing social and foreign policy issues. It is the responsibility of the Congress to act now to encourage this discussion.

I therefore urge that the budget request of the House Internal Security Committee be turned down, or that full-scale public hearings on this question be held before the distinguished Committee on Administration makes its budgetary recommendation to the Congress.

Mr. SEIBERLING. Mr. Speaker, I would like to echo the sentiments of several of my colleagues in expressing con-

cern about the proposed appropriation of $570,000 for this year's operations of the House Internal Security Committee. That figure is a 27-percent increase over the $450,000 appropriated for the committee last year, and is $100,000 more than the amount approved by the House Administration Committee.

Whether this committee receives $450,000 or $570,000, we are still talking about a lot of money for a committee that over the years has produced little legislation. In the 91st Congress, the House Internal Security Committee reported out just three bills, only one of which actually reached the floor of the House. More importantly, all these bills fell under the proper jurisdiction of the Judiciary Committee.

We all should be aware that the House Internal Security Committee does not spend most of its funds to draft and consider legislation. Most of its money goes to maintain the vast files inherited from the House Committee on Un-American Activities. Over the years this committee and its predecessor have spent an estimated $7 million to maintain these files which contain information on millions of Americans. These files are available to Members of Congress, their staffs, and hundreds of representatives from more than 40 Federal agencies.

I do not suggest that the Federal Government abandon its role of investigating and recording the activities of subversives. But I do suggest it strive to define this role more accurately and with recognition of the fact that the function of Congress is legislation, not law enforcement.

The FBI alone has enough files reportedly to fill up 12 football fields. Isn't that enough without the House spending millions to maintain its own data bank?

And this question leads us to another, larger question: Is it the proper role of Congress to keep dossiers on individual citizens at the public's expense, especially when there is no authorization for such activities in the House rules?

It seems to me that, with the problem of national priorities becoming more and more acute, there are better ways for Congress to spend substantial sums of money than in this unnecessary duplication of the work of other House committees and of the executive branch of the Government.

In recent weeks, our distinguished majority leader has quite properly questioned the scope of the FBI's intelligence activities. But our ability to call into question improper activities by the executive branch is impaired when the Congress itself is engaging in questionable surveillance of citizens.

To spend thousands of dollars on a committee that contributes nothing to the legislative, investigative, or oversight functions of the Congress strikes me as not only wasteful, but also improper.

Mr. HELSTOSKI. Mr. Speaker, today the House Internal Security Committee makes its annual pilgrimage through the taxpayer's pockets in search of funds to operate its activities for another year.

No matter what the amount of the funds authorized under House Resolution 274, I am opposed to further fundings of this committee. I hold that this committee has no justification for its existence and its work could well be turned over to the House Committee on the Judiciary.

In the last Congress it contributed nothing to the legislative achievements of the House of Representatives. In fact the actions of the committee detracted from the achievements of the House of Representatives.

The committee, in my estimation, has become the source of extensive informational doosiers assembled by all agencies of the government whose representatives search the committee files on both a regular and irregular basis. In releasing any information from its files to anyone is, in my opinion, an invasion of privacy completely disregarded by the Internal Security Committee.

This committee has the dubious distinction of going through the taxpayer's pockets faster than any other committee of the House, all of which perform far greater legislative tasks. With its nine committee members and a staff of about 50, it ranks No. 4 in staffing among all the House committees, with about five staff members for each committee member. To me, this appears to be a patronage haven for political appointees.

Mr. Speaker, I am firm in my belief that the House should deny the request of the committee for these additional funds. Not only will it show our regard to hold down expenses of the House but also express our feelings that this committee has no regard for personal and individual liberties and should be dissolved.

The House Administration Committee has used a knife to whittle down the request of the Internal Security Committee by $220,000, but it should have used "the big axe" to chop out the entire request of $670,000. But even $450,000 is far too much to be given to a Committee which has only a miniscule record of legislative achievement in this House.

Last year there were 52 Members of this House who voted against the funds requested by the Internal Security Committee. Today, I hope that this number will be increased at least fivefold and lead to a quiet demise of HISC.

Mr. Speaker, at this point in my remarks, I would like to place into the RECORD an editorial which appeared in the Washington Post this morning. It also expresses my views. I would like to share it with my colleagues who may have missed it earlier this day.

The editorial follows:

THE INTERNAL SECURITY SINECURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its raison d'etre, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual autos da fe. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

In conclusion, Mr. Speaker, I hope that the action we take today will see an end to HISC's freedom to engage in unwise, unconstitutional, unproductive, and overly expensive pursuits. I urge a vote against this resolution.

Mr. FRENZEL. Mr. Speaker, I am a new member of the House Administration Committee. A few months' service on this committee, and in this Congress, does not make me expert in the affairs and operations of our committees. I do not pretend to be an expert. My comments with respect to committee operations and committee budgets must be evaluated from the standpoint of my own inexperience.

I have been quite surprised at the amounts of money and numbers of staff involved in the House resolutions providing additional funds for the operations of committees. Many times in committee I have voted either against the committee appropriations or in favor of amendments which sought to reduce the committee appropriation. I did not do so wantonly, but rather, in all cases, because I felt no showing had been made that additional responsibilities were being undertaken or that no other reasonable explanations for greater expenses had been furnished. For instance, I did not believe that the almost 50 percent increase for my own committee, Banking and Currency, was warranted under the circumstances presented.

House Resolution 674 asks for a similar increase of about 50 percent in funding for the Committee on Internal Security. In our full committee hearing, no evidence was presented to show that the committee was undertaking new functions or increasing old ones. Since the committee managed to get along on $450,000, less a slight return of funds, in the last session, I believe that we could do the taxpayers a favor by asking it to do the same this year.

I do not mean to be parsimonious with committee budgets. Where new assignments are undertaken, and are nec-

essary, this Congress should spend what is needed to develop its programs and carry out its oversight responsibilities. Nevertheless, we should at the same time be mindful that we do not set a good example when we increase our budgets by large amounts, such as 50 percent, without apparent justification. It is much too easy for an employer or employee group to point to what we do when we ask them to use restraint in inflationary times.

In the case of House Resolution 674, in my judgment, we would be setting an appropriate example for the rest of our society in maintaining the budget at last year's level, and giving our overburdened taxpayers the break they deserve by being careful in the financial review of our own operations. Careful scrutiny here has lead me to the conclusion that no new moneys are needed.

Mr. WRIGHT. Mr. Speaker, I rise in opposition to the Thompson amendment which would so sharply reduce the appropriations for the House Committee on Internal Security and in favor of the Hays amendment which would restore a portion of those funds.

There probably have been times in the past when this committee or its predecessor has exceeded its statutory authority as alleged, and engaged in what might have been described as "witch hunts." Undoubtedly there have been times when the predecessor committee conducted its public hearings in a carnival atmosphere. But no fairminded person would seriously contend that the present committee has pursued any such policy in the past few years.

Most would agree, I think, that under the chairmanship of the gentleman from Missouri (Mr. ICHORD), the committee has conducted its business responsibly, with both restraint and dignified decorum, and with a keen and sensitive appreciation for the individual constitutional rights of every American.

Nor could it be said that the legitimate function of a Committee on Internal Security is invalid today. In fact, it may be more valid and more necessary than at any time since the depression days of the 1930's when the committee was created under another name.

We face an entirely new type of threat to the internal security of this Government and of this Nation. It is the threat of anarchy—deliberate disruption of the public services which any civilized society must provide for its citizens. The new threat may not be directed by Communists, but it is clearly directed by anarchists. They seem to have more in common with Guy Fawkes than with Karl Marx. But that does not reduce the danger to organized society. It may, in fact, increase it.

In this very city we face within the next few days the prospect of disruption of the civil functions of the Capital City of the Nation. The organizers of this forthcoming protest have boasted that they will close down all the bridges leading into Washington from Virginia so that the Government cannot function, and that they will physically shut down the Capitol Building of the United States 1 day next week.

The entire Nation was shocked and appalled earlier this year when this very Capitol was bombed. It was not the first such incident, unfortunately. Since the beginning of 1969, there have been 51 bombings of Federal buildings at various places in the United States and 918 overt threats of bombings.

I for one did not become a Member of the Congress of the United States to acquiesce in permitting a militant minority, whether of the right or of the left, to paralyze this Government. The oath of office to which each of us in this Chamber freely and solemnly swore obliges us to "support and defend the Constitution of the United States against all enemies, foreign and domestic."

Obviously the Congress and its Members have the clear obligation to know everything that can be learned concerning those who would subvert that Constitution and paralyze constitutional government. The orderly congressional entity created for this legitimate purpose of legislative surveillance is the House Committee on Internal Security. It performs a wholly valid and increasingly vital function.

If this amendment should prevail, that committee will be forced to curtail its operations. This clearly is not the time for the House to require for the want of $220,000 that this committee be weakened and its functions critically diminished.

Mr. PODELL. Mr. Speaker, Members of Congress have become increasingly critical of the daily infringement upon individual liberties by the executive branch. In the name of some ill-defined ends established behind a veil of secrecy, Army surveillance, extensive personal dossiers, and surreptious checks have become the all too common practice of certain agencies of our Government.

Such practices pose the serious threats to our most basic liberties—free speech, free thought, and the right of privacy. I believe that the same threats are present in the work of one of the House's own institutions—the Internal Security Committee.

If Congress is to be the institution that restores and safeguards liberty, then I believe it must engage in some serious housekeeping of its own. It must not trample freedom in the process of pursuing it. It cannot disregard means for the sake of ends. I therefore ask that the work of the Committee on Internal Security be discontinued and its jurisdiction be transferred to the Judiciary Committee where it is relevant.

Instead of strengthening our institution, the committee has, in past years, cast an ominous shadow on the work of the House. Its ambiguous mandate has been abused too often over the years with the most serious of consequences.

Lacking or ignoring the most fundamental safeguards of the rights of the individual, the committee has been cavalier in its treatment of these rights. Without regard to due process, the committee has ruined reputations of witnesses and robbed them of their dignity with resulting loss of jobs, friends, and family. Thus, although the House is given no constitutional authority to punish, it has, in fact, meted out the most harsh of all punishments. Using weapons of fear and intimidation, it has created an atmosphere inimical to the exercise of free speech and free conscience. In effect it is on a search-and-destroy mission.

In 1961, in Wilkinson against United States it was affirmed:

> The only real limitation upon the Committee power to harass its opponents is its own self-restraint.

Recent events, most notably, the publishing of a report entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities"—a list of speakers sometimes associated with organizations that were distasteful to the committee—have demonstrated that the committee will not in fact exercise such restraint. It was an attempt by the committee to bring pressures against these institutions—in violation of any conception of academic freedom. I believe it is now up to the House to take action.

Again in Wilkinson, Justice Brennan stated:

> The dominant purpose of the questions [asked the witness were] not to gather information in the aid of law-making or law-evaluation—but rather to harass the petitioner and expose him for the sake of exposure.

The legislative record of the committee affirms the validity of Justice Brennan's portrayal of the situation. Millions of dollars have been appropriated over the years for the committee's operations—but in 31 years of existence, only six HUAC–HISC bills have been passed, This is testimony to both a lack of legislative activity as well as a lack of House confidence in the committee's undertakings.

In 1969, 32 bills, of which 23 were identical, were sent to the House Internal Security Committee. This is in stark contrast to the total House committee average—which numbered greater than 1,200 bills per committee. Last year, 29 bills were referred to the committee—and of these 22 were identical. Only three were reported out and only one came to a vote and went as far as the Senate.

Although it is true that a legislative body cannot legislate wisely or effectively in the absence of information, the information gathered in hearings have not been used for legislative purposes—and the record of the committee bears out my contention.

We are being asked to fund a specific service that the committee performs which requires a substantial number of full-time staff people. I am talking about the collection and keeping of data banks, libraries, dossiers—call them what you will—on the activities, thoughts, and statements of individuals.

Some call this activity a service; I emphatically call it a disservice—both to this body whose purpose should be the promotion of liberty and to the individual on whom the information is kept. The information, is collected as a result of a fishing expedition with little distinction given to what is factual to what is rumor and innuendo.

The executive branch has access to

these files with few meaningful restrictions. Daily visits are made by departments and agencies of the Federal Government to probe these records. By voting to continue the work of the House Internal Security Committee, we will be voting to perpetuate the very things we criticize in the executive branch.

I believe the committee has outlived its usefulness. It is legislatively unproductive—and has spent its time and the sizable appropriations gnawing away at our most basic freedoms.

By asking for the abolition of HISC, I am not asking that we neglect "Internal Security." Rather I am asking that we pursue these tasks by adhering to the principles established in our Constitution and Bill of Rights, that we again become a government of means as well as ends. Internal security can best be promoted by caring for the well-being and the individual liberties of our citizens, and it is to that I ask the legislative body to devote itself.

Mr. ANNUNZIO. Mr. Speaker, I am utterly opposed to continued funding of the House Committee on Internal Security. I believe that this committee and its predecessor have been maintained on the assumption that unless the exercise of the first amendment rights of speech and association are supervised and controlled they will eventually destroy our liberties of speech and association.

This assumption, which is so contradictory, springs from fear of allowing people to speak their minds and to join together on the basis of common ideas and purposes. The framers of the Constitution had no such fear of liberty. Had they been afraid of liberty, they would never have placed the protection of the first amendment around the liberties of speech and press and assembly.

The mandate of the House Committee on Internal Security authorizes it to investigate the character and the objectives of certain kinds of groups. But the character and the objectives of any group are determined by the ideas which its members have in common. And this committee cannot investigate the character and objectives of any group without investigating the ideas which characterize the group and which define its objectives. And so inevitably the committee uses its power of compulsory process to violate the rights of thought and speech.

The first amendment says that "Congress shall make no law" limiting the rights of speech and assembly. And it is a clear principle of American government that Congress has the right to investigate only those matters about which it can legislate. It is inevitable that this committee uses its power to investigate matters which it has no authority from Congress to investigate.

The fifth amendment says that "No person" shall be "deprived of . . . liberty, or property, without due process of law." The predecessor of the present committee deprived individuals of liberty and property without due process of law by making them outcasts in society and by bringing upon them loss of jobs. And the committee imposed this legislative punishment—which is in violation of the Constitution—after acting as prosecutor, judge, and jury. In *Watkins* v. *the United States* (354 U.S. 178 (1957)), a case involving the Un-American Activities Committee, the Supreme Court said:

> "Abuses of the investigative process may imperceptibly lead to abridgment of protected freedoms. The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of governmental interference. And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reaction in the life of the witness may be disastrous. . . . Nor does the witness alone suffer the consequences. Those who are identified by witnesses and thereby placed in the same glare of publicity are equally subject to public stigma, scorn and obloquy."

By the very nature of its investigations the present committee must inevitably continue to impose the same kind of legislative punishment.

The Internal Security Committee claims jurisdiction with regard to overt acts aimed at the violent overthrow of the United States. But these are properly within the jurisdiction of the Judiciary Committee. The mandate of the Judiciary Committee already includes jurisdiction over espionage—the term "sabotage" should be added to its jurisdiction. And I should like to note, Mr. Speaker, that the antibombing legislation which was introduced in the 91st Congress was referred to the Judiciary Committee, not to the Internal Security Committee.

Congress is rightly concerned at the present time by reports that the Army and other executive agencies have been placing individuals under surveillance and compiling dossiers on them. We are more than apprehensive about this threat to personal liberty and privacy. But the Un-American Activities Committee and the Internal Security Committee have been compiling dossiers on individuals and transmitting such personal information to executive agencies for years. Indeed, the committee itself stated more than a decade ago that people from executive agencies "make from 10 to 12,000 file checks each year, tracing the history or background of both individuals and organizations whose records are in the committee files." (HCUA. The House Committee on Un-American Activities; What It Is—What It Does, 86th Congress, H. Doc. No. 118, 1958, p. 69.) The committee is collecting and distributing such information on individual persons today, Mr. Speaker. I think that this is no part of the business of Congress, and I think it constitutes as great a threat to personal liberty and privacy as does the Army's intelligence operation.

Two years ago, Mr. Speaker, the committee asked for $400,000. Last year it asked for $450,000. This year it asked for $670,000. The House Administration Committee is recommending $450,000, the same as last year. I should like to know why the committee needs this tremendous funding which exceeds by hundreds of thousands of dollars its requests in previous years.

The committee has announced that it intends to continue hearings on the theory and practice of communism. There are scholars engaged in studying this subject who do so for less than $670,000, or even $450,000.

The other subject which the committee has announced it will investigate this year is the Progressive Labor Party. The PLP is a pro-Chinese Communist group. Congress is already funding the FBI to keep tabs on such groups as PLP—and, indeed, the FBI has been doing so. No committee of Congress can compete with the FBI when it comes to investigations of this kind; it is a waste of the taxpayer's money to fund the committee for trying to do what it is the business of the FBI to do.

To conclude, Mr. Speaker, the Internal Security Committee is a threat to individual rights guaranteed by the First and Fifth Amendments. What is more, it undertakes investigations which belong to the Judiciary Committee on the one hand and to the FBI on the other. The House should refuse to continue funding the committee.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial which appeared in today's Washington Post entitled "The Internal Security Sinecure." This editorial, which urges abolishing the House Committee on Internal Security, follows:

THE INTERNAL SECURITY SINECURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre*, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual *autos da fe*. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mr. KOCH. Mr. Speaker, I rise in opposition to House Resolution 274, the

funding resolution for the House Committee on Internal Security.

I want to congratulate the Members of the House Committee on Administration for having reduced the authorization for this committee from $670,000 to $450,000. This is the sixth time in the last 7 years that the Internal Security Committee's request has been cut. No other House committee has had its funds reduced so consistently.

These funding cuts are not the only indication of the committee's dubious value. In its 33-year history, the Internal Security Committee has reported only six bills which have become law. Since 1945, it has issued 174 contempt citations, 142 of which failed in court. In contrast, all other House committees combined have issued only 13 citations in that period.

The committee's stated purpose and activities are even more questionable. Last year it spent a portion of its time inventing new security screening techniques under the Defense Facilities and Industrial Security Act, despite the fact that nearly all the techniques it proposed have been held unconstitutional by the Supreme Court. It devoted time to embellishing the Emergency Detention Act of 1950, even though measures introduced in the 91st and 92d Congresses would repeal that Act—this year's measure is sponsored by 157, including myself. The Committee's judicially embroiled blacklist and its perennial investigations are notorious.

However, the most insidious of this committee's activities is its record-keeping on private individuals. It is not as though the committee were involved in simply accumulating objective data, such as traffic statistics; it is collecting information on people, much of which is very personal and subjective. Furthermore, the committee, by its own accounts, freely passes on the information it amasses to government agencies. What assurances do we have that the information flowing into and out of the committee is verified, and that it is not simply passing on unsubstantiated information that is ruinous to those who happen to have fallen under the committee's surveillance net?

The collection of information on individuals and the maintenance of personal dossiers are necessarily a threat to personal privacy. Whenever these activities are authorized, we have a special responsibility to be sure that: first, the information is needed, and second, that it is handled responsibly.

I have introduced two bills in the 92d to provide such safeguards. H.R. 854, which now has 121 House cosponsors, would require all government agencies to notify persons of files maintained on them and to allow such persons to examine their files. My bill H.R. 841 would extend these same disclosure requirements to the House Internal Security Committee.

At this point I would like to introduce into the RECORD my correspondence with Chairman Ichord of the Internal Security Committee.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 18, 1970.

Hon. RICHARD H. ICHORD,
Chairman, House Committee on Internal Security, Washington, D.C.

DEAR MR. CHAIRMAN: I am sure that you must be as concerned as I am over the recent revelations that Army intelligence agents in Illinois between sometime in 1968 and June 1970 collected information on public officials. Senator Sam Ervin, Chairman of the Senate Subcommittee on Constitutional Rights, said this week in the Senate that the Army's "intelligence net" during this time period was not limited to those with a "predilection for violence or illegal conduct" but was far wider and that the Army was "actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made."

He went on to note that apparently public officials and candidates in Illinois had fallen under Army surveillance simply because:

"They opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the Administration, or that they were in contact with or sympathetic to people with such views."

The problem of such dossiers being compiled by government agencies is one that has been the subject of public discussion for a number of years. Your Committee obviously is a collector of such information and I would appreciate knowing what categories of people are included in your files.

To be more specific, would you tell me whether your Committee automatically lists or prepares dossiers on the directors, members, and/or contributors to the American Civil Liberties Union, NAACP, American Friends Service Committee, Referendum '70, Moratorium, and the New Mobe—or those who have applied for Conscientious Objector status? While I would like to know your policies toward each of these groups, I should also appreciate your furnishing me with a list of organizations (not on the Attorney General's list as subversives), whose members would automatically be included in the files of your Committee.

At times, I have wondered whether my participation in an event such as standing on the steps of the Capitol with the Quakers who were seeking to petition the Congress by reading the names of the war dead (and who were arrested by the Capitol Police, to be later acquitted) would place me in one of your files. Indeed, I should appreciate knowing. Mr. Chairman, if my name does appear in any of the Committee's files, and if so, in what regard.

I would also like to know if your files contain dossiers on any Members of Congress. In the event that there are such files, is the Member apprised by your Committee that he or she is included?

It is not the Congressmen, myself included, nor other high elected officials who need the greatest protection, however. We are able to fight back, not always successfully, but at least we have a forum in the House or Senate. The average citizen has no such recourse, and an unknown number of decent citizens' reputations have been destroyed by malicious and false information appearing in the millions of dossiers held by government agencies.

To deal with this problem I have introduced H.R. 7214, a bill which would require that every government agency notify any citizen on whom it has a file of any kind. Furthermore, the bill would enable the citizen to inspect his file—subject to reasonable restrictions so as to protect the government in pending criminal investigations and national security matters—and add to it their own statements pointing out errors, if any, or provide explanations where necessary. The bill which I introduced last year covers all agencies except Congressional Committees. I am considering revising it so as to include our Committees and would appreciate your thoughts on this matter; a copy of the present bill is enclosed for your comments.

I would very much appreciate your responding to this letter as soon as possible since this is an issue of great concern to many of us.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., December 23, 1970.

Hon. EDWARD I. KOCH,
Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: With reference to your letter of December 18, 1970, please be advised that the Committee on Internal Security does not maintain lists or dossiers with particularity concerning individuals and organizations. However, the Committee does maintain a reference service containing public source material concerning certain individuals and organizations. This reference service is administered consistent with the rules of the House which require that information in the Committee's files be available for the use of the Members of the House. This courtesy is also extended to the Senate and to representatives of investigative agencies in the Executive Branch of the Government upon written request.

On February 18, 1969, by House Resolution 89, the records of the former Committee on Un-American Activities were transferred to the new Committee on Internal Security. Consistent with the new mandate of the Committee on Internal Security, the files and reference section has maintained these records and receives a constant influx of new material pertinent and essential to carrying out the responsibilities as mandated by the House.

The Committee's files and reference section is composed of printed, public source material obtained from such sources as hearings and reports of this Committee and other official governmental investigating agencies, general reference books, innumerable periodicals, newspapers, pamphlets, letterheads and leaflets issued by organizations which have been characterized as subversive by Federal authorities. You will note that in the Committee's Annual Report for the year 1969 the staff responded to 1,944 requests from Members; and searches were made concerning 2,747 individuals and 1,546 organizations. A copy of the Annual Report is enclosed for your use.

The Committee has sometimes been criticized by certain persons and groups for maintaining extensive files of publicly documented information on Communism and upon request making the information in these files available to the Members of Congress. The U.S. Court of Appeals for the District of Columbia in *United States* v. *Gojack* (280 F. 2d, 678–681) determined that the practice of the Committee in making these files available to Members of Congress was further evidence of the Committee's concern with its constitutional duty of assisting in the enactment of legislation rather than being an act for which the Committee was to be censured. The Court stated:

"A large collection of material and exhibits is maintained by the Committee in connection with its constituted duties in order to furnish reference service not only to the Committee's own Members and staff in its investigations and hearings, but also to every Member of Congress who submits a written request for information in that file."

In answer to your question as to whether the Committee automatically lists or prepares dossiers on the directors, members,

and/or contributors to the American Civil Liberties Union, the NAACP, American Friends Service Committee, Referendum '70, Moratorium, and the New Mobilization Committee to End the War in Vietnam, or those who have applied for conscientious objector status, please be advised that the Committee with the exception of the New Mobilization Committee to End the War in Vietnam, has not authorized investigations and/or hearings into the activities of any of the aforementioned groups. The Committee did hold extensive hearings with regard to the New Mobilization Committee to End the War in Vietnam and a staff study was prepared concerning New Mobe and its predecessor organizations. I am enclosing copies of these publications for your information.

Further please be advised that the files and reference section of the House Committee on Internal Security does not contain any names or public source information concerning Members of Congress or government officials. It is noted for your information that the names of all witnesses appearing before the Committee in public session may be found in the cumulative index and are alphabetically listed at the end of each printed hearing.

With respect to your question concerning persons being advised as to whether or not their names are included in the files of the House Committee on Internal Security reference section, I would refer you to the Rules of the House, specifically Rule XI, 27 (m), which states as follows:

"If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

"(1) receive such evidence or testimony in executive session;

"(2) afford such person an opportunity voluntarily to appear as a witness; and

"(3) receive and dispose of requests from such person to subpena additional witnesses."

As Chairman of the Internal Security Committee, I have instructed the staff that it is incumbent upon them to be most judicious in insuring that innocent persons do not become the victims of misinformation which would tend to defame, degrade, or incriminate.

The authorty in establishing the constitutionality of the House Committee on Internal Security and the authority under which it operates can be traced to the Constitution of the United States under Article I, Sections 1 and 5, which give the House the power to legislate and make its own rules (i.e., create committees):

1. All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

5. Each House may determine the rules of its proceedings.

Though the House Rules govern the functioning of the various Committees of Congress and are not subject to change by your proposed legislation, I do not share your concern for the need for H.R. 7214 which would require every government agency to notify any citizen on whom the agency maintained a file. There is a keen awareness on the part of our Committee that there is on a daily basis an onrush of events throughout the United States which has critical significance to our Nation's internal security. In view of the proliferation of subversive organizations, the profusion of their activities, and the increase in the number of leaders avowedly seeking violent destruction of our democratic system, it is enormously difficult to keep currently abreast of important dangers to the stability of our government and to assess the importance of current information for future reference. It is imperative that this Committee which Congress has mandated to function in the field of internal security keep knowledgeable of surversive and revolutionary developments on a timely basis and to the fullest extent possible.

Congress, as well as Government officials, looks to this Committee for reliable information concerning subversive individuals and organizations without pausing to take into account the very small number of staff investigators we have available and without understanding that our primary business is legislative rather than the acquisition of information as an end in itself.

I have often said that Congress cannot legislate intelligently in a vacuum, and its Members must be kept informed so that they can judge the merit of proposed legislation in any given area before deciding how to cast their votes. In matters pertaining to national security not only the Committee's investigations and hearings and its published reports, but also its special individually prepared files and reference service reports assist in a vital informational area of the legislative process.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

Because of the Chairman's concern that "innocent persons do not become the victims of misinformation which would tend to defame, degrade, or incriminate them" he should welcome and suppport legislation such as H.R. 854 and H.R. 841.

Until the House Internal Security Committee gives a more complete disclosure of its activities and can show good reason why the Congress requires a standing committee to conduct continuous information collecting and surveillance activities, its budget—and thus necessarily its activities—should not be approved.

Because I believe that any legitimate functions which this committee might have could easily be handled by the Judiciary Committee, and because the history of this committee is so heinous, I am voting "no" on final passage of this authorization bill. I realize that even if this resolution is defeated, the Internal Security Committee will still receive the $247,000 automatically allotted to all standing Committees under House rules. Naturally I would like to deny the committee all funds, but because of procedural constraints, that will have to wait for another day.

The purpose of my vote today is twofold: to grant the Internal Security Committee the smallest amount possible and to indicate my belief that this committee should be abolished.

I would like to further amend my remarks with an editorial from today's Washington Post:

THE INTERNAL SECURITY SINECURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre*, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual *autos da fe*. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mr. CLAY. Mr. Speaker, today, the House is scheduled to take action on House Resolution 274, providing an appropriation of $450,000 for the House Internal Security Committee. This figure represents a reduction of $220,000 from the committee's request and equals the amount of funds granted the committee last year. The $450,000 requested is in addition to approximately $250,000 which this committee receives automatically as a standing committee of the House. It is interesting to note that in 6 of the past 7 years the House Administration Committee has cut the committee's fund request. No other committee has so consistently had its request reduced.

I want to state my firm objection to the appropriation of these funds to the Internal Security Committee. The committee's record is poor at best. A look at its legislative record in the 91st Congress confirms this fact. Twenty-nine bills were referred to the committee of which 22 were identical or similar. None of these bills ever became law; only three were reported out, two of which never reached the House floor, and the third passed the House but died in the Senate committee.

Unfortunately, when the 91st Congress voted to change the committee's name from HUAC to Internal Security, it also broadened the committee's authority relating to its investigatory powers. The committee's mandate was no longer limited to investigation of propaganda but was extended into the activities of organizations and groups. The committee utilized this vague additional authority by holding hearings into the activities of such groups as the SDS, the Black Panthers, and the New MOBE.

The record of the hearings the committee held in the previous Congress further demonstrate its ineffectiveness. It held a total of 70 days of hearings dwelling on the most absurd subjects. Its targets and the amount of time it ex-

pended on some of them follow: 23 days of hearings on the SDS, 19 days spent on the Black Panthers, 7 days on the New Mobilization Committee to End the War, 3 days on the theory and practice of communism, and 2 days of hearings on the Federal employees loyalty-security program under the Subversive Activities Control Act.

It is about time the House realizes that the millions of dollars spent to maintain this committee over the years represents a total waste of money since this committee has produced no substantive legislative record. Its budget bears no relation to its legislative productivity. The committee since its inception has maintained an average staff of 46, at a cost of more than $6 million, and has produced only six pieces of legislation since 1945. Contrast this record with that of the Ways and Means Committee which operates with half as large a staff and has consistently considered a full 20 percent of the legislative output in each session of Congress.

Congress' own image is diminished when a committee such as this is allowed to operate and expose for exposure's sake while completely neglecting its main focus which should be providing meaningful legislation.

I, therefore, oppose the $450,000 appropriation to a committee which serves no useful purpose and hope that the House would instead abolish this committee by transferring its jurisdiction to the Judiciary Committee. The latter is made up of men with legal expertise who are better qualified to respond to any real threats to our internal security while at the same time protecting our heritage of civil liberties.

Mr. ROYBAL. Mr. Speaker, the time has come for we Members of Congress to categorically express our opposition to the intimidation of our fellow countrymen resulting from questioning their patriotism or loyalty to this great Nation. The upcoming vote on whether to continue funding for the activities of the House Internal Security Committee offers us an excellent opportunity to express our rejection of such McCarthyite holdovers of a less than honorable period in American history.

An equally great argument can be made against the Internal Security Committee for its failure last Congress even to perform its poorly conceived functions effectively. While receiving the sixth greatest appropriation from the last Congress for its operation only seven different legislative measures were referred to the committee with but one of these passing the House. In fact in its 33-year history the committee has only had six of its bills eventually become law. Yet the committee has significantly more staff per committee member—5.33 staff per member compared to 1.92 for the next highest committee—and spends much more per committee member—$79,444.44—than any other standing committee in the House.

A third major argument for voting against the continued appropriations for the Internal Security Committee is its invasion of privacy and total disregard for the reputations of those individuals whom the committee sees fit to investigate. While our society needs to protect itself against groups that constitute a threat to the Nations' security, the Internal Security Committee is the wrong way to accomplish this. Such responsibility on the Federal level, for example, should be handled by the Department of Justice. Whoever is authorized to perform this delicate function, however, must display great caution in its investigative and data compiling procedures in order to protect the privacy of our citizens. Unfortunately, over its entire 33-year history the House Internal Security Committee, formerly called the House Un-American Activities Committee, has failed to exercise the necessary restraint in such matters. Rather it has proven indiscriminate both in its investigative procedures and in granting access to its information files. I, therefore, call upon my colleagues in the House to remove this malignant tumor from our corporate body and seek out measures to assure our national security which are in greater conformity with our democratic traditions of free speech and the right to security against unreasonable searches. I direct my colleagues attention to a Washington Post editorial of April 29, 1971 which eloquently expresses the anachronistic character of this superfluous body:

THE INTERNAL SECURITY SINCURE

For the thirty-second time, since it was sired by Rep. Martin Dies in 1938, the House Internal Security Committee (alias the House Un-American Activities Committee) is coming to the House of Representatives for a handout to sustain its miserable, useless, parasitic existence. Last year, it got $470,000 of public money—money which innumerable Americans earned by honest efforts in offices and stores and factories and forests and fields. This year, it had the sheer gall to ask for $200,000 more than that. Some sensible, stalwart congressmen on the House Administration Committee cut that figure down to $450,000. More power to them! The House, which takes up the requested Internal Security Committee appropriation today, ought to cut it still more—to the bare sum necessary to pay terminal leave to the committee's staff and inter the committee's useless bones.

What does the committee do? It provides employment, if you can call it that, for 49 hangers-on—the third largest staff among standing committees of the House. That is its rationale, its *raison d'etre*, its sole remaining function. It used to be supposed, among congressmen, that membership on the committee could get one's name into print occasionally through attendance at its semi-annual *autos da fe*. But the committee has long since fallen into such desuetude that it is now one with the minstrel show, the tap dance and Major Bowes' Amateur Hour. It reminds one of an elderly vaudeville troupe in search of an audience. It has become a joke, a rather risque joke; and the joke is now on the House of Representatives, reflecting on its dignity and its sense of decency.

Surely some manpower retraining program can make the staff employable somewhere. Surely the committee members can find something to do more useful to their constituents. Let the House, just as an experiment, try getting along for a year without the Internal Security Committee. It will find the release quite exhilarating—like taking off an antique whalebone corset or a pair of high button shoes that pinch intolerably at the toes. And, incidentally, what a boon for the country!

Mrs. CHISHOLM. Mr. Speaker, I rise today in opposition to House Resolution 274, which would fund the operations of the House Internal Security Committee. To invest as much as $670,000 in this committee is indeed a waste and a blatant disregard for both the priorities of this House and the Nation.

The Internal Security Committee—formerly House Un-American Activities—has a long history of unproductive existence. Some of the witch-hunts conducted by the committee indeed refresh our memories of the McCarthy era.

Let us just look at the record of this committee over the past 2 years. In that time period, after having been granted $850,000 in operating funds, 29 bills were referred to the Internal Security Committee, 22 of which were identical or similar; and all of which belonged in the Judiciary Committee. None of these bills even became law, Mr. Speaker, and only three were reported out . . . two of which did not even reach the House floor, and the third died in a Senate committee.

The Internal Security Committee held 70 days of hearings in a 2-year period, the results of which have still to be understood as having any constructive affect on our Nation's welfare.

I dare say, Mr. Speaker, that if any of the other 20 standing committees of this House were to carry such an unproductive record, that not only would their funding be drastically reduced, but their days in existence would be surely numbered.

In approving the current request of funds for this committee, the House would indirectly sanction the excesses and outrages of this committee. The time has now come for us in this body to establish priorities in governing both ourself as a body and our spending. I, therefore, urge my colleagues to join with me in voting against further funding of this unnecessary and burdensome arm of the House.

Mrs. ABZUG. Mr. Speaker, I wish to express my strong support for the amendment. I oppose any increase in the appropriations for the House Committee on Internal Security. In these times, the committee is anachronistic, wasteful and dangerous. Rather than being strengthened, this committee should be eliminated altogether.

The internal security of our country is truly threatened, as never before in our history. It is threatened, however, not by those exercising their constitutional right of free speech, but by those who would silence all speech. It is threatened by the growing unease of citizens who would protest but dare not, lest they too find themselves on some list of subversives. It is threatened by the increasing paranoia of a deeply divided nation, where spies and counterspies are turning friend against friend, brother against brother. These threats to the security of our Nation can only be increased by further funding of a committee devoted to intimidation.

Since the committee does exist as a standing committee of the House, it automatically receives some $250,000 per year. Last year it received an additional

$450,000. This year's request is for $670,000.

Of the 20 standing committees of the House, this Committee on Internal Security has the sixth largest budget and the third largest staff, 49 persons. Its present appropriation of $850,000 ranks it well above the Judiciary Committee—the legitimate guardians of our security—whose appropriation is $530,000 and whose staff numbers 32. The Committee on Internal Security fares much better, also, than the committees on Foreign Affairs, Science and Astronautics, Veterans' Affairs, Agriculture and other important areas of national concern.

Why? Let us look at the committee's performance record.

During the 91st Congress, 29 bills were referred to this committee, 22 of which were either identical or very similar. No bill became law. Three were reported out; two did not reach the House floor, while the third passed but died in Senate committee. In other words, the good sense of the Members of Congress prevailed to prevent these repressive, anachronistic measures from being passed into laws.

What else, then, did the 49-member staff of the Internal Security Committee do with its munificent appropriation? Surely it has done the least with the most.

It has held hearings "on aspects of life in Communist-run countries as described by refugees from the Soviet Union, Cuba, Czechoslovakia, together with information on Communist theory and practice from an American academician, expert in Communist affairs." We can read livelier testimony any week in our popular magazines, for about 50 cents. And it has little relevance to aspects of life in New York City or Washington or Nebraska, which are the concern of this Congress.

The committee has also conducted hearings in various cities on the activities of the Black Panther Party—long after the mass media reported these activities in far greater detail and depth.

Then, the committee has published such documents as "A Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities." I need not remind you of the justifiable furor that arose, as educators, students, and jurists called the inquiry an invasion of academic freedom, a none-too-subtle intimidation.

Another enlightening document is the committee's "Staff Study of Subversive Involvement in the Origin, Leadership and Activities of the New Mobilization Committee To End the War in Vietnam and its Predecessor Organizations." Here the individual bias of staff investigators is given a sheen of respectability, of official sanction, by bearing the imprimatur of the U.S. Government. Yet the charges and innuendos are undocumented and irresponsible. Individuals are listed, for example, as "identified members of the Communist Party USA", and a footnote refers the reader to the date of testimony by the "identifier"; the same tired old witnesses who have been around since this committee was set up as the House Committee on Un-American Activities. Yet on such flimsy innuendos are careers, reputations, and lives destroyed. Is this committee's appropriation being used to maintain perjured witnesses?

The committee also published a two-part report of its hearings on the New Mobilization. The volumes—which sell for $1.25—consist largely of publicly distributed flyers, announcements, minutes and planning memoranda—some of which are touchingly unsubversive. Discussing civil disobedience, for instance, New Mobe planners counsel that "to notify the police in advance can materially lessen the likelihood that the police will behave erratically, precipitately or violently. If the group provides the information, rather than bystanders of spies or reporters, the information will be accurate." Yet the overall tone of the Report, the mere fact of its existence, implies a taint of subversive conspiracy among the hundreds of people listed.

For such rehashed, editorialized "reports" the taxpayers spend $850,000 per year and are now asked to spend more.

The ludicrous aspects of the committee and its hearings could be laughed off if our country were in a state of health—which it is not, or if we could afford to waste dollars—which we cannot.

But the committee has a further unauthorized function which is genuinely dangerous. For years it has been collecting files on all kinds of individuals—files stuffed with just such amorphous, unproven allegations as we have mentioned. These files may well be the basis for the huge, computerized data banks we now discover are being maintained by both public and private agencies.

By what criterion are names put into these files? Does attendance at a march or rally brand one as subversive? Millions of Americans must now ask themselves this question before taking part in any dissent from the Government line. Does one dare write a letter to the editor—or to one's Congressman?

It has gone beyond that, gentlemen, the Congressman too may be in the files, along with candidates, State legislators, even Governors—as we are now learning, to our horror.

In 1967 this committee reported that its files were regularly searched 4 days a week, on a full-time basis, by representatives of Federal departments and agencies, ranging from the Defense Intelligence Agency to NASA to the Department of Health, Education, and Welfare. Reciprocally, the committee inspects income tax returns and other privileged data.

There are agencies of Government whose legitimate function is the protection of public servants and private individuals. But that protection must be based on the constitutional guarantees of freedom of speech and assembly, on a respect for privacy, on the right of advocacy of unpopular ideas.

Instead, Government and industrial snooping, intimidation and censorship is fast becoming an American way of life. It must not become an accepted way, for it runs counter to our deepest traditions.

Today's newspapers indicate that this committee intends to investigate the demonstrations on Saturday, April 24. Over 500,000 attended that outcry for an end to the useless slaughter in Indochina. A total of 73 percent of the American people have similarly called out for a withdrawal of all our troops from Vietnam before the end of this year.

To seek to investigate citizens exercising fundamental rights of free speech, assembly and petition for redress of grievances is, I submit, truly an act against the interests of this country, our democracy and the people.

If we would defend the internal security of the United States, we will not prop us the fearsome flappings of a scarecrow committee.

If we would defend the internal security of the United States, we will relieve the misery of its poor, provide the opportunities so desperately lacking, encourage the fullest expression of all ideas, and give the young fresh reason for faith in the institutions we cherish.

Mr. BADILLO. Mr. Speaker, today the House is considering House Resolution 274 which would provide the House Internal Security Committee—formerly known as the House Un-American Activities Committee—with an additional $450-000 for use during the first session of this Congress. I believe that the committee's past performance does not warrant an increase in its funding and furthermore, the committee should be abolished and whatever legitimate functions it has should be transferred to the Judiciary Committee.

Just within the last year, the committee has disobeyed a court injunction and was involved in a wasteful jurisdictional conflict with the Judiciary Committee. HISC also spent more money per committee member than any other House standing committee, but was one of the least active legislative committees.

What the committee does manage to accomplish is veiled in disregard for the most fundamental American rights of privacy, speech, assembly, association, and petition of the Government.

A bulk of the committee's funds are spent on the thousands of dossiers the committee maintains in order to prevent infiltration of the Government by "subversive" individuals and groups.

However, it has never been made clear as to the extent of the personal data collected, how that information is gathered, and whether any attempt is made to verify the accuracy of the files.

More than 25 Federal departments and agencies use the HISC records in their security programs. The Civil Service Commission has two fulltime employees checking the files. However, an individuals has no way of knowing what information has been collected about him and what data has been disseminated to outside sources.

I am disturbed that the House of Representatives should be engaged in such activities. There is no doubt that there is a need for the Government to collect necessary information, in order to insure the rights and freedom of all. However, in the process of collecting that

information, we should not destroy the very rights and freedom we seek to preserve. That is exactly what HISC has been doing, operating in a manner which disregards the Bill of Rights.

The committee's legal philosophy was made explicit last year, when despite a court order against doing so, it published a list of 57 campus speakers considered to be "radical extremists." A U.S. district court declared that the list was an abridgment of the first amendment and that the report was merely a list of views HISC found repugnant, serving no legislative purpose. Apparently, the committee was not about to let laws or the courts get in the way of investigating "subversive" activities.

Congressman HENRY S. REUSS of Wisconsin recently charged that the FBI has no business compiling dossiers on "millions of Americans who are accused of no wrongdoing."

There can be no doubt that Congress should not take on that task either.

That is exactly what HISC has been doing and will continue to do with the funds they are requesting. In a time of great urban crisis it seems that this money could be better used for substantive programs in the areas of health, housing, and welfare.

Mrs. CHISHOLM. Mr. Speaker, I rise today in opposition to House Resolution 274, which would fund the operations of the House Internal Security Committee. To invest as much as $670,000 in this committee is indeed a waste and a blatant disregard for both the priorities of this House and the Nation.

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The SPEAKER. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the committee amendment.

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

Mr. PODELL. 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 Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 129, not voting 46, as follows:

[Roll No. 74]

YEAS—257

Abbitt	Flynt	Minshall
Abernethy	Ford, Gerald R.	Mizell
Anderson, Ill.	Fountain	Mollohan
Andrews, Ala.	Frey	Monagan
Andrews, N. Dak.	Fulton, Pa.	Montgomery
Archer	Fuqua	Morgan
Arends	Galifianakis	Murphy, Ill.
Ashbrook	Garmatz	Murphy, N.Y.
Aspinall	Gettys	Myers
Baker	Giaimo	Natcher
Baring	Gibbons	Nelsen
Barrett	Goldwater	Nichols
Belcher	Gonzalez	O'Konski
Bennett	Goodling	Passman
Betts	Gray	Patman
Bevill	Green, Oreg.	Pelly
Blackburn	Griffin	Pepper
Blanton	Gross	Perkins
Boggs	Grover	Pettis
Bow	Hagan	Pickle
Bray	Haley	Pirnie
Brinkley	Hall	Poage
Brooks	Hansen, Idaho	Poff
Broomfield	Harsha	Powell
Brotzman	Harvey	Preyer, N.C.
Brown, Mich.	Hastings	Price, Ill.
Brown, Ohio	Hays	Price, Tex.
Broyhill, N.C.	Hébert	Pucinski
Broyhill, Va.	Henderson	Purcell
Buchanan	Hicks, Mass.	Quie
Burke, Fla.	Hicks, Wash.	Randall
Burleson, Tex.	Hogan	Rarick
Burlison, Mo.	Horton	Reid, Ill.
Byrnes, Wis.	Hosmer	Rhodes
Byron	Hull	Roberts
Cabell	Hungate	Robinson, Va.
Caffery	Hunt	Robison, N.Y.
Casey, Tex.	Hutchinson	Roe
Cederberg	Ichord	Rogers
Chamberlain	Jarman	Rooney, N.Y.
Chappell	Johnson, Calif.	Rooney, Pa.
Clancy	Johnson, Pa.	Rostenkowski
Clark	Jonas	Rousselot
Clawson, Del	Jones, N.C.	Ruppe
Cleveland	Kazen	Ruth
Collier	Keating	Sandman
Collins, Tex.	Kee	Satterfield
Colmer	Keith	Saylor
Conable	King	Scherle
Crane	Kuykendall	Schmitz
Daniel, Va.	Kyl	Schneebeli
Daniels, N.J.	Landgrebe	Scott
Davis, S.C.	Lennon	Sebelius
Davis, Wis.	Lent	Shipley
de la Garza	Lujan	Shoup
Delaney	McClory	Shriver
Denholm	McClure	Sikes
Dennis	McCollister	Sisk
Dent	McDonald, Mich.	Skubitz
Derwinski	McEwen	Slack
Devine	McFall	Smith, Calif.
Dickinson	McKay	Smith, Iowa
Dowdy	McKevitt	Smith, N.Y.
Downing	McMillan	Snyder
Dulski	Mahon	Spence
Duncan	Mann	Springer
Edmondson	Martin	Staggers
Erlenborn	Mathias, Calif.	Stanton, J. William
Eshleman	Mathis, Ga.	Steed
Evins, Tenn.	Mayne	Steele
Fascell	Melcher	Stephens
Findley	Michel	Stratton
Fish	Miller, Calif.	Sullivan
Fisher	Miller, Ohio	Talcott
Flood	Mills	Taylor
Flowers	Minish	Teague, Calif.
Teague, Tex.	Whalley	Wyatt
Terry	White	Wydler
Thomson, Wis.	Whitehurst	Wylie
Thone	Whitten	Wyman
Vander Jagt	Widnall	Yatron
Veysey	Wiggins	Young, Fla.
Waggonner	Williams	Zablocki
Wampler	Wilson, Bob	Zion
Ware	Winn	Zwach
Watts	Wright	

NAYS—129

Abourezk	Eckhardt	Metcalfe
Abzug	Edwards, Ala.	Mikva
Adams	Edwards, Calif.	Mink
Addabbo	Eilberg	Mitchell
Anderson, Calif.	Evans, Colo.	Moorhead
	Foley	Morse
Anderson, Tenn.	Ford, William D.	Mosher
		Moss
Annunzio	Forsythe	Nedzi
Ashley	Fraser	Nix
Badillo	Frelinghuysen	Obey
Begich	Frenzel	O'Hara
Bergland	Fulton, Tenn.	O'Neill
Biaggi	Gallagher	Patten
Biester	Gaydos	Pike
Bingham	Griffiths	Podell
Blatnik	Gude	Railsback
Boland	Hamilton	Rangel
Bolling	Hanna	Rees
Brademas	Harrington	Reuss
Brasco	Hathaway	Riegle
Burke, Mass.	Hawkins	Rodino
Burton	Hechler, W. Va.	Roncalio
Byrne, Pa.	Heckler, Mass.	Rosenthal
Carey, N.Y.	Helstoski	Roush
Carney	Holifield	Roybal
Celler	Howard	Ryan
Chisholm	Jacobs	St Germain
Clay	Karth	Sarbanes
Conte	Kastenmeier	Schwengel
Conyers	Koch	Seiberling
Corman	Kyros	Stafford
Cotter	Leggett	Stanton, James V.
Coughlin	Link	
Culver	Long, Md.	Thompson, N.J.
Danielson	McCloskey	Tiernan
Dellenback	McCormack	Udall
Dellums	McDade	Van Deerlin
Diggs	McKinney	Vanik
Dingell	Macdonald, Mass.	Vigorito
Donohue		Whalen
Dow	Mailliard	Wilson, Charles H.
Drinan	Matsunaga	
du Pont	Mazzoli	Wolff
Dwyer	Meeds	Yates

NOT VOTING—46

Alexander	Hammer-schmidt	Pryor, Ark.
Aspin		Quillen
Bell	Hanley	Reid, N.Y.
Camp	Hansen, Wash.	Roy
Carter	Hillis	Runnels
Clausen, Don H.	Jones, Ala.	Scheuer
	Jones, Tenn.	Steiger, Ariz.
Collins, Ill.	Kemp	Steiger, Wis.
Davis, Ga.	Kluczynski	Stokes
Dorn	Landrum	Stubblefield
Edwards, La.	Latta	Stuckey
Esch	Lloyd	Symington
Grasso	Long, La.	Thompson, Ga.
Green, Pa.	McCulloch	Ullman
Gubser	Madden	Waldie
Halpern	Peyser	Young, Tex.

So the amendment to the committee amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Runnels for, with Mr. Stokes against.

Mr. Latta for, with Mr. Collins of Illinois against.

Mr. Young of Texas for, with Mr. Green of Pennsylvania against.

Mr. Davis of Georgia for, with Mr. Scheuer against.

Mr. Stuckey for, with Mr. Reid of New York against.

Mr. Jones of Alabama for, with Mr. Waldie against.

Mr. Camp for, with Mr. Symington against.

Mr. Stubblefield for, with Mr. Halpern against.

Until further notice:

Mr. Jones of Tennessee with Mr. Hillis.

Mr. Kluczynski with Mr. Bell.

Mr. Edwards of Louisiana with Mr. Esch.

Mr. Long of Louisiana with Mr. Don H. Clausen.
Mr. Madden with Mr. Thompson of Georgia.
Mr. Ullman with Mr. Steiger of Arizona.
Mr. Alexander with Mr. Peyser.
Mr. Aspin with Mr. Gubser.
Mr. Dorn with Mr. Steiger of Wisconsin.
Mr. Hanley with Mr. Hammerschmidt.
Mr. Pryor of Arkansas with Mr. Kemp.
Mr. Roy with Mr. Lloyd.
Mr. Landrum with Mrs. Hansen of Washington.

Messrs. POWELL and MELCHER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the committee amendment, as amended, and on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER. The question is on the resolution.

MOTION TO RECOMMIT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. EDWARDS of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. EDWARDS of California moves to recommit House Resolution 274 to the House Administration Committee with instructions to hold public hearings on the necessity for this appropriation.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the years and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 275, not voting 53, as follows:

[Roll No. 75]

YEAS—104

Abourezk	Corman	Howard
Abzug	Cotter	Jacobs
Adams	Culver	Karth
Addabbo	Dellums	Kastenmeier
Anderson, Calif.	Denholm	Koch
Annunzio	Derwinski	Leggett
Ashley	Diggs	Long, Md.
Badillo	Donohue	McCloskey
Barrett	Dow	McCormack
Begich	Drinan	McKay
Bergland	Eckhardt	Macdonald, Mass.
Bingham	Edwards, Calif.	Matsunaga
Blatnik	Eilberg	Meeds
Boland	Evans, Colo.	Metcalfe
Bolling	Foley	Mikva
Brademas	Forsythe	Mink
Brasco	Fraser	Mitchell
Burke, Mass.	Gallagher	Moorhead
Burton	Gaydos	Morse
Byrne, Pa.	Gude	Mosher
Carey, N.Y.	Hamilton	Nedzi
Carney	Harrington	Nix
Celler	Hathaway	Obey
Chisholm	Hawkins	O'Hara
Clay	Hechler, W. Va.	O'Neill
Conte	Heckler, Mass.	Patten
Conyers	Helstoski	Podell
Rangel	Hicks, Wash.	Ryan
Rees	Holifield	Sarbanes
Reuss	Holtzman	Schwengel
Riegle	Howard	Seiberling
Robison, N.Y.	Jacobs	Smith, Iowa
Rodino	Karth	Stanton, James V.
Rosenthal	Kastenmeier	Thompson, N.J.
Roybal	Koch	Tiernan
	Leggett	Van Deerlin
	Long, Md.	Vanik
	McCloskey	Vigorito
	McCormack	Whalen
	McKay	Wolff
	Macdonald, Mass.	Yates
	Matsunaga	
	Meeds	
	Metcalfe	
	Mikva	
	Mink	
	Mitchell	
	Moorhead	
	Morse	
	Mosher	
	Nedzi	
	Nix	
	Obey	
	O'Hara	
	O'Neill	
	Patten	
	Podell	

NAYS—275

Abbitt	Gettys	Poage
Abernethy	Giaimo	Poff
Anderson, Ill.	Gibbons	Powell
Anderson, Tenn.	Goldwater	Preyer, N.C.
Andrews, Ala.	Gonzalez	Price, Ill.
Andrews, N. Dak.	Goodling	Price, Tex.
Archer	Gray	Pucinski
Arends	Green, Oreg.	Purcell
Ashbrook	Griffin	Quie
Aspinall	Griffiths	Railsback
Baker	Gross	Randall
Baring	Grover	Rarick
Belcher	Hagan	Reid, Ill.
Bennett	Haley	Rhodes
Betts	Hall	Roberts
Bevill	Hanna	Robinson, Va.
Biaggi	Hansen, Idaho	Roe
Biester	Harsha	Rogers
Blackburn	Harvey	Roncalio
Blanton	Hastings	Rooney, N.Y.
Boggs	Hébert	Rooney, Pa.
Bow	Henderson	Rostenkowski
Bray	Hicks, Mass.	Roush
Brinkley	Hogan	Rousselot
Brooks	Holifield	Roy
Broomfield	Horton	Ruppe
Brotzman	Hosmer	Ruth
Brown, Mich.	Hull	St Germain
Brown, Ohio	Hungate	Sandman
Broyhill, N.C.	Hunt	Satterfield
Broyhill, Va.	Hutchinson	Saylor
Buchanan	Ichord	Scherle
Burke, Fla.	Jarman	Schmitz
Burleson, Tex.	Johnson, Calif.	Schneebeli
Burlison, Mo.	Johnson, Pa.	Scott
Byrnes, Wis.	Jonas	Sebelius
Byron	Jones, N.C.	Shipley
Cabell	Kazen	Shoup
Caffery	Kee	Shriver
Casey, Tex.	Keith	Sikes
Cederberg	King	Sisk
Chamberlain	Kuykendall	Skubitz
Chappell	Kyl	Slack
Clark	Kyros	Smith, Calif.
Clawson, Del	Landgrebe	Snyder
Cleveland	Lennon	Spence
Collier	Lent	Springer
Collins, Tex.	Link	Stafford
Colmer	Lujan	Staggers
Conable	McClory	Stanton, J. William
Coughlin	McClure	Steed
Crane	McCollister	Steele
Daniel, Va.	McDade	Stephens
Daniels, N.J.	McDonald, Mich.	Stratton
Danielson	McEwen	Sullivan
Davis, S.C.	McFall	Talcott
Davis, Wis.	McKevitt	Taylor
de la Garza	McMillan	Teague, Calif.
Delaney	Mahon	Teague, Tex.
Dellenback	Mailliard	Terry
Dennis	Mann	Thomson, Wis.
Dent	Martin	Thone
Devine	Mathias, Calif.	Udall
Dickinson	Mathis, Ga.	Ullman
Dingell	Mayne	Vander Jagt
Dowdy	Mazzoli	Veysey
Downing	Melcher	Waggonner
Dulski	Michel	Wampler
Duncan	Miller, Calif.	Ware
du Pont	Miller, Ohio	Watts
Dwyer	Minish	Whalley
Edmondson	Minshall	White
Edwards, Ala.	Mizell	Whitehurst
Erlenborn	Mollohan	Whitten
Esch	Monagan	Widnall
Eshleman	Montgomery	Wiggins
Fascell	Morgan	Williams
Fish	Murphy, Ill.	Wilson, Bob
Fisher	Murphy, N.Y.	Wilson, Charles H.
Flood	Myers	Winn
Flowers	Natcher	Wright
Flynt	Nelsen	Wyatt
Ford, Gerald R.	Nichols	Wydler
Fountain	O'Konski	Wylie
Frelinghuysen	Passman	Wyman
Frenzel	Patman	Yatron
Frey	Pelly	Young, Fla.
Fulton, Pa.	Pepper	Zablocki
Fulton, Tenn.	Perkins	Zion
Fuqua	Pettis	Zwach
Galifianakis	Pickle	
Garmatz	Pike	
	Pirnie	

NOT VOTING—53

Alexander	Halpern	Mills
Aspin	Hammer-schmidt	Moss
Bell	Hanley	Peyser
Camp	Hansen, Wash.	Pryor, Ark.
Carter	Hays	Quillen
Clancy	Hillis	Reid, N.Y.
Clausen, Don H.	Jones, Ala.	Runnels
Collins, Ill.	Jones, Tenn.	Scheuer
Davis, Ga.	Keating	Smith, N.Y.
Dorn	Kemp	Steiger, Ariz.
Edwards, La.	Kluczynski	Steiger, Wis.
Evins, Tenn.	Landrum	Stokes
Findley	Latta	Stubblefield
Ford, William D.	Lloyd	Stuckey
Grasso	Long, La.	Symington
Green, Pa.	McCulloch	Thompson, Ga.
Gubser	McKinney	Waldie
	Madden	Young, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Hays against.
Mr. Collins of Illinois for, with Mr. Hammerschmidt against.
Mr. Green of Pennsylvania for, with Mr. Runnels against.
Mr. Reid of New York for, with Mr. Evins of Tennessee against.
Mr. Scheuer for, with Mr. Jones of Alabama against.
Mr. Symington for, with Mr. Jones of Tennessee against.
Mr. Waldie for, with Mr. Stubblefield against.
Mr. William D. Ford for, with Mr. Carter against.
Mr. Halpern for, with Mr. Stuckey against.

Until further notice:

Mrs. Hansen of Washington with Mr. McKinney.
Mr. Alexander with Mr. Don H. Clausen.
Mr. Young of Texas with Mr. Hillis.
Mr. Mills with Mr. Quillen.
Mr. Pryor of Arkansas with Mr. Thompson of Georgia.
Mr. Davis of Georgia with Mr. Smith of New York.
Mr. Kluczynski with Mr. Keating.
Mr. Landrum with Mr. Steiger of Arizona.
Mr. Hanley with Mr. Peyser.
Mr. Edwards of Louisiana with Mr. Latta.
Mr. Moss with Mr. Bell.
Mr. Aspin with Mr. Camp.
Mr. Long of Louisiana with Mr. Steiger of Wisconsin.
Mr. Dorn with Mr. Lloyd.
Mr. Findley with Mr. Kemp.
Mr. Clancy with Mr. Gubser.

Messrs. DULSKI and FULTON of Pennsylvania changed their votes from "yea" to "nay."

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

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

Mr. ICHORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 300, nays 75, not voting 57, as follows:

[Roll No. 76]

YEAS—300

Abbitt	Archer	Biaggi
Abernethy	Arends	Biester
Adams	Ashbrook	Blackburn
Addabbo	Aspinall	Blanton
Anderson, Ill.	Baker	Boggs
Anderson, Tenn.	Baring	Bow
Andrews, Ala.	Belcher	Brademas
Andrews, N. Dak.	Bennett	Bray
	Bergland	Brinkley
	Bevill	Brooks

Broomfield	Hansen, Wash.	Pucinski
Brotzman	Harsha	Purcell
Brown, Mich.	Harvey	Quie
Brown, Ohio	Hastings	Railsback
Broyhill, N.C.	Hébert	Randall
Broyhill, Va.	Heckler, Mass.	Rarick
Buchanan	Henderson	Reid, Ill.
Burke, Fla.	Hicks, Mass.	Rhodes
Burleson, Tex.	Hicks, Wash.	Roberts
Burlison, Mo.	Hogan	Robinson, Va.
Byrnes, Wis.	Horton	Robison, N.Y.
Byron	Hosmer	Rodino
Cabell	Hull	Roe
Caffery	Hungate	Rogers
Carney	Hunt	Roncalio
Casey, Tex.	Hutchinson	Rooney, N.Y.
Cederberg	Ichord	Rooney, Pa.
Chamberlain	Jacobs	Rostenkowski
Chappell	Jarman	Roush
Clark	Johnson, Calif.	Rousselot
Clawson, Del	Johnson, Pa.	Roy
Cleveland	Jonas	Ruppe
Collier	Jones, N.C.	Ruth
Collins, Tex.	Kazen	Sandman
Colmer	Kee	Satterfield
Conable	Keith	Saylor
Cotter	King	Scherle
Coughlin	Kuykendall	Schmitz
Crane	Kyl	Schneebeli
Daniel, Va.	Kyros	Schwengel
Daniels, N.J.	Landgrebe	Scott
Davis, S.C.	Lennon	Sebelius
Davis, Wis.	Lent	Shipley
de la Garza	Link	Shoup
Delaney	Long, Md.	Shriver
Dellenback	Lujan	Sisk
Denholm	McClory	Skubitz
Dennis	McCloskey	Slack
Dent	McClure	Smith, Calif.
Derwinski	McCollister	Smith, Iowa
Devine	McDade	Smith, N.Y.
Dickinson	McDonald, Mich.	Snyder
Donohue	McEwen	Spence
Dowdy	McFall	Springer
Downing	McKay	Stafford
Dulski	McKevitt	Staggers
Duncan	McKinney	Stanton, J. William
du Pont	McMillan	Steed
Dwyer	Mahon	Steele
Edmondson	Mailliard	Stephens
Edwards, Ala.	Mann	Stratton
Erlenborn	Martin	Sullivan
Esch	Mathias, Calif.	Symington
Eshleman	Mathis, Ga.	Talcott
Evins, Tenn.	Mayne	Taylor
Findley	Mazzoli	Teague, Calif.
Fish	Melcher	Terry
Fisher	Michel	Thomson, Wis.
Flood	Miller, Calif.	Thone
Flowers	Miller, Ohio	Udall
Flynt	Minish	Ullman
Foley	Minshall	Van Deerlin
Ford, Gerald R.	Mizell	Vander Jagt
Forsythe	Mollohan	Veysey
Fountain	Monagan	Vigorito
Frelinghuysen	Montgomery	Waggonner
Frenzel	Morgan	Wampler
Frey	Mosher	Ware
Fulton, Pa.	Murphy, Ill.	Watts
Fulton, Tenn.	Murphy, N.Y.	Whalley
Fuqua	Myers	White
Galifianakis	Natcher	Whitehurst
Garmatz	Nichols	Whitten
Gaydos	O'Hara	Widnall
Gettys	O'Konski	Wiggins
Giaimo	Passman	Williams
Gibbons	Patman	Wilson, Bob
Gonzalez	Patten	Wilson, Charles H.
Goodling	Pelly	Winn
Gray	Pepper	Wright
Green, Oreg.	Perkins	Wyatt
Griffin	Pettis	Wydler
Griffiths	Pickle	Wylie
Gross	Pike	Wyman
Grover	Pirnie	Yatron
Gude	Poage	Young, Fla.
Hagan	Poff	Zablocki
Haley	Powell	Zion
Hall	Preyer, N.C.	Zwach
Hamilton	Price, Ill.	
Hanna	Price, Tex.	
Hansen, Idaho		

NAYS—75

Abourezk	Boland	Conte
Abzug	Bolling	Conyers
Anderson, Calif.	Brasco	Corman
Annunzio	Burke, Mass.	Culver
Ashley	Burton	Dellums
Badillo	Byrne, Pa.	Diggs
Barrett	Celler	Dingell
Begich	Chisholm	Dow
Bingham	Clay	Drinan
	Collins, Ill.	Eckhardt
Edwards, Calif.	Macdonald, Mass.	Rees
Eilberg	Matsunaga	Reuss
Evans, Colo.	Meeds	Riegle
Fraser	Metcalfe	Rosenthal
Gallagher	Mikva	Roybal
Harrington	Mink	Ryan
Hawkins	Mitchell	St Germain
Hechler, W. Va.	Moorhead	Seiberling
Helstoski	Morse	Stanton, James V.
Holifield	Nedzi	Thompson, N.J.
Howard	Nix	Tiernan
Karth	Obey	Vanik
Kastenmeier	O'Neill	Whalen
Koch	Podell	Wolff
Leggett	Rangel	Yates
McCormack		

NOT VOTING—57

Alexander	Green, Pa.	Mills
Aspin	Gubser	Moss
Bell	Halpern	Nelsen
Betts	Hammer-schmidt	Peyser
Blatnik	Hanley	Pryor, Ark.
Camp	Hathaway	Quillen
Carey, N.Y.	Hays	Reid, N.Y.
Carter	Hillis	Runnels
Clancy	Jones, Ala.	Sarbanes
Clausen, Don H.	Jones, Tenn.	Scheuer
Danielson	Keating	Sikes
Davis, Ga.	Kemp	Steiger, Ariz.
Dorn	Kluczynski	Steiger, Wis.
Edwards, La.	Landrum	Stokes
Fascell	Latta	Stubblefield
Ford, William D.	Lloyd	Stuckey
Goldwater	Long, La.	Teague, Tex.
Grasso	McCulloch	Thompson, Ga.
	Madden	Waldie
		Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Stokes against.

Mr. Teague of Texas for, with Mr. Carey of New York against.

Mr. Fascell for, with Mr. William D. Ford against.

Mr. Runnels for, with Mr. Reid of New York against.

Mr. Stuckey for, with Mr. Green of Pennsylvania against.

Mr. Keating for, with Mr. Scheuer against.

Mr. Sikes for, with Mr. Waldie against.

Mr. Edwards of Louisiana with Mr. Thompson of Georgia.

Mr. Madden with Mr. Hillis.

Mr. Young of Texas with Mr. Betts.

Mr. Stubblefield with Mr. Lloyd.

Mr. Jones of Alabama with Mr. Nelsen.

Mr. Jones of Tennessee with Mr. Steiger of Arizona.

Mr. Hathaway with Mr. Bell.

Mr. Aspin with Mr. Camp.

Mr. Blatnik with Mr. Kemp.

Mr. Alexander with Mr. Hammerschmidt.

Mr. Davis of Georgia with Mr. Don Clausen.

Mr. Mills with Mr. Carter.

Mr. Moss with Mr. Goldwater.

Mr. Danielson with Mr. Gubser.

Mr. Dorn with Mr. Quillen.

Mr. Kluczynski with Mr. Peyser.

Mr. Landrum with Mr. Halpern.

Mr. Clancy with Mr. Latta.

Mr. Sarbanes with Mr. McCulloch.

Mr. Long of Louisiana with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. BADILLO) may extend his remarks in the RECORD immediately before the vote on the resolution just agreed to, and further, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to. House Resolution 274.

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

There was no objection.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY RULE XI(8); COMMITTEE ON GOVERNMENT OPERATIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 303

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to rule XI(8), by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $1,032,600, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $100,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, the Committee on Government Operations returns for its annual expenditures a thousand times over each term of Congress. This is an important fact to remember when our budget request is considered. In fact, by doubling our budget and by careful management, we might be able to increase substantially the savings we help bring about. I am looking into this very carefully in my first year as chairman of the committee, and my

findings will be reflected in our budget request for next year.

Meanwhile we have based our current request on our staffing level at the close of the 91st Congress with two small increases for reporting—which we must pay from our appropriation commencing this year—and for computerizing the committee calendar.

The amount of our request is $1,032,600. But this is only about one two thousandth of the $2,007,299,387 savings we estimate the Committee helped bring about in the 91st Congress.

I know that savings of over $2 billion sound fantastic. It did to me, too.

So I had each item checked and verified and I required the staff to prepare a written backup for each item for our presentation to the Committee on House Administration. I have the figures and backup statements here with me.

They show that the Office of Management and Budget verifies a 2-year savings of $521,600,000 in the acquisition and management of automatic data processing equipment as the result of the work of the Government Activities Subcommittee headed by our able colleague from Texas, the Honorable JACK BROOKS.

They also show that our efforts to secure a fair and realistic exchange rate in our dealing with the South Vietnamese Government saved the taxpayers over one and a quarter billion dollars in the past 2 years.

The fact that our committee originated a suggestion that retired Americans in Poland and Yugoslavia be paid their annuities from our vast stores of counterpart funds rather than in dollars saved the taxpayers $15,400,000 in the last 2 years. Our demanding competition in the procurement of rocket launchers saved over $2 million.

These are just a few of the specific items on our listed savings. They are based on solid computations with any doubts resolved on the conservative side. In fact, a number of savings items proposed by our subcommittees were rejected because the backup data was not considered to be beyond question.

Many of our activities have potentials for great savings, but have not been included in the table because they are not presently measurable. For example, our work in setting up the Commission on Government Procurement could, if it brings about only a 1-percent increase in procurement efficiency, save the taxpayers $550 million a year. Our work on military supply management and cataloging has similar potentials for savings.

Any way you look at it, the $1,036,400 we are asking the House to provide for the Committee on Government Operations will be one of the most solid investments the House can make.

ESTIMATED SAVINGS—91ST CONGRESS

The following table shows the estimated savings in which the Committee on Government Operations believes its activities played a substantial part during the 91st Congress. The table includes first, estimated savings from activities in the 91st Congress; and, second, estimated savings occurring during the 91st Congress from prior activities of the committee, but not previously reported under earlier Congresses.

The table follows:

Grand total	$2,007,299,387
Competitive procurement of rocket launchers	2,397,000
Additional billings for Government's cost in aiding commercial film	33,563
Procurement of combat cameras	111,660
Dairy products in Thailand	535,000
Additional savings in communication charges	24,164,220
Sale of the major portion of New York Naval Shipyard	3,000,000
Sale of Naval Shipyard, Quincy, Mass	500,000
ADP equipment management and coordination	521,600,000
Grain storage charges	46,301,000
Reduction in financing costs of export sales of agricultural products	208,762
Change in method of computing general research support grants (2-year projection)	10,000,000
Partial remedying of inequitable exchange rate in Vietnam (1969–70)	1,264,600,000
Reduction in delinquent postal debts to United States	5,874,182
Reduction in shipping and loading schedules (1 year)	70,000,000
Payment of U.S. annuitants in Polish and Yugoslavian counterpart funds	15,400,000
Increased collections of highway use tax (3 years)	30,000,000
Increased debt collection by Justice Department	10,414,000
Consolidation of Federal employee salary checks	160,000
Return of overseas excess property for further Federal use	2,000,000

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 243; COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 247

Resolved, That, effective January 3, 1971, the expenses of the studies, investigations, and inquiries authorized by H. Res. 243 incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $420,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail) and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $35,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 5, strike out "$420,000," and insert in lieu thereof "$380,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 317; SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 273 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 273

Resolved, That effective January 3, 1971, expenses incurred by the Select Committee on the House Restaurant, pursuant to H. Res. 242, not to exceed $43,000 including expenditures for the employment of clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(1)); but this monetary limitation on the pro-

curement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. The chairman of the Select Committee on the House Restaurant shall furnish the Committee on House Administration information with respect to the activities of the select committee intended to be financed from the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 3, strike out "H. Res. 242," and insert in lieu thereof "H. Res. 317,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES AUTHORIZED BY HOUSE RESOLUTION 5 AND HOUSE RESOLUTION 19; SELECT COMMITTEE ON SMALL BUSINESS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 312

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 5 and H. Res. 19, by the permanent Select Committee on Small Business, acting as a whole or by subcommittee, not to exceed $530,000, including expenditures for the employment of inevstigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the permanent Select Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 12, strike out "$10,000" and insert in lieu thereof "$25,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES AUTHORIZED BY HOUSE RESOLUTION 115; SELECT COMMITTEE ON CRIME

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 337

Resolved, That, effective January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 115, by the Select Committee on Crime, acting as a whole or by subcommittee, not to exceed $750,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the House Select Committee on Crime shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulation established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 4, strike out "$750,000," and insert in lieu thereof "$675,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES AUTHORIZED BY HOUSE RESOLUTION 142; COMMITTEE ON PUBLIC WORKS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 351

Resolved, That, effective from January 3, 1971, the expenses of the investigations and studies to be conducted pursuant to H. Res. 142, by the Committee on Public Works, acting as a whole or by subcommittee, not to exceed $1,072,670, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $75,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and the resolution be printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days in which to extend their remarks in the RECORD on the resolutions just agreed to.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5208, COAST GUARD AUTHORIZATION, 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 406

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. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Merchant Marine and Fisheries now printed on page 6, line 9 through line 19 of the bill. 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.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. Speaker, House Resolution 406 provides an open rule with 1 hour of debate for consideration of H.R. 5208, the Coast Guard authorization for fiscal year 1972, and makes it in order to consider, without the intervention of a point of order, the amendment printed in the bill on page 6, lines 9 through 19. Points of order are waived against the amendment because of nongermaneness.

The purpose of H.R. 5208 is to authorize appropriations for the Coast Guard for fiscal year 1972 and to set the average active duty personnel strength.

For procurement and increasing capability of vessels, $132,446,000 is authorized; $32,614,000 is authorized for procurement and extension of service life of aircraft; $51,690,000 is authorized for establishment or development of installations and facilities; and $3 million is authorized for payment to bridge owners for the cost of alteration of railroad and public highway bridges.

The average active duty strength of the Coast Guard for fiscal year 1972 shall be 38,284. However, in the event the Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength would be increased to 38,851—567 men—except when the President determines that national security interests would be jeopardized.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to authorize appropriations for the Coast Guard for ships, planes, shore facilities and installations, aids to navigation, pollution control for fiscal 1972 and for the annual active duty personnel strength of the Coast Guard for fiscal 1972.

The following authorizations are included in the bill:

During the past 26 years the Wind-class polar icebreakers have been in continuous service in harsh polar environment, and are now in need of restoration, The sum of $5,200,000 is authorized for this purpose.

There is also needed improvement in seven 133-foot coastal and 25 western river bouy tenders operated by the Coast Guard. The sum of $1,290,000 is included for this rehabilitation.

The sum of $720,000 is authorized for continuing habitability and operational capability standards on the six 327-foot class high endurance cutters. In addition, there is $1,450,000 authorized to upgrade the oceanographic capability of the *Evergreen*, an 18-foot buoy tender, which has been operated as an oceanographic vessel since 1965.

Concerning aircraft acquisition, the bill provides $14,190,000 for the procurement of three C–130 long-range search aircraft and equipment. These aircraft are necessary to provide long-range search and rescue support in the Caribbean and Gulf of Mexico and also to provide support to the marine environmental protection program. The sum of $13,550,000 is also allocated to procure six medium-range recovery helicopters to replace three fixed-wing airplanes which will be retired.

For pollution abatement, $900,000 is authorized for the reactivation of six fixed-wing airplanes to be used as pollution surveillance aircraft. They are equipped with special electronic oil sensors and will be used to patrol for oil slicks.

To meet the standards of the Water Quality Improvement Act of 1970, $3,200,000 is allocated for alteration aboard 30 vessels to improve sanitation devices. In addition, $360,000 is needed to abate pollution from Coast Guard shore stations.

Most important is the expenditure of $1,600,000 to continue work on an air deliverable antipollution transportation system which will be based on the east coast.

Because of the evergrowing oil spills in open waters, there is $1,900,000 authorized to procure an open water oil slick containment system. This system is a barrier which can be quickly delivered to an oil spill to prevent the oil from spreading.

It is necessary to maintain continuing on-scene measurements of the state of our waters in the U.S. coastal zone areas to determine the condition of the waters, monitor changes—for better or worse—determine effectiveness of antipollution measures and to detect spills as they occur. The sum of $1,830,000 is authorized for pollution monitoring sensors, which will be installed on cutters, boats, fixed stations, and aircraft.

Regarding construction, $4,610,000 is authorized for the construction of a new radio station in Honolulu as a follow-on to the station approved for San Francisco in 1970. This is needed so that the Coast Guard will be able to communicate with all operating units in the Pacific.

Because the Coast Guard operates more than 45,000 waterways aids to navigation, their importance to the mariner necessitates rigorous maintenance. The sum of $1,400,000 is included to maintain these standards.

Whenever possible during the last decade, lighthouses have been converted to permit unmanned operation. The automation and modernization of these lighthouses reduces hardships and is believed to contribute to improvement in personnel retention rates. The sum of $1,000,000 is authorized for this project.

Another important item is funding for public family quarters. The sum of $5,740,000 has been allocated for fiscal 1972 for the construction of approximately 206 units.

The Coast Guard has the responsibility for the alteration of bridges over navigable waters. There is presently a backlog of 20 bridges which need alteration. The sum of $3,000,000 is included for the alteration of two bridges, one over the Calumet River in Illinois and also over Cape Fear near Wilmington, N.C.

There is also authorization for survey, development and design of various facilities.

In agreement with Mr. HÉBERT of the Armed Services Committee, annual active duty strength authorization is now under the jurisdiction of the Merchant Marine and Fisheries Committee. If the Coast Guard Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength is increased to 38,851.

The total cost of the legislation is $219,750,000.

The Department of Transportation and the Office of Management and Budget advise that the bill is in accord with the President's program.

There are no minority views.

An open rule with 1 hour of debate is requested.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. group of the North Atlantic Assembly the gentleman from Pennsylvania (Mr. JOHNSON) to fill the existing vacancy thereon.

PROVIDING FOR CONSIDERATION OF H.R. 6479, TOWING VESSEL LICENSING BILL

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 408 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 408

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. 6479) to provide for the licensing of personnel on certain vessels. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. 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.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 408 provides an open rule with 1 hour of general debate for consideration of H.R. 6479, the towing vessel licensing bill.

The purpose of H.R. 6479 is to provide for the licensing of personnel on certain towing vessels, thereby promoting safer navigation.

The present law requiring inspection of tugboats, towing boats and freight boats has been interpreted as applying only to steam-propelled vessels. The navigation officers on such ships must be licensed.

This bill applies to uninspected towing vessels and requires that the officers navigating such vessels would be required to be licensed under regulations prescribed by the Secretary of the department in which the Coast Guard is operating.

The legislation limits the performance of duty of such licensed officers to 12 hours in any consecutive 24-hour period.

The license to operate would be issued for a particular geographic area, by type of vessel. For instance, different types of vessels would be operating under Great Lakes rules, western river rules and international rules.

Section 2 of the bill provides that the Secretary of Transportation shall make a study of the safety records of uninspected towing vessels and report not later than 10 months after enactment of the legislation.

Section 3 of the bill establishes the effective date of the legislation as January 1, 1972, or the 1st day of the 6th month after the month in which the regulations are promulgated, whichever date is later.

The cost of the legislation is estimated at $375,000 for fiscal year 1972 and $300,000 annually for the ensuing 4 years.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. MARTIN. Mr. Speaker, the purpose of the bill is to create a system of licensing pilots who operate towing vessels upon the waterways over which the Coast Guard has jurisdiction.

Existing law provides for the inspection of tugs and towing boats and also requires that officers of such vessels must be licensed. Unfortunately the existing statute—an old one—has been construed to apply only to steampowered vessels. Such powerplants are almost nonexistent on today's lakes, rivers, and bays.

At the same time, the number of accidents is rising, and Coast Guard investigations reveal that most of these are the result of pilot error. In the period of 1965–68 casualties from such accidents totaled 109 and property damage exceeded $50,000,000.

The bill would add new language to existing law to require that a towing vessel, when underway, must be under the actual direction and control of a person licensed for that purpose by the Secretary of that department from which the Coast Guard is operating. Such license would be issued for operations in a certain geographic area—Great Lakes, inland waterways, and so forth—and by type of vessel, under regulations promulgated by the Secretary. Only towing vessels measuring 26 or more feet would be covered by the bill; vessels doing tow work in an emergency or on an intermittent basis are likewise not covered.

The bill also prohibits any licensed pilot to work more than 12 hours in any consecutive 24-hour period.

Finally, the bill requires the Secretary of Transportation to undertake a study and to report to the Congress as to whether or not such towing vessels should have on board engineering personnel in order to improve their safety record.

Cost estimates for fiscal 1972 through 1976 are as follows: 1972, $375,000 including $75,000 for the study; 1973–76, $300,000 annually.

Total cost of the legislation over a 5-year period is estimated at $1,575,000.

The bill is supported by the Department of Transportation.

There are no minority views.

An open rule, with 1 hour of debate is requested.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COAST GUARD AUTHORIZATION, 1972

Mr. CLARK. 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. 5208), to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5208, with Mr. FLYNT 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 Pennsylvania (Mr. CLARK) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. KEITH) will be recognized for 30 minutes.

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

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

Mr. Chairman, I would like to take this opportunity to express my strong support for H.R. 5208 which would provide funds for the Coast Guard to operate in its expanding scope of responsibilities.

This bill, H.R. 5208, "to authorize appropriations for procurement of vessels, aircraft, and construction of shore and offshore establishments for the Coast Guard" is generally referred to as the Coast Guard authorization bill. As the distinguished chairman of our committee just mentioned, we have added this year the responsibility for the average annual active duty personnel strength of the Coast Guard. In all the circumstances, it seems altogether fitting and proper that our committee should have this personnel authorization responsibility to go with the authorizations for hardware and installations.

This measure was reported by our committee in House Report No. 92–124 on April 13, 1971, with four amendments.

The original request in this authorization bill was in the amount of $99,500,000 and was personnel oriented in light of the Coast Guard's deteriorating personnel situation which manifests itself in some personnel retention problems. The House Committee on Merchant Marine and Fisheries increased this amount by $120,250,000 to cover items it believes are vital to the continued effectiveness of the Coast Guard. The total authorization in the bill as reported out is $219,750,000 broken down as follows: $132,446,000, vessels; $32,614,000, aircraft; $51,690,000, construction; and $3,000,000 for bridge alterations.

In summary, the most important projects to be funded in this bill are as follows, including the items added by committee amendments:

First, construction of a polar icebreaker which is second in a series of replacement icebreakers;

Second, construction of three high-endurance cutters;

Third, funding of $5,200,000 for the restoration of the existing *Wind*-class polar icebreakers which have been in service continuously for 26 years;

Fourth, $1,290,000 to rehabilitate and improve coastal buoy tenders;

Fifth, the procurement of three C–130 long-range search aircraft—$14,190,000;

Sixth, $13,550,000 to procure six medium-range recovery aircraft—helicopters;

Seventh, the greatly expanded pollution abatement control systems and equipment; and

Eighth, $5,740,000 for the funding for public family quarters.

Even though the members of our committee understood the reasons why this

year's Coast Guard authorization bill was people oriented, we were nevertheless concerned that there were no funds for vessel construction. We were especially alarmed, because the polar icebreaker replacement program begun in fiscal year 1971 was being held up. In order to assure the continued presence of U.S. icebreaking capability in the polar regions, we added the funds for the second replacement polar icebreaker. I said polar rather than arctic to make it clear that the Coast Guard icebreaking capability is in all the polar regions and not just for one specialized area such as the Northwest Passage, if this area should ever develop. At present, the Coast Guard's aging icebreaker fleet operates in the Arctic, the Antarctic, and the Great Lakes region. The Coast Guard keeps one of its best icebreakers, the *Mackinaw*, on station in Sheboygan to service the Great Lakes.

Another item of great significance in this authorization bill is the pollution abatement systems. As the Members well know, we have had numbers of tragic oil spills in our own waters in recent years. I believe there are some 700-odd spills last year alone. Just to dwell for a moment on a current problem, within the last few months, there was a serious spill in San Francisco Bay resulting from the collision of two tankers. I would like to talk about this spill for a few minutes, because it is an excellent example of why we should support this authorization bill. For the past several years, our committee has been working on two very important pieces of Coast Guard legislation which bear directly on the unfortunate collision and resulting spill in San Francisco Bay. These bills are the bridge-to-bridge radiotelephone bill and the port and harbor safety bill. The House, in its wisdom, passed the radiotelephone bill on December 16, 1969, and I understand the Senate Commerce Committee is preparing to report out a modified version of this radiotelephone bill. The port and harbor safety bill is being redrafted in order to be a more responsive piece of legislation. The hearings which our committee conducted out in San Francisco immediately following the San Francisco collision and spill showed clearly the necessity of passing the radiotelephone bill.

I mention this unhappy incident and these two pieces of legislation because I believe they clearly show the importance of the work of the Coast Guard and the relationship of this work to the serious problems confronting us in the pollution area. The pollution abatement programs set up in this bill will, I hope, be discussed in a few minutes so I will not dwell on them at this time.

I do not think it necessary to take time now to point out to the Members the vast range of Coast Guard activities, nor do I feel it necessary to call your attention to the efficiency and competence of the Coast Guard.

I believe that this bill speaks for itself and we strongly urge the House to support this reasonable and far-reaching Coast Guard authorization of appropriations.

There are members of both the majority and minority of our committee who are present and who may wish to speak in behalf of this bill.

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

Mr. Chairman, I rise to lend my full and strong support to those of my colleagues on your committee for passage of the bill H.R. 5208, authorizing appropriations for procurement of vessels and aircraft, and construction of shore and offshore establishments for the Coast Guard.

Entire new facets of the traditional role of the Coast Guard are taking shape, and vast new demands are being placed on this excellent arm of the Federal Government. Traditional roles of the Coast Guard are becoming more complex, yet in keeping with its historical tradition it is aggressively seeking new ways to better discharge its responsibilities to this Nation.

This authorization bill recognizes the importance of the Coast Guard and the services it provides. But two very old factors appear to be threatening its ability to perform with the high degree of expertise which this Congress and the Nation has expected and in which it has always taken pride. These two items are personnel and physical plant of the Coast Guard. The Coast Guard's personnel retention rates have been at a low ebb for some time and have reached a point where there is a shortage of experienced personnel. By way of example, the enlisted retention rate for March 1970 to March 1971, is only 10 percent of those eligible for their first reenlistment, whereas the retention rate for subsequent reenlistments is 87 percent.

The single most important asset which the Coast Guard has had over the years has been its personnel—whose expertise and dedication has given the American taxpayer the largest single return for each dollar he has spent of any program of which I am aware. The committee fully agreed with the Coast Guard that it was absolutely necessary to protect that asset, without which the Coast Guard could not continue to perform as it has—the only organization of its kind devoted to the protection of mankind and his environment in a wide and diverse range of endeavor. It is for this reason that the 1972 authorizations are devoted to the improvement of personnel-related facilities and other projects necessary for the better accomplishment of the Coast Guard's multifaceted mission.

This priority is even more apparent when you look at the 1971 authorizations and appropriations. For that year, out of a total authorization and appropriation of $99 million, only about $41 million was allocated to individual improvement projects. Of this amount, about $25 million was for Coast Guard installations and facilities, whereas H.R. 5208 under consideration now has $51,690,000 for these personnel-related items.

However, Mr. Chairman, although your committee recognized the philosophy behind this bill, we were concerned over the fact that there was not one item in it for vessel construction. In questioning Coast Guard witnesses we learned that the polar icebreakers and the high endurance cutter replacement program had been shelved.

The mission of the replacement icebreakers will be to provide logistic support for U.S. defense units and maritime commerce and scientific research, and, just as importantly, they will provide a modern and efficient back-up capability for our more northern coastal ports and waterways.

Mr. Chairman, every few years we have abnormally cold winters causing great areas of our shoreline to be icebound for many weeks. It affects not only the coastal communities but inland communities where much of our population depends on the fishing ports of New Bedford, Gloucester, and Portland as well as Juneau, Kodiak, and Ketchikan. This important productivity could cease to furnish the needs of our Nation. No agency of the State or Federal Government has the capability, nor the responsibility, for keeping our ports open, except the Coast Guard.

Our tired, old icebreakers are so infirm and aged that soon they will be unable to handle the hazards of a normal winter, to say nothing of the unusual and abnormal winters that we must anticipate.

Therefore, Mr. Chairman, I strongly endorse the authorization for this additional icebreaker and I would want the RECORD to show that our need for this capability is continuing and increasing. And I would also sincerely hope that the Appropriations Committee will sustain the request authorized in this legislation just as they supported the icebreaker authorized by this committee last year.

Additionally, Mr. Chairman, I support also the authorization for continuing the replacement program of high-endurance cutters. The Coast Guard has valiantly worked toward a 15-ship replacement program and 12 have already been funded in previous authorizations and appropriations. Three more vessels will now complete the present program.

These 378-foot vessels, with significantly greater capability, habitability, and operating characteristics, will replace 311-foot, World War II, flat bottomed, rough riding, thinskinned, ex-Navy seaplane tenders. They did their work well but were not designed for the heavy service required of Coast Guard vessels, and their useful life is just about over.

The new vessels will have diverse, broad-based missions including support of the ocean weather station program, law and treaty enforcement, fisheries protection, and continually increasing demands for search and rescue operations.

Again Mr. Chairman, I heartily endorse and strongly support the authorization for these three new vessels and I urge my colleagues to lend their support which through this bill can again give us an efficient, viable, and effective Coast Guard capability.

Mr. Chairman, another priority reflected in this authorization is increased cost of coping with pollution. With the growing awareness of the man's polluting the environment, the role of the Coast Guard in restoring and pre-

serving the martime environment has increased. As time passes, the Coast Guard will be called upon on a more frequent and increasing basis. They will be called on to protect the people and our wildlife and natural resources from the potential ravages that come from marine disasters.

There were hundreds of oil spills last year and the Merchant Marines and Fisheries Commitee, knowing that some of the containment and clean-up methods were relatively primative, we solidly support the authorization levels for the various pollution abatement projects contained in this bill.

Until 1971, the Coast Guard was almost totally lacking the facilities to deal with oil spill situations. This committee and Congress partially funded an antipollution air transportable system in 1971. This bill authorizes $1,600,000 for completion of this system, which will be located on the east coast and will provide a similar capability on the west coast. Again, as I am sure you know, a major oil spill occurred in Puget Sound beginning just a few days ago involving an estimated 230,000 gallons of No. 2 diesel fuel.

In addition Mr. Chairman, the bill authorizes $1,900,000 to procure an open-water oil-slick containment system, which will consist of a barrier that can be quickly delivered to the scene and placed around the slick to prevent the oil from spreading.

Mr. Chairman, these are just a few of the more important pollution abatement projects provided for in the authorization bill. The report is fairly comprehensive in regard to the total range of projects in this area, but I cite these two items as being of significant importance. It is absolutely imperative that Congress give the Coast Guard the vessels, facilities, and technical equipment to immediately respond to such incidents as oil spills in view of the tremendous impact and heavy damage which even one major oil spill can cause to our ecological system and coastal environment. The importance of antipollution control devices cannot be overemphasized knowing that, last year alone, over 700 spills of various sizes and degrees occurred in our waterways or coastal waters.

There is a new feature in this year's authorization bill which has not been present in previous bills reported to the floor by your committee. I refer to the provisions establishing the average active duty personnel strength of the Coast Guard at a level of 38,284 men. In the past, this item was handled by the Armed Services Committee, but pursuant to an arrangement on this subject, jurisdiction in this area was transferred to the Committee on Merchant Marine and Fisheries consistent with the requirements of Public Law 86–149 and 91–144, providing that the personnel strengths beginning for fiscal year 1972 must be annually authorized by Congress. Your committee has fully analyzed the personnel requirements of the Coast Guard and feels that this strength level will adequately staff the Coast Guard in order to insure the full and rapid performance of its many missions and requirements.

Mr. Chairman, I sincerely urge the overwhelming passage of H.R. 5208.

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

Mr. KEITH. I yield to the gentleman from New York, a member of the committee (Mr. GROVER).

Mr. GROVER. Mr. Chairman, I should like to indicate my complete support for this bill.

I do want to bring to the attention of the Members the fact that the administration again this year has indicated its wishes to phase out the Coast Guard Selected Reserve. We do not have that subject under express consideration at this time, but it will come up at another time, under a subcommittee of the Committee on Armed Services.

I do want to point out my objections to phasing out the Selected Reserve, and in my remarks I shall indicate my reasons for objection.

Mr. Chairman, I join my colleagues in support of the bill, H.R. 5208, authorizing appropriations for the Coast Guard for fiscal year 1972.

The Coast Guard has performed faithfully each and every mission which has been assigned to it, even under the tremendous hardship of operating with somewhat outdated and technically outmoded equipment and facilities. This authorization measure received the unanimous support of your entire committee and recognizes the imperative need to continue and expand the support for the Coast Guard in terms of new vessels, planes, and facilities, in addition to increasing the capability of the Coast Guard to further combat the potentially damaging effects of oil spill pollution by authorizing funds for the procurement of various equipment systems under the Coast Guard's pollution abatement program.

I do not think there is a pleasureboatman alive, or a fisherman, or the captain of a commercial vessel, who has not lauded the services of the Coast Guard when it has responded to their calls of distress on our oceans and territorial waters.

Yet, at times, the reaction time of the Coast Guard, in responding on a search and rescue mission, has been slow—due to the outdated and worn-out propulsion systems on board many of its vessels. The authorization for three heavy endurance cutters recognizes the importance of fulfilling the final stages of this vessel replacement program started in previous fiscal years. The cutters are the workhorse of the Coast Guard and perform almost continuous service in accomplishing the Coast Guard missions of search and rescue, law enforcement, and antipollution patrols.

The President's budget for fiscal year 1972 proposes, for the second time, the elimination of the Coast Guard Selected Reserve. Last year an identical proposal was rejected by both Houses of Congress. The rationale for last year's proposal was one of economy. This year, the reason given is economy and reform; we are told that it is to be phased out and any functions now the responsibility of the Coast Guard Selected Reserve will be funded as an element of Naval Reserve appropriations at some unspecified future time.

The Coast Guard Selected Reserve provides the only trained and immediately available personnel resources to meet the mobilization requirements imposed on the Coast Guard during the early stages of mobilization, or build-up of forces in an emergency. The validity of the Selected Reserve mission has been confirmed through joint studies with the Navy and the Department of Defense. These functions include those imposed by law as well as others assigned by the Navy, and generally represent an intensification or extension of the functions performed by the peacetime Coast Guard. Thus, it is entirely consistent to retain these responsibilities for wartime execution with the agency that performs the functions, or closely related ones, in peacetime. One of the most important of these functions is port safety and security. In peacetime, only a small force is involved in this important function, so vital to our national security and economic well-being. During wartime or national emergency, this force must be rapidly expanded by trained personnel and deployed into the country's critical ports to provide the necessary protection from sabotage, fire, explosion, and to regulate maritime commerce, in general.

In order to assure the ability to protect our ports, and to carry out other vital functions, the Coast Guard needs a trained, equipped, and organized body of men available for call-up on short notice, notwithstanding statements which have appeared to the contrary, there is no adequate source of personnel within the Coast Guard, or elsewhere at this time, which can be provided in cases of national emergency within the timeframe in which they are required. This need is filled by the Selected Reserve. The cost of the program, about $30 million, is justified by the protection provided.

It is for these reasons that your committee has provided for the full administration of the program by the Coast Guard, by the addition of 567 men in the event the reserve program is continued, in the authorized strength levels of the Coast Guard as further outlined on page 1 of the committee report. I urge the continuation of this program by future favorable action of this body and strongly urge the passage of H.R. 5208 today, providing for fiscal year 1972 authorizations for the Coast Guard, as further evidence of this Nation's continued full support for the efforts of the Coast Guard in fulfilling its missions of mercy and assistance on our oceans, coastal, and other waters.

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

Mr. KEITH. I yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, I rise to compliment the chairman and members of the Merchant Marine and Fisheries Committee for their action in adding

567 additional personnel to the manpower strength of the active duty strength of the Coast Guard. This was done so as to provide adequate manpower to run a program for the Selected Reserve of the Coast Guard at a strength of not less than 15,000.

As I am sure each of you are aware, the President had requested in his budget message funds to provide for a strength of only 5,000 for the Selected Reserve of the Coast Guard for 1972 in order that they may be phased out at the end of this coming fiscal year.

There is somewhat of a division of authority between the Merchant Marine and Fisheries Committee and the Armed Service Committee in regard to the Coast Guard. The Merchant Marine and Fisheries Committee handles the active duty Coast Guard while the Reserve of the Coast Guard comes under the jurisdiction of the Armed Services Committee. But, as you can see, there is a close working relationship between us.

We on the Armed Services Committee have recently concluded extensive hearings in regard to the Coast Guard Selected Reserve. We have found that the proposal to phase out the Selected Reserve of the Coast Guard was one initiated in the Bureau of Management and Budget without consultation with anyone in the Department of Defense, Department of the Navy, or Department of Transportation.

We have developed a clear record indicating, first, that the wartime mission now assigned to the Coast Guard is an essential one and must be continued; second, that the Navy is not now equipped or capable of undertaking that mission without impairment of capability; and third, there will be no cost savings by transferring these functions to the Navy. Evidence, on the other hand, indicates that it might cost more for the Navy to undertake that program than if it continued operation under the Coast Guard.

So, what we are doing today in this bill is the first of several steps that Congress must take in order to maintain the Selected Reserve of the Coast Guard at its present strength of 15,000. I am sure the next step in the House of Representatives will be a measure proposed by the House Armed Services Committee which will provide authorization for Selected Reserve of that number.

I urge your support of this legislation.

Mr. KEITH. Mr. Chairman, I yield such time as he may consume to the senior minority member of the committee, the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of H.R. 5208, as amended by this committee, authorizing appropriations for the Coast Guard.

Since its inception in 1790, the Coast Guard has performed its varied missions with dedication, enthusiasm, and skill. The Coast Guard's broad purpose is to insure that our water-borne commerce moves effectively and safely. It supervises our ports and waterways, establishes and maintains aids to navigation, and promulgates and enforces safety regulations. It performs a highly important function of performing search and rescue operations and last year carried out over 50,000 search and rescue missions, saving over 3,700 lives in the course of these missions. Such services benefit not only this country's commercial maritime interests but also the ever-popular and fast-growing form of recreation pleasure-boating.

The Coast Guard is also responsible for performing a national defense mission by providing a coastal peacekeeping and law enforcement force in time of war and armed conflict.

Of greater significance is the involvement of the Coast Guard in the detection and prevention of maritime pollution. In 1971, the Coast Guard assisted in the development of a national contingency plan to provide a coordinated response to marine pollution incidents; established regional response centers to monitor incidents and supervise containment and cleanup operations; and established special "pollution strike forces" which are trained and provided with specialized equipment to quickly react to any major pollution incident. Along these same lines, the Coast Guard participates in the monitorship of the design and construction of vessels which carry potential pollutants as well as establishing and monitoring certification and operation requirements for ship and shore personnel. This authorization bill provides for $10,730,000 for funding of various pollution abatement projects.

The Coast Guard has a reputation for being one of the most efficient and effective units within our Federal Government. Recent years have seen the assigned missions of the Coast Guard growing in size and complexity as the Federal Government begins to rely more heavily on their capabilities in a variety of areas. As the United States continues to develop and its needs increase, the Coast Guard must be in a position to adequately perform its current and future assigned missions.

H.R. 5208 recognizes the need for continued support of this fine branch of our Federal Government and emphasizes the need to provide the Coast Guard with sufficient funds to adequately solve such problems as major oil spills; ever-mounting demand for search and rescue assistance; severe equipment damage; efficiency-inhibiting deterioration of the physical equipment; and a growing and alarming shortage of skilled personnel. The bill reflects the new priorities which the Coast Guard has recommended by providing for a total authorization level of $219,750,000 in the areas of vessel and aircraft procurement, construction of shore and offshore facilities; and pollution abatement equipment. This amount represents an increase of $117 million by committee amendments over the original request of $99,500,000, consistent with the committee's reasoned analysis that procurement of additional vessels and aircraft are necessary for the Coast Guard to more adequately perform its varied and increasing missions.

Perhaps nothing speaks more forcefully for the necessity of this increased authorization than the fact that the Coast Guard's fiscal year 1972 preview estimates totaled $257,754,000, whereas the Department of Transportation's request to the Office of Management and Budget totaled $188,465,000, and the final amount approved by OMB and included in the fiscal year 1972 budget was only $99,500,000.

To a far greater extent than any other branch of our Government, the role of the Coast Guard demands constant readiness to answer the call of those in distress whether it involves a ship on the high seas, a drowning seaman, or the victims of floods and hurricanes. While the responsibilities of the Coast Guard have expanded, the facilities and vessels available to carry out these duties have not been augmented to the same degree.

H.R. 5208 contains an authorization for the construction of a second polar icebreaker to continue the replacement of the *Wind* class—which has been in continuous service for an average of 26 years in the harsh polar environment. Habitability and operational improvements which have been made to this class will enable them to continue in operation no later than the mid-1970's. It is expected that four of the new icebreakers will provide the equivalent capability of the entire *Wind* class. In 1971, funds were authorized and appropriated for the construction of one polar icebreaker.

These icebreakers employ a new power concept for such vessels by providing for conventional diesel engines for cruising and gas turbines for maximum power situations. This concept has been successfully employed in the 378-foot class high endurance cutters. Power combinations utilizing gas turbine systems are also being used by the Navy. Your committee has worked for a number of years to secure funding for the beginning of this program and remains firmly convinced that continuation of the program is necessary and warranted by the increased mission responsibilities of the Coast Guard in our Arctic regions presented by the discovery of oil on the Alaska North Slope, and the possibility that there will be large vessels navigating the Northwest Passage in the future in addition to an increase in technological, scientific, and oceanographic research programs in our Arctic regions.

The committee amendment to authorize an additional $57 million for the construction of three high endurance cutters of the 378 foot *Hamilton* class will complete the original plan of 15 ships to replace the World War II-built seaplane tenders, five of which are still operating on general Coast Guard duty. Nine *Hamilton* class vessels have been commissioned, and three more are in construction now. As a Representative from an area which is deeply concerned over fisheries and the protection of our fisheries zone, I am acutely aware of the great need to expand our Coast Guard's capability to patrol our fisheries zone, and to insure that the various international conventions which the United States has signed are adhered to by other parties. Recent events have seen the continued seizure and harassment of our fishing vessels off the coast of South

America and increased problems in protecting our Atlantic salmon and other fishery resources on both coasts. Coast Guard vessels assigned for law enforcement and surveillance duties are technologically outdated and are spread too thin in terms of areas of responsibility and coverage to be really effective in enforcing our laws pertaining to illegal fishing in our territorial waters and contiguous zones. These new vessels will insure that the Coast Guard has an immediate operational response to alleged foreign fishing vessel violations in addition to providing an increased capability in terms of search and rescue and prevention of oil spills and other forms of ocean pollution.

Significantly, in this regard, current proposals relating to the prohibition and regulation of the dumping of materials in our oceans, coastal and other waters, which are now being considered by your committee, envision an increased role for the Coast Guard in terms of surveillance and enforcement should Congress, in its wisdom, enact such legislation.

Mr. Chairman, the Coast Guard deserves the praise and support of this Nation, and I join my colleagues in urging the overwhelming passage of this authorization bill.

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

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I want to say with all enthusiasm I rise in support of this authorization bill.

Many Members will remember the time when the Merchant Marine and Fisheries Committee, and particularly the Coast Guard Subcommittee, did not have the authority of authorization and was therefore never involved in the really basic needs of the Coast Guard.

This bill represents the consensus of the Coast Guard Subcommittee and of the full Committee on Merchant Marine and Fisheries. It is true it is somewhat over the budget level, but this authorization committee has the responsibility to dwell in depth and to determine not only the basic needs but also the priorities of these needs.

We urge all Members to enthusiastically support the legislation as brought forward by this committee.

I thank the gentleman for yielding.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. I thank the gentleman.

Mr. Chairman, I rise to say a few words in support of H.R. 5208, the Coast Guard authorization bill. I, of course, support all aspects of this legislation but I am especially interested in one facet of this measure, that is, the funding for the alteration of bridges over the navigable waters of the United States.

The Coast Guard presently has the responsibility for this bridge alteration. This duty was formerly the responsibility of the Corps of Engineers. H.R. 5208 authorizes $3 million for the alteration of two bridges—one over the Calumet River in Illinois, and the other over the Cape Fear River near Wilmington, N.C.

There were quite a few questions at the hearings on this authorization bill concerning this bridge alteration responsibility. In fact, the interest seemed to be quite out of proportion to the small amount of funds set out in the bill. Our questioning brought out the fact that the Coast Guard has a backlog of at least 20 bridges which require alteration. These orders to alter are issued by the Commandant of the Coast Guard and the basis for bridge alteration rests on such factors as the amount of traffic, the degree of risk, development on the waterways, environmental factors, et cetera.

I believe that this bridge alteration work is very important, because of its impact on our navigable waters and because of the safety factors involved. The $3 million for only two bridges seems like a small amount when compared to the overall problem. Hopefully, next year's authorization bill will include a much larger sum for the alteration of a larger number of the 20 bridges.

I have only commented on the bridge alteration aspect of this important legislation but I support and I urge the support of all the Members present for H.R. 5208.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Charman, as a member of the Coast Guard Subcommittee and of the full Committee on Merchant Marine and Fisheries, I heartily endorse this bill.

Mr. Chairman, I would like to say a few words in support of H.R. 5208, the Coast Guard authorization bill. It is true that this legislation calls for a fairly substantial amount of money; however, I believe such an expenditure is justified and I would like to take just a few minutes time to point out the various functions and duties of this proud and dedicated service.

As we all know, the Coast Guard is equipped, retained, and committed to carry out in wartime specialized duties as a separate service under the Chief of Naval Operations. A recent example of this military function is the Coast Guard's considerable contribution to Operation Market Time off the coast of Vietnam. In this connection, it might be worth mentioning that in World Wars I and II, the Coast Guard played an enormous role in antisubmarine warfare with its cruising cutters and escorts as well as its sea frontier patrols and pickets. In addition, Coast Guard duties included manning landing craft that hit the invasion beaches with assault troops.

The primary function of the Coast Guard, however, is that of a law enforcement agency. In fact, it is the primary law enforcement service of the United States on the high seas or in our territorial waters. The extensive body of law which the Coast Guard enforces is as follows: criminal law afloat, such as piracy and barratry, laws relating to oil pollution, Rules of the Road, motorboat safety legislation, and conservation laws and treaties dealing with deep sea fishing, fur sealing and whaling and sponge fishing. A great deal of the Coast Guard's time is spent on insuring that Japanese and Russian fishing operations in the waters off our shores are in accordance with our laws and the treaties we have with these nations.

I imagine that the Coast Guard is best known for its search rescue work. The Coast Guard has always extended its rescue operations without regard to the nationality of the distressed craft.

I would like to mention that the lighthouse service was combined with the Coast Guard in 1939 giving them the added responsibility of maintaining all of the maritime aids to navigation for the United States. The Coast Guard's $45,000 navigational aids include lighthouses, lightships, buoys, fog signals and radio beacons. Also, there are such electronic aids to navigation as the long-range aid to navigation system—loran.

The harbor advisory radar system established in San Francisco Bay about a year ago is an innovation worth mentioning. Basically, it is a system of radar surveillance of the harbor area and of advising incoming and outgoing marine traffic of weather conditions, traffic in the channels, and any other problems which may arise. It has worked well in the San Francisco area and the Coast Guard hopes to extend it to such other crowded ports as New York and Houston.

The Coast Guard also plays an important role in port safety and security which involves technical responses to problems of safety in the entire cargo system from loading terminal to the unloading terminal and interconnections with other modes.

The Coast Guard maintains ocean station vessels continuously at six locations in the Atlantic and Pacific Oceans which function for the purpose of weather observation, oceanography, and search and rescue. Also, I believe the Coast Guard's work in both domestic and international icebreaking is so well-known as to only merit mentioning.

In closing, I would just like to mention the Coast Guard's rapidly expanding roles in the area of maritime environmental protection and oceanography. We are all aware of the tremendous growth and importance of these two areas and it is perfectly obvious that the Coast Guard's duties and obligations in these areas can do nothing but increase.

In reviewing the various functions of the Coast Guard set out above, it becomes apparent that we should support the expenditures in H.R. 5208. It is obviously money well spent and an investment by the American taxpayer. Thus, I urge your wholehearted support for enactment of H.R. 5208.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our committee, the gentleman from Maryland, Mr. GARMATZ.

Mr. GARMATZ. Mr. Chairman, I rise to strongly urge the support of the House for H.R. 5208, a bill to authorize appropriations for the procurement of vessels and aircraft and the construction of installations for the Coast Guard.

In past years, the House Committee on

Merchant Marine and Fisheries has had the responsibility for authorizing the hardware communications systems, installations and specialized equipment of the Coast Guard. This year our Committee has new authorization authority for the annual active duty personnel strength of the Coast Guard. In other words, H.R. 5208 not only authorizes the hardware and installations used by the Coast Guard, but it is also authorizing the manpower to man the hardware and installations. This authorization for the annual active duty personnel strength of the Coast Guard is pursuant to Public Laws 86–149 and 91–441 which called for the authorization of the active duty strength of the Armed Forces beginning with the fiscal year which begins July 1, 1971. The authorization bill establishes a figure of 38,851 for the personnel strength of the Coast Guard for fiscal year 1972. In light of our existing authorization responsibility for hardware and installations, it seems logical, orderly and legally correct for the House Committee on Merchant Marine and Fisheries to have the authorization authority for the active duty personnel strength of the Coast Guard. We welcome this additional authorization responsibility.

When H.R. 5208 came before our Committee for hearings, it was apparent that the bill was people oriented, that is, a large portion of the total figure was devoted to personnel oriented programs. The testimony at the hearings indicated that this was personnel oriented due to the alarmingly low personnel retention rates in recent years. This unfortunate circumstance in which the Armed Forces apparently do not enjoy as high a status as heretofore.

While we understand the need to improve the circumstances relating to the Coast Guard's most valuable asset, its people, we were also somewhat dismayed to discover that there was no item in this authorization for the construction of vessels. It was the consenus of our committee that Coast Guard vessel construction should not be halted completely and that some building should go forward. For this reason, we added an amendment to the bill which calls for an expenditure of $60 million in order to provide funding for the second of four polar icebreakers which are planned to replace the six World War II-built *Wind* class polar icebreakers. The first of these replacement icebreakers was funded last year in the fiscal year 1971 Coast Guard authorization bill. I understand that the Coast Guard expects to receive bids on this first icebreaker sometime in June.

It was apparent at the hearings on the bill that if any vessel construction was to go forward in fiscal year 1972, this second replacement icebreaker was the highest item of priority.

I am aware of the many demands on Federal funds at this time and I am also aware that $60 million is a lot of money to spend for one vessel. I will not take the time of the House Members to recite all the vessel characteristics and purposes of these icebreakers as they are set out in the report, but I would like to point out that everything of this nature is expensive today and we are talking about a highly sophisticated piece of equipment which is of advanced design.

The only icebreaking capability which the Nation possesses is that provided by the Coast Guard and its present equipment has been in use for an average of 25 years in the polar regions and cannot last much longer. If steps are not taken now to assure the replacement of this icebreaking equipment, our ability to operate in the polar regions 5 or 6 years from now will have been virtually eliminated. Thus, it would seem to our best interest to carry out the replacement of these polar icebreakers even at the modest levels provided by the current and last year's authorization bills.

There are many other worthwhile items in this authorization bill such as pollution abatement systems, navigational aids and bridge alterations, but I will not take the time to go into these worthwhile projects since they are set out in the report.

I do not feel that the amount of money to be expended under this bill is excessive when considered in the context of the various and far-flung responsibilities of the Coast Guard and of the tremendous service of the Coast Guard to the people of the United States and the use of the Coast Guard by our population. Thus, I urge the passage of this important authorization bill.

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

Mr. KEITH. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1972 for the use of the Coast Guard as follows:

VESSELS

For procurement and increasing capability of vessels, $15,446,000.

A. Procurement:

(1) design of vessels.

B. Increasing capability:

(1) increase fuel capacity and improve habitability on high-endurance cutters of the three-hundred-and-twenty-seven-foot class.

(2) rehabilitate and improve selected buoy tenders.

(3) modernize and improve Wind class polar icebreakers.

(4) reweld hull and repair cutter (polar ice-breaker) Glacier.

(5) increase oceanographic capability of cutter Evergreen.

(6) modernize communications capability in selected vessels.

(7) replace radio teletypes in selected high-endurance vessels.

(8) install water pollution control equipment in vessels.

(9) install water pollution monitoring sensors in vessels.

AIRCRAFT

For procurement and extension of service life of aircraft, $29,364,000.

A. Procurement:

(1) three long-range search aircraft.

(2) six medium-range helicopters.

B. Extension of service life:

(1) repair outer wings on six HC–130 aircraft.

(2) replace center wing box beam on three HC–130 aircraft.

(3) reactivate six HU–16E aircraft.

(4) install water pollution monitoring sensors in aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $51,690,000.

(1) Newburyport, Massachusetts: rebuild Merimac River Station;

(2) Gloucester, Massachusetts: rebuild station;

(3) Marshfield, Massachusetts: construct barracks at radio station;

(4) Barnegat, New Jersey: improve station facilities (phase II);

(5) Wildwood, New Jersey: construct barracks at electronics engineering center;

(6) Yorktown, Virginia: construct barracks;

(7) Portsmouth, Virginia: relocate water main;

(8) Terminal Island, California: rebuild electronics repair building;

(9) Port Hueneme, California: relocate station;

(10) Portland, Oregon: relocation station;

(11) Westport, Washington: rebuild station;

(12) Honolulu, Hawaii: improve base facilities;

(13) Honolulu, Hawaii: construct new radio station;

(14) Boston, Massachusetts: improve base facilities (phase II);

(15) New London, Connecticut: construct science teaching facility at academy;

(16) Cape May, New Jersey: improve station facilities;

(17) Curtis Bay, Maryland: modernize yard facilities;

(18) Omaha, Nebraska: improve facilities at moorings;

(19) Miami, Florida: improve air station facilities;

(20) San Francisco, California: improve air station facilities;

(21) Guam, Marianas Islands: improve depot facilities;

(22) Various locations: abate pollution from stations;

(23) Various locations: transportable pollution control (oil recovery) equipment;

(24) Various locations: transportable pollution control (oil slick containment) equipment;

(25) Various locations: pollution monitoring equipment for offshore stations;

(26) Various locations: aids to navigation projects on selected waterways;

(27) Various locations: automate light stations;

(28) French Frigate Shoals, Hawaii: improve and modernize loran station;

(29) Various locations: modernize and improve tropical Pacific loran stations;

(30) Palau Island: repair airstrip;

(31) Various locations: develop and construct loran equipment;

(32) Pacific islands: effect selected loran tower maintenance;

(33) Various locations: public family quarters;

(34) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

BRIDGE ALTERATIONS

For payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States, $3,000,000.

With the following committee amendments:

On page 1, line 7, delete "$15,446,000" and insert in lieu thereof "$132,446,000".

On page 2, under "A. Procurement:" after line 2 insert:

"(2) one replacement polar icebreaker.

"(3) three high endurance cutters."

On page 2, line 24, delete "$29,364,000" and insert in lieu thereof "$32,614,000".

On page 3 under "A. Procurement:" after line 3, insert:

"(3) One administrative aircraft.".

On page 6, after line 7, insert the following:

"ANNUAL ACTIVE DUTY PERSONNEL STRENGTH

"For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the average active duty personnel strength of the Coast Guard shall be 38,284. If the Coast Guard Selected Reserve program is not phased out as planned in the budget, the authorized active duty personnel strength is increased 567 men to 38,851; except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress on the basis of such determination."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BOW

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

The Clerk read as follows:

Amendment offered by Mr. Bow: Page 2, after line 2 insert "None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States."

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his amendment.

Mr. BOW. Mr. Chairman, this is an amendment which I have offered on the authorization before. I believe in the present situation in our country it would be well to build all of these vessels in the United States. I have been assured perhaps the committee agrees with me.

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

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

Mr. CLARK. We accept the amendment with pleasure on this side.

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

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

Mr. KEITH. We on the minority side concur in the amendment.

Mr. BOW. I thank the gentlemen and I yield back the balance of my time.

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

Mr. Chairman, I rise to ask a question as to whether this replacement polar icebreaker is to be nuclear or conventionally powered.

Mr. CLARK. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CLARK. Diesel and gas turbines.

Mr. GROSS. I thank the gentleman.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Bow).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, 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. 5208), to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, pursuant to House Resolution 406, be reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment. If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

TITLE AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Title amendment offered by Mr. CLARK: After the words "Coast Guard" in the title add the following words: "and to authorize the annual active duty personnel strength of the Coast Guard" so that the entire title reads: "To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CLARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

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

There was no objection.

TOWING VESSEL LICENSING BILL

Mr. CLARK. 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. 6479) to provide for the licensing of personnel on certain vessels.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6579, with Mr. FLYNT 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 Pennsylvania (Mr. CLARK) will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

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

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

Mr. Chairman, at this time, I would like to make a few comments in support of H.R. 6479, a bill to provide for the licensing of the person operating uninspected towing vessels 26 feet or more in length.

The bill as it appears before us on the floor today is basically a very simple piece of legislation. It really does only two things:

First. It provides for the licensing of the operator in the wheelhouse, and

Second. It provides for a study by the Coast Guard concerning the need for engineers. This study is due 10 months after enactment of the bill. The field of towboat safety itself is more complex involving such complicated issues as the licensing of the engineer and the seamen on board these vessels as well as the problem of inspecting these tugs.

The House Committee on Merchant Marine and Fisheries has been struggling with this type of legislation since the 88th Congress and even before. Unfortunately, all our past efforts have always resulted in an impasse since we have never been able to arrive at any reasonable consensus on either the problem of licensing the engineer or on the issue of the need for the inspection of towing vessels.

Over the last 8 years, our committee has held a number of hearings on these general problems and in all this time, despite all our efforts, we have not been able to get the interested parties to reach any kind of satisfactory agreement on the issues in contention.

With this history of effort and legislative frustration in mind, the ranking Democratic and Republican members of our committee decided that some sort of responsible legislation in this area of towboat safety was long overdue. Because of the past difficulties we encountered, it was obvious that the only course open to us was to agree on some first legislative step. As a consequence, the leadership of our committee agreed on H.R. 6479 which basically requires the licensing of operators in the wheelhouse and provides for a study concerning the need for engineers. The licensing of the man in the wheelhouse was the one issue in this area of towboat safety upon which there was any kind of unanimity. This was, in fact, the one issue that most of the interested parties could and did agree on. This, of course, is the basic factor in the area of towboat safety, so it seemed to be the logical starting point and basic requirement for towboat safety legislation.

From the beginning, the question concerning the licensing of the engineer has been controversial and contentious. In the past, we attempted to reach a consensus on licensing the engineers by applying this requirement to horsepower,

by linking it to the length of the vessel or to requiring it on a continuous voyage of over 24 hours. Unfortunately, none of these efforts prevailed and the study of the need for the engineer was included in H.R. 6479 as a necessary compromise device to resolve this sticky problem.

We are aware that this legislation is subject to some criticism, especially from those who desired licensing the engineer and imposing inspection requirements on these vessels. As is the case with most legislation that comes before this great body, the desires of none are met fully. We only intended that H.R. 6479 should be the necessary first step in the critical area of towboat safety. It is that first step.

So this legislation is a necessary beginning in the towboat area of marine safety; we urge your support for the enactment of H.R. 6479.

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

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

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding. I have read the committee's report in detail, and have studied this bill and, although not a member of the committee, there are two questions that I have about the legislation—and I do not want to prolong the session here this afternoon.

First: Is it not true that, acting here in the blessed and sacred name of greater safety, which we are all favorable to, that we are setting up a requirement for the Coast Guard-approved pilot in the pilot house, which I certainly would agree with, but in addition, setting up a study to perhaps in the future include engineers and other people on tows of certain descriptions to the point where we may some day find the Congress legislating in an area where it need not do so in the first place and, second, invite featherbedding, as we now have it, allegedly, on many of our trains and/or at least the power units thereof?

Mr. CLARK. I would say to the gentleman from Missouri that no, we believe that this is what we are trying to do, is to eliminate this. We do not believe this would happen with this legislation.

Mr. HALL. That is an interesting comment, but if you create the positions and require that they be certified, and knowing the power of the unions and the organizations, I wonder if the gentleman or some members of the committee could explain in just a little more detail to the Members, before we let this pass, probably by almost unanimous consent, as to why this would not evolve?

Mr. CLARK. In regard to that, I will yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I want to say that the 10-month study by the Coast Guard proposed in the bill is to study whether or not a licensed engineer is needed in the engineroom or on the vessel at all times. Neither the union nor the industry made their positions clear on what was needed, and we thought that the Coast Guard was the logical group that we could turn to for a study to judge the circumstances under which an engineer was needed.

We have talked time and again about the question of overmanning. I think it is perfectly clear that the committee will not favor any legislation requiring overmanning. But we feel an engineer may be necessary on certain types of vessels for voyages of certain lengths on the inland waterway. This is why the study is to be made.

Mr. HALL. Mr. Chairman, I appreciate my colleague, the gentlewoman from Missouri's statement, and I appreciate the reassurance that the committee will maintain surveillance and oversight in this area.

On the other hand, I am sure that my colleagues will be the first to agree with me that the more commissions and the more studies we have and the more Government bureaus that find for additional positions, the more likelihood there is to be a featherbedding. It has been my observation as we ply the intercoastal waterways that usually these tows are well manned. They are well manned in the engineroom. Most of the tugs have sleeping quarters aboard so they can run through the night. They are most courteous on the intercoastal waterway and they will even stop to lend aid when necessary. In this spirit, they are much the same as the over-the-road truckers who have established wonderful safety records.

My second question has to do with the cost. Certainly the cost of the legislation as stated in the committee report is none for the current fiscal year—although we are about out of the current fiscal year. But for the 1972 fiscal year the cost is estimated at $375,000 including $75,000 for the study that we just referred to, and thereafter $300,000 annually, for a total of $1,575,000 in the 5 years authorized.

Surely, it will not cost this much just to license the pilots, many of whom would be grandfathered in, as I understand it.

Why this total authorization of the cost in the bill?

Mr. CLARK. That is to authorize a Coast Guard study for the cost of $75,000.

Mr. HALL. The Coast Guard has testified before the distinguished gentleman's committee that it will cost that much to license this number of pilots per year?

Mr. CLARK. It is not to license this number of pilots per year.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CLARK. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, the figures cited by the gentleman from Missouri are not authorizations for appropriations. They are estimates by the committee of the cost of the Coast Guard study and of the estimated cost of licensing and enforcement. There was no departmental estimate submitted. Frankly, I cannot see how it could cost that much to issue licenses, but the committee has given its best estimate of the possible cost.

We received no testimony on the cost during the hearing. These figures were given to us later, informally. They are not authorizations. The legislation only calls for a study to be made, and licensing procedures to be developed and carried out, and these figures are just a guess at this point.

Mr. HALL. Well, these authorizations have a habit of coming home to roost when we take appropriations up later.

The word is we must always fund what has been authorized by the Congress. I think this is the place to make the legislative record. If indeed the committee will go along with the legislative record that is made here today and exercise their jurisdiction and see that the Committee on Appropriations is not asked for any more than it requires for this licensure, I think I have no objection, after the explanation that has been made.

Mr. Chairman, I appreciate the gentleman's statement.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 15 minutes.

The Chair recognizes the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, if I may have the attention of the gentleman from Missouri, I wish to point out that there is no authorization in the bill. The figure in the bill is merely an estimate of what the cost might be, and I would assume that the Appropriations Committee would demand a much closer justification for that estimate than we were able to get. But as I look at the bill, the authorization comes under the general authorization for the Coast Guard, and this would be a subject for consideration by the Appropriations Committee in any case. Our committee does not have authorizing authority in that particular part of the business.

Mr. Chairman, many of us have been very much concerned about this piece of legislation for a great many years, and it has been extremely difficult to come to grips with a problem where there was plenty of evidence to show that we needed an improvement in safety, and yet we were dealing with an industry that has great variables as to where it operates, whether it operates on the Mississippi River or whether tugboats are operated in New York Harbor or San Francisco Harbor, and we came to the conclusion that we had better take the step for which there was clearly demonstrated a need, and then take whatever time is required to develop the facts as to whether it is adequate or whether at some future date we should take a further step.

The committee has had great difficulty with this bill, and I think we have done as good a job in bringing out something, the justification for which is very, very clear, as we could have, leaving to the future the decision on whether this is actually sufficient.

Mr. Chairman, I rise in support of H.R. 6479, which I have cosponsored with our chairman (Mr. GARMATZ), the subcommittee chairman (Mr. CLARK), and other distinguished members of the Committee on Merchant Marine and Fisheries. I cosponsored similar legislation in the 91st Congress, and I am firmly convinced that the enactment of H.R. 6479 is urgently needed to improve

safety on our inland and coastal waters and to protect the lives of men who sail these waters.

There are about 7,000 towing vessels employed in our domestic commerce. Over 18,000 men work on these vessels, and they transport over one-half billion tons of cargo each year. Your Committee on Merchant Marine and Fisheries began investigating the question of towing vessel safety in 1965. There was no clear data available at that time pinpointing the need for licensed pilothouse personnel. Since that time, however, the Coast Guard, the National Transportation Safety Board, and your committee have closely monitored the safety record of the towing industry. The overwhelming majority of accidents are indeed caused by human error on the part of the person piloting these vessels. The majority of accidents involve either collisions between tows or between tows and other types of watercraft, and strandings.

The waters in which towing vessels most frequently operate, our inland rivers, pose an exceptional challenge to the pilot. Strong currents, twisting channels, and frequent changes in the river bottom all combine to make the job of piloting river tows one of the most demanding in the transportation industry.

The nature of the tows frequently employed on the river systems of this country also complicate the job of the river pilot. These tows are frequently made up of many barges lashed together extending 1,000 feet from the bow of the lead barge to the pilot house of the towboat. They are ungainly but economical means of transporting large volumes of bulk commodities. The transportation of dangerous cargoes, including petroleum, fertilizers, and other toxic substances, has increased dramatically on the inland waterways of the United States. While the barges themselves are subject to Coast Guard inspection in many instances, the person charged with maneuvering these dangerous cargoes is not.

Under existing law dating back many years, steamboats of all types are subject to inspection and their masters must be licensed. The age of the steamship has long since passed. With a few exceptions, virtually all of our inland towing vessels and coastal towing vessels are diesel-engine-powered and are, therefore, exempt from the steamboat inspection and personnel licensing laws. Only in the case of a seagoing, motorized towing vessel of over 300 gross tons does the existing law apply.

In recent years, we have had a number of extremely serious collisions between barge tows and ocean-going vessels in what may be called the interface between the sea and other inland waters. Areas of this country such as the lower Mississippi River up to New Orleans are particularly critical because of the large number of ocean-going vessels on foreign voyages intermixed with river tows in this waterway. While the ocean-going vessels, many of them foreign-flag and foreign-manned, generally operate under the international rules of the road while at sea, they are required to adopt the inland rules while transiting the Mississippi River to and from New Orleans. One such collision between the SS *African Star* and a tow resulted in the loss of 21 lives. Another collision between the SS *Union Faith* and a river tow resulted in the loss of 25 lives. Each of these accidents could have been far worse but for the prompt action of other vessels in the area.

H.R. 6479 very simply requires that uninspected towing vessels of 26 or more feet in length while underway shall be under the direction and control of a person licensed by the Secretary of Transportation. The license shall designate the waterways in which the pilot may operate and the type of vessel he may command. As a further step to improve safety, the bill provides that the pilot of a towing vessel may not work in excess of 12 hours in any consecutive 24-hour period. This latter provision is important in view of the concentration demanded of a pilot in order to navigate safely within the confines of our river systems.

Since the beginning of your committee's consideration of the safety problem on our inland waters in 1965, the question of requiring licensed engineers on towing vessels has been considered. The same studies and statistics which so strongly recommend the licensing of the pilot do not support a requirement for licensed engineers. As I stated previously, virtually all of these ships are diesel-propelled. A great many of them have completely automated engine rooms and more are being automated each year. While engine breakdowns do occur on these vessels, there have been very few recorded instances of towing vessel casualties resulting in property damage or loss of life due to mechanical breakdown. The diesel engines which propel these vessels are extremely complicated pieces of machinery. They are not susceptible to emergency repair while underway, and when a breakdown occurs they must be shut down. There is, of course, always the risk that an engine failure could occur during a critical maneuver. It is highly unlikely, however, that the presence of a licensed engineer in the engineroom could affect the outcome of whatever disaster might follow such a breakdown.

Again in the interest of safety, however, your committee has provided in this legislation for another study of the need for licensed engineers on towing vessels. The Secretary of Transportation will submit to the Congress a report not later than 10 months after the enactment of this legislation. If this report indicates that safety may be enhanced by the presence of licensed engineers, I am sure that your committee will act promptly to implement that finding.

Mr. Chairman, this is an important bill, and I urge my colleagues to support it unanimously. I wish to commend the distinguished chairman of your Committee on Merchant Marine and Fisheries (Mr. GARMATZ) for bringing this important legislation to the floor.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I would like to state to the Congress that within the last 2 or 3 years there have been in my constituency alone unlicensed operators who, by their callousness or carelessness, have caused almost unimaginable hardship on the coastline of Cape Cod. In fact, just recently a claim was processed against a firm that employed one of these unlicensed operators who appeared to have run his tanker aground off Falmouth, Mass. The claim was settled in the amount of almost $300,000. Hopefully, this legislation will make a repetition of such an event less likely. I certainly am strong in my support of this legislation.

I thank the gentleman for yielding.

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

Mr. CLARK. Mr. Chairman, I yield such time as she may require to the gentlewoman from Missouri.

The CHAIRMAN. The gentlewoman from Missouri is recognized.

Mrs. SULLIVAN. Mr. Chairman, as ranking majority member of the Committee on Merchant Marine and Fisheries and as the original sponsor nearly a decade ago—in January 1962—of the legislation which led to the bill now before us, I rise in support of H.R. 6479. But this bill is only a start on a much-needed safety program for the operation of motor-propelled towboats and barges on the inland waterways. It is, in fact, less than one-half of my original proposal, endorsed in 1963 by the Coast Guard, which was to license the responsible officers of the towboats, on the one hand, and also to require inspection for safety of the boats themselves and their equipment. This bill, however, deals only with licensing of masters and pilots.

To the extent that this will eliminate the use of untrained and incompetent officers in the wheelhouse, it will undoubtedly reduce accidents, and save lives and property. But it does not guarantee that accidents cannot and will not occur as these huge trains of heavily laden, or sometimes equally dangerous empty, barges move up and down our rivers to their destinations. But if the fault lies with a careless or untrained master or pilot, that person can be taken off the job through the lifting of his license, under this bill.

There are, however, many factors other than poor piloting which are behind the serious towboat accidents which have cost the American people millions upon millions of dollars and many lives. When the Coast Guard made a study of this matter in 1962 following the introduction of my first bill on this subject, it discovered that the situation was much worse than it had believed, and that legislation to license personnel and to inspect the vessels and their equipment was essential. Until that time, the Coast Guard had not seen any need for such legislation.

The Coast Guard report was made to our committee in 1963, and we have been arguing in committee ever since then on the scope of the proposed legislation now before us. A majority of the committee has endorsed the licensing of masters and pilots, and called for a study of the need for licensing engineers, but has rejected, at least for the time being, the

proposal to require inspection and certification of the safety of the vessels and equipment.

Past studies have shown that when accidents occur, the barges themselves may have been in unsafe condition, or the horsepower of the engine was too low to control the huge train of barges, which may extend for a quarter of a mile and require tremendous space in which to be brought to a halt.

I have sailed aboard towboats on the Mississippi and seen the dangers which they encounter from a variety of sources—the weather, the condition of the river, the skill or lack of skill of the operators of a tow coming from the opposite direction, and the possibility of cargo shift or barge loading mistakes, as well as the condition of the equipment itself.

So I know how urgently we need some legislation in this field, and since this bill is the best we can get through the committee at this time, I support it. But I think the Members should recognize that it is a compromise which attacks only a part of the problem and that more comprehensive legislation will be needed. I intend to continue my efforts to get additional river safety legislation out of committee and before the House. While I am patient—it has taken, as I said, nearly 10 years to bring this legislation to House passage—I think it only fair to point out that further delay is costing lives, and millions upon millions of dollars worth of damage to property along the rivers, and to cargoes.

I do not agree, I might add, with the comment in the committee report accompanying this bill that—

> The facts elicited before the subcommittee did not demonstrate that the record of casualties to this type of vessel reflected any specific deficiencies in their construction, equipment, or manning levels.

I think the record of our hearings over the years has demonstrated many specific deficiencies which periodic inspection and certification by the Coast Guard could uncover and correct.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise in support of H.R. 6479.

Mr. Chairman, I would like to take just a minute to speak in favor of H.R. 6479, a bill to require the licensing of the operators of towing vessels.

As has been already stated, one of the basic purposes of the bill is to contribute to marine safety on the inland waterways of the United States by licensing the operates and as to the "type of vessel." It is stipulated in the bill that the operator shall be licensed with respect to the "particular geographic area" in which he operates and as to the "type of vessel." It is contemplated that licensing as to the "particular geographic area" shall coincide with the application of the areas of differing sets of nautical rules of the road, for example, inland rules, Great Lakes rules, western river rules and international rules.

It is intended that the licenses should be as broad in area coverage as practical and that the examinations should insure an adequate knowledge of each set of nautical rules of the road for the area to which the license applies. With respect to this examination, it is noted that it may be oral rather than written to accommodate those who for legitimate reasons may request an oral instead of a written examination. The phrase "type of vessel" means those covered by the bill and envisions the possibility of the Coast Guard endorsing a license issued under other provisions of law to authorize the operation of vessels covered by this legislation.

It is obvious that there are a number of safeguards relating to the operator licensing requirement mandated by this bill. Since this is marine safety legislation applying basic operating requirements, I believe that it is in the Nation's general interest to support this legislation.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I have consistently opposed this particular piece of legislation for many years.

First of all, I do not believe that the legislation is necessary. Second, I know it will be detrimental to the best interests of the hard-pressed towing industry. And, third, because it could mean increased consumer cost for the people who use products normally transported on barges.

During the course of our hearings on this bill, we heard detailed descriptions of maritime accidents on our navigable waters or ships piloted by unlicensed personnel. But there was no evidence that these accidents would have been prevented or minimized had the pilot been licensed. On the other hand, we also examined maritime accidents on vessels manned by licensed pilots. Most accidents resulted from human error—not because the pilot was unlicensed.

Pilots of tow boats—licensed or unlicensed—are highly trained knowledgeable and responsible men. If you owned a tow boat or expensive towing equipment, you are not going to turn over this valuable property to a person who was not qualified to handle it safely and properly.

As a protocol matter, if we require all tow-boat pilots it be licensed you are going to see fewer towing operations on our rivers and bays and many competent people are going to be unemployed.

The most economic transportation of bulk material on water is of course, by barge, already due to a scarcity of river pilots in the Chesapeake Bay area, much oil is having to be transported by land transportation and at a much greater cost. As these costs go up, the cost of the product to the consumer is also going up.

There is no need for this legislation and if it becomes law I believe it will cause great harm.

I know this is a compromise bill and that it will pass this house almost without objection. But that still does not mean it is good legislation. I hope the other body will refuse to approve it.

Mr. CLARK. Mr. Chairman, I yield such time as he may consume to the Chairman of the full committee, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I would like to take this opportunity to strongly urge the support of the House for H.R. 6479, a bill to provide for the licensing of personnel on towboats.

The purpose of this bill is to promote safe navigation by requiring that while, under way, certain towing vessels shall be under the direction and control of personnel licensed under regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. In addition to this requirement that the operator in the wheelhouse be licensed, the bill requires the Secretary of Transportation to conduct a study and to submit to the Congress a report thereon together with any legislative recommendations concerning the need for licensed engineers on such vessels. This report is due 10 months after the enactment of this legislation.

Legislation of this general nature has been pending before the Merchant Marine Committee for the past 8 years or more. Several provisions of past bills were highly controversial in nature and, indeed, were the subject of differing views within the committee itself. Failure to agree on this important safety legislation led to impasse which resulted in no legislation being passed.

For example, previous proposals would have required that these towboats carry licensed engineers. Quite naturally, I suppose, the organizations most interested in sponsoring this type of proposal were the unions representing licensed engineers. However, the committee did not receive one shred of evidence that past casualties involving towboats could, or would have been, prevented by the presence on board of a licensed engineer. The same is true of any proposed requirement that certificated unlicensed personnel be carried.

Another issue involved is a requirement that all towboats be subject to inspection by the Coast Guard. But, there again, such a requirement would by nature confer upon the Coast Guard authority to prescribe manning scales and impose unnecessarily burdensome obligations upon the owners of these vessels.

Despite all our hearings over the years on variations of towboat safety legislation, no consensus was ever reached as to the need for extending the marine inspection laws to motor-propelled towing vessels. The facts brought out before the subcommittee did not demonstrate that the record of casualties to this type of vessel reflected any specific deficiencies in their construction equipment or manning levels.

It was only after many, many sessions within the committee that we were able to work out a compromise on this issue and the engineer licensing problem as represented by the bill you have before you. Statistics indicate that in the 1965–68 period, towboat vessel casualties resulted in 109 fatalities, an unknown number of personal injuries, and in excess of $50 million in property damage.

It has been apparent to the members of the Committee on Merchant Marine and Fisheries from the beginning that

towboat safety legislation is necessary. However, parochial interests have frustrated all our attempts for such legislation over the past 7 or 8 years. Finally, we have been able to get reasonable consensus on the bill before you. It does provide for licensing the operator in the wheelhouse which is basic and primary to towboat safety. It also provides for a 10-month study on the controversial issue of licensing the engineer. Admittedly, this bill does not give all interested parties everything they desire, but what piece of legislation passing this body accomplishes that high standard? This initial step in the field of towboat safety is sufficient to justify our support. Thus, I urge all Members to vote in favor of H.R. 6479.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 6479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4427 of the Revised Statutes (46 U.S.C. 405) is amended by inserting "(a)" immediately before the first word thereof and by adding at the end thereof the following new subsection:

"(b)(1) As used in this subsection—

"(A) the term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(B) the term 'towing' means pulling, pushing, or hauling alongside or any combination thereof;

"(C) the term 'towing vessel' means a commercial vessel engaged in or intended to engage in the service of towing which is twenty-six feet or more in length, measured from end to end over the deck, excluding sheer;

"(D) the term 'uninspected' means not required by law to have a valid certificate of inspection issued by the Secretary.

"(2) An uninspected towing vessel in order to assure safe navigation shall, while underway, be under the actual direction and control of a person licensed by the Secretary to operate in the particular geographic area and by type of vessel under regulations prescribed by him. A person so licensed may not work a vessel while underway or perform other duties in excess of a total of twelve hours in any consecutive twenty-four-hour period except in case of emergency."

SEC. 2. The Secretary of Transportation shall conduct a study concerning the need for engineers on uninspected towing vessels and shall submit to the Congress a report on this study, together with any legislative recommendations not later than ten months after the enactment of this legislation.

SEC. 3. The amendments made by the first section of this Act shall become effective on January 1, 1972, or on the first day of the sixth month which begins after the month in which regulations are first issued under section 4427(b)(3) of the Revised Statutes (as added by the first section of this Act), whichever date is later.

Mr. CLARK (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 3, line 3, "(3)" is deleted and "(2)" is inserted in lieu thereof.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, 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. 6479) to provide for the licensing of personnel on certain vessels, pursuant to House Resolution 408, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROGRAM FOR WEEK OF MAY 3

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader, the gentleman from Louisiana, the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Will the gentleman yield to me?

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

Mr. BOGGS. Mr. Speaker, we have completed the program for this week. We have completed all of the bills and resolutions on the whip notice for this week, so I hope to go over until Monday.

Next week, Monday is Consent Calendar day. Following that there are three suspensions:

H.R. 155, facilitating transportation of cargo by barges specifically designed for carriage aboard a vessel.

H.R. 135, distribution of unclaimed postal savings deposits to the States.

H.R. 6283, extending the Presidents reorganization authority.

Tuesday is Private Calendar day, following by S. 531, authorization for Post Office to prepare applications for passports. This will be considered under an open rule with 1 hour of general debate.

For Wednesday and the balance of the week: H.R. 4604, increasing the outstanding loan ceiling of the Small Business Administration. This is subject to a rule being granted.

Of course, conference reports may be called up at any time, and any other program may be announced later.

REQUEST FOR ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. PATMAN. Mr. Speaker, reserving the right to object, I hope the gentleman will let me finish my special order before making that request, if he will.

Mr. BOGGS. I will be very happy to, but I do not see why it makes any difference.

The SPEAKER. Does the gentleman from Texas object to having a request made at this time to go over to Monday after all business is completed?

Mr. PATMAN. Mr. Speaker, I was asking the gentleman to wait until after I finish my special order, and then there will be no objection as far as I am concerned. I just make that request, and I hope the gentleman will respect it.

Mr. BOGGS. Mr. Speaker, I will comply with the request although I do not see that it makes any difference.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

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

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Has it not been the custom that once special orders are embarked upon there is no business transacted of general interest to the House? I should think that this motion to adjourn until Monday would be of interest to the House.

The SPEAKER. The Chair can only respond that the custom is not to transact any business unless it is an emergency. Of course, the only business that is left is the question of when we reconvene.

Mr. GROSS. Yes. Which, it seems to me, is a rather important question from the standpoint of the Members of the House. But it comes at a time when special orders have been entered upon. I wonder why we must change a system and a custom that has worked rather well, which is that we do not transact any business of the House except in an emergency after special orders have been entered into. I cannot conceive why the gentleman from Texas would want to put off this agreement as to adjournment until after he consumes his special order.

The SPEAKER. The Chair is unable to respond to the gentleman on that question. This is a unanimous consent request, of course.

Mr. GROSS. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Could we have the as-

surance of the leadership that there will be no other business than to fix the date for reconvening the House on Monday?

The SPEAKER. The Chair knows of no other business this week of any kind.

If we meet tomorrow and if there is something, the Chair may be powerless to prevent it, but the Chair has no intention of authorizing anyone to call up any business on tomorrow.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, I stated in response to the inquiry of the gentleman from Michigan that there was no further business scheduled for this week.

The SPEAKER. The only thing is that should we adjourn without the request being granted, we would have to meet tomorrow.

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

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. May I, Mr. Speaker, in the process of making that inquiry ask the distinguished gentleman from Texas, the chairman of the Committee on Banking and Currency, if I understood the gentleman correctly to the effect that at the end of his special order he would not object to the unanimous-consent request of the distinguished majority leader?

Mr. PATMAN. Mr. Speaker, if the gentleman will yield, I shall have no objection at all.

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

INCOME TAX RELIEF FOR JOB-SEEKERS

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

Mr. KOCH. Mr. Speaker, because of the current recession and the extremely tight job market, those seeking employment often must incur considerable expense in looking for a job, and must frequently extend their search over several weeks and months.

This situation is not improving. The March national unemployment figure of 6 percent was up 0.2 percent from the February figure. In New York City, the area with which I am most familiar, the figures are not as high, but the trend is the same. The 1970 unemployment rate for New York City was 3.9 percent. However, the rate for the first quarter of this year was 4.9 percent, compared to 3.5 percent for the first quarter of 1970.

The statistics also indicate that persons out of work spend a long period of time looking for a job. Last year persons in New York City who were eligible for unemployment compensation received benefits for an average of 13.1 weeks, or over 3 months.

I am today introducing legislation to amend the Internal Revenue Code to help ease the burden upon those seeking employment. Under present regulations, a jobseeker can deduct only the fee paid to the one employment agency which is successful in finding him a job which he accepts. Thus if an applicant pays three agencies to help him find work, he can only deduct the fee paid to the one successful agency, even though he has spent approximately three times that amount. If the job hunter searches on his own, any expenses he incurs, such as taxi or bus fares, are not deductible.

We need only constrast the job-hunter's predicament with the tax treatment of businessmen to demonstrate its unfairness. If a business man takes a prospective client to lunch, his expense is deductible, whether or not the prospective client decides to do business with the company. If an employment agency is unsuccessful in finding a job-hunter employment, he is left with no deduction and no job.

The authenticity of the job seeker's deduction can be demonstrated at least as easily as that of the businessman. Neither we nor the Internal Revenue Service know how much "business" is discussed at business luncheons, but we can be reasonably sure that an individual is looking for work if he pays fees to several employment agencies, has résumés prepared, and incurs transportation expenses to numerous job sites.

My bill would amend the Internal Revenue Code so that the deduction would include:

All the ordinary and necessary expenses paid or incurred during the taxable year for the purpose of procuring employment, without regard to whether:

First, the taxpayer is employed at the time the expense is paid or incurred, or

Second, new employment is procured as a result thereof.

This change would become effective in taxable years beginning after December 31, 1970.

Because this deduction falls into the category of business expenses, a person would be able to take it whether he itemized deductions or took the standard deduction.

The present regulations need to be broadened so that expenses in securing employment can be accurately reflected in the taxpayer's deduction. I urge our colleagues to give consideration and support to this bill to aid those actively seeking employment.

THE SILENT CRY

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

Mr. BRASCO. Mr. Speaker, 7 years and 24 days ago, the first American prisoner was captured by the North Vietnamese. Since that time, some 1,500 Americans have been added to the enemy prison camps.

This is one element of the war that unites all Americans. Every heart in America hears the silent, ever-present cry emanating from the prison camps somewhere in Indochina. No one can escape from the voice which speaks out in every American conscience, calling for greater efforts on our part to obtain their decent treatment and release.

These men are honest Americans, sent abroad to fight a thankless war under the most difficult of circumstances. It was their fate to suffer the fortunes of war and fall into the hands of the other side. Since that time, little has been heard from them. This alone is cause for deep national concern. It is vital that the North Vietnamese and Vietcong understand how the American people feel on this question First comes our heartfelt desire to ensure that their captors abide by accepted rules of international behavior regarding treatment of prisoners.

Second comes our concern, just as fervently felt, concerning their rights to receive communications and necessities from home. Up to now, such leeway has been accorded them in only the most limited sense. Deprivation of communication with them has served to create the worst of all possible situations. Lack of any news as to their fate and condition have exacerbated the total condition almost beyond belief.

Our opponents must understand that the American people speak with one voice on our missing prisoners of war. We want them well treated. We want them to be allowed to communicate with their loved ones. We want them returned in good health as soon as possible—all of them. On this issue there can be no compromise. Their silent cry is being heard and responded to all across our land.

It is well to add here that this issue stands completely apart from all other debate over the conflict. Whatever else is at issue, and there is much, nothing can alter the facts and rights in this case.

THE NEED FOR PUBLICITY ON THE VANDALISM BY IRRESPONSIBLE DEMONSTRATORS

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

Mr. ICHORD. Mr. Speaker, I suppose that anytime 200,000 people gather in Washington to protest and cause no major outbreak of violence one should be everlastingly grateful.

However, I think it is regrettable that the incident which took place at our Washington Monument and the vandalism and threats of bodily harm unleashed by irresponsible demonstrators last weekend should go unreported by the authorities and the news media.

The American people have a right to know that they have been spoonfed glowing accounts of a peaceable assemblage on the Capitol Grounds and exaggerated reports of the postdemonstration cleanup by the National Peace Action Coalition.

What the people have not been told is that 34 U.S. Park Police officers and several park rangers were unsuccessful in efforts to protect the U.S. flags around the Monument and to avoid serious injury from an angry mob at 5:30 p.m. on April 24, took refuge inside the Monument behind locked doors. An attempt to rescue the besieged officers was stopped by the Chief of the Metropolitan Police

Department of Washington, D.C., possibly fearing that a confrontation might ignite into bigger trouble. As a result, the Park Police and rangers were locked in the Monument until 4 a.m. April 25.

What the people have not been told is that a $17,000 restroom trailer was destroyed by fire on the Monument grounds.

What the people have not been told is that demonstrators broke into the basement of the Monument and smashed electric light and heating meters, that most of the spotlights around the structure were destroyed and that the Monument grounds were defaced and vandalized.

What the people have not been told is that an estimated $75,000 in damage to property in and around the Monument occurred, that trees to beautify the grounds were chopped down for firewood, that a Department of Interior truck was vandalized and that garbage and trasn collection crews have since had to work overtime to haul away the debris left by the demonstrators in this most magnificent of world capitals.

The one thing we have been told officially is that most of the park benches were broken up for kindling, that 10 of the 50 American flags around the Monument were forcibly torn down by the mob and that only because the Park Police risked physical harm to take down the remaining flags were 40 more not destroyed.

As these demonstrations continue, I want the American people to know the whole story—not just the erroneous propaganda put out by the extremists of the left and swallowed, hook, line, and sinker by their news media sympathizers. Just because 200,000 people come to Washington to protest does not mean the rest of our 200,000,000 people should be denied the facts about the demonstrations—both good and bad.

DISCHARGE PETITION NO. 1

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

Mr. WYLIE. Mr. Speaker, I take this time to call attention to Discharge Petition No. 1 at the Speaker's desk. This motion concerns the prayer amendment, which has been before the Judiciary Committee since the 88th Congress.

The substantive language states:

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Since the 92d Congress began, more than 100 Members of this body have sponsored a joint resolution to like effect. I find that many of you are still not aware of Discharge Petition No. 1. The petition has 40 signatures. I need only 178 more.

Supporters of this effort from around the Nation are beginning to become quite active. Only yesterday I received a release from Rev. Robert G. Howes, associate professor, the Catholic University of America and national coordinator of Citizens for Public Prayer. I find Father Howes' comments both timely and to the point and am having them inserted in the RECORD at this point.

SUPPORTERS OF FREE SCHOOL PRAYER AMENDMENT ENTHUSIASTICALLY ENDORSE HOUSE DISCHARGE PETITION NUMBER 1

On April 1, 1971, Congressman Chalmers P. Wylie of the 15th Congressional District in Ohio placed at the Speaker's desk House Discharge Petition #1. We enthusiastically endorse this petition and urge all Congressmen who have for nearly nine years backed the restoration of the civil right of free prayer in our public schools to sign it at once.

It is tragic, to be sure, that a matter which is so very clearly the will of a vast majority of the American people must be forced past a committee chairman. It is tragic that, in a subject area so very critical to the well-being of the nation, one must resort to a device so difficult to carry through successfully. Yet there seems no other way. Literally hundreds of bills calling for a constitutional amendment to reverse the two Supreme Court prayer-ban decisions have been introduced in both House and Senate since the first of these decisions back in 1962. None of these bills has reached the floor of either chamber at the conclusion of the normal legislative process—i.e., hearings, report, debate and vote. This despite continuing evidence that Americans in great number disagree with the Court and wish free prayer and spiritual Bible reading enabled again in their public schools! The latest poll, conducted for The Advocates TV program by Opinion Research of Princeton, New Jersey, in January of this year shows upward of 80% of the nation in favor of a return to the practice of free school prayer. In November of 1970, in the first official vote on the subject, voters in the State of Maryland endorsed a prayer amendment by more than 73%.

Faced with this incredible impasse, Congressman Wylie has proposed the only effective solution. It is now necessary that a total of 218 Congressmen sign Discharge Petition so that further action can be taken on the House floor to accommodate the national will.

Many other Congressmen, as has been indicated, have proposed amendment bills. There must, at this time, be no quibbling over the ownership. We strongly urge all Congressmen who have proclaimed their support of free school prayer to close ranks around this Discharge Petition. The text of H.J. Res. 191, to which the Petition is specifically directed is identical with the text of the prayer amendment resolutions introduced by the late Senator Everett Dirksen and by Senator Howard Baker, Jr. (in this session). We understand that some Congressmen have reservations about going the route of a discharge petition. We can sympathize with their procedural doubts. Still, this matter is so important, the will of the people has been so long denied, there is simply no other apparent way. We find it difficult to comprehend how any Congressional supporter of free school prayer can justify refusal to sign Discharge Petition #1 in this kind of context! Indeed a suspicion might lie that failure to sign is an indication that endorsement of a prayer amendment is only skin deep, that a Congressman who has his own prayer bill but will not sign the Petition is not really, deep down, concerned to see action in this matter!

We are urging all our members to begin a new campaign to convey to all Congressmen their conviction that a signature of Discharge petition #1 is the only way now to separate the men from the boys. The patience of the nation grows short after all these inactive years. We beg and pray that all Congressmen will come quickly to the Speaker's desk and will by their signatures force action in this session of the Congress. In any case, we have many reasons to believe that on no other issue is the nation more united than on the issue of the civil right of free school prayer. The time has clearly come for Congressmen to stand up and be counted.

NEIGHBORHOOD SCHOOLS MUST BE PRESERVED

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

Mr. YOUNG of Florida. Mr. Speaker, the U.S. Supreme Court seems bent on destroying the neighborhood school system in America. The latest evidence of this unprecedented assault on quality education came on April 20 when the High Court ruled that children must be forcibly bused out of their neighborhoods to attend schools a considerable distance away in the name of racial balance.

The Supreme Court action circumvents the will of Congress, as expressed in the antibusing amendment to the 1964 Civil Rights Act, and by decree seeks to deny the right of American children to attend their neighborhood school because of their color.

The only solution, I feel, is to cement this right into the basic document of this land, the U.S. Constitution, where it will be subjected less to the whims and caprices of nine men who seem to believe they are law unto themselves.

Therefore, today I am introducing a proposed constitutional amendment providing:

(1) The right of students to attend the public school nearest their place of residency shall not be denied or abridged for reasons of race, color, national origin, religion or sex, and (2) The Congress shall have the power to enforce this article by appropriate legislation.

I strongly urge my colleagues to take prompt action on this measure before it is too late.

We are seeing the results already: The Congress is being asked to appropriate hundreds of millions of dollars in public funds to help communities try to solve school problems brought about by the discriminatory and senseless rules set down by the Court.

The double standard hammered out by the High Court serves to remind us that while the Civil War ended over a century ago, the punishment of the South seems destined to go on forever. The Court outlawed an all-black or an all-white school in the South, yet held such is quite proper and legal in the North.

For too long, the South had been the Nation's whipping boy on racial matters; for too long the rest of the country has eased its conscience over discrimination by loudly deploring the practice in the South.

The South has no Harlem. Its neighborhoods and schools are far more integrated than those of the North. Yet the attack on the South is unrelenting, and the so-called sins of several generations passed are visited upon the southerner of today. In the North, 57.8 percent of black schoolchildren now attend schools that are 80 to 100 percent black, com-

pared to only 38.7 percent of the black youngsters in the South.

This sort of disparity, this inequal treatment is now the law of the land. As always, injustice is cloaked with the mantle of self-righteousness; wrong is done for the best of motives—in this case, the end of racially segregated schools in America.

The Court even recommends the clearly illegal gerrymandering of boundaries in the interest of evening up the racial mix in schools within a community.

Black parents want to send their children to schools in the neighborhood just as well as white parents. Black parents do not want their children bused for long distances just to serve as a statistic on some utopian planner's scale of racial balances any more than white parents.

What about the needs of the child? How can any of this benefit him; how can it help him get a better education or enrich his life in any fashion?

The neighborhood school system is uniquely American; we have devised the best system of public education in the world. That system is now being destroyed by nine men in black robes. Control of our local schools must be in the hands of our elected local officials.

The Tampa Tribune, one of the fine newspapers serving my home community, on April 21 ran an editorial on this matter that merits our thoughtful consideration:

[From the Tampa Tribune, Apr. 21, 1971]

NINE JUSTICES WRECK A SCHOOL

The United States Supreme Court yesterday demolished the neighborhood school.

In an opinion which subordinates educational practicality to social theory, the Court in effect gave Federal judges throughout the South the power to rearrange school districts to suit their fancies.

The Constitution, the Court conceded, does *not* require "that every school in every community must always reflect the racial composition of the school system as a whole." But having made this concession, the Court then proceeded to uphold a District Court order requiring massive busing to achieve a ratio in Charlotte, N.C., schools of about 70 per cent whites to 30 per cent blacks.

"It should be clear," said the Court at another point, "that the existence of some small number of one-race, or virtually one-race, schools within a district is not in and of itself the mark of a system which still practices segregation by law."

So saying, the Court reversed a ruling of the Fifth Circuit Court of Appeals which had approved a Mobile, Alabama, desegregation plan leaving eight all-black schools.

In short, the Supreme Court pays lip service to reason while dynamiting the foundation of the neighborhood school.

Anyone who hoped the high court would exercise restraint on district judges obsessed with theories of social reform can find no comfort in the unanimous opinion by Chief Justice Burger.

There is, in fact, a particularly ominous passage regarding the location of new schools.

Noting that some School Boards follow a policy of building new schools "in the areas of white suburban expansion farthest from Negro population centers in order to maintain separation of the races . . ." the Court said:

"Such a policy does more than simply influence the short-run composition of the student body of a new school. It may well promote segregated residential patterns which, when combined with 'neighborhood zoning,' further lock the school system into the mold of separation of the races. Upon a proper showing, a District Court *may consider this in fashioning a remedy.*" (Italics ours.)

This raises the question whether a School Board, in all good faith, could locate a new school in a white suburb, however much it might be needed there, for fear of "promoting segregated residential patterns."

The Supreme Court, in our judgment, was following the intent of the Constitution when it held in 1954 that pupils could not be legally excluded from a school because of race.

But it grossly distorts this rule, we think, when it holds in effect that the drawing of attendance districts and even the location of schools must be determined on the basis of racial effects. Educational practicality and legal principle both argue that if all children are assigned to the school nearest their homes, without discrimination, the Constitution is fully served.

Before yesterday's decision, Southern school systems were enveloped in a fog of conflicting court rulings and Federal agency interpretations as to what constitutes legally acceptable integration. The fog now has been burned away—and the ruins of the neighborhood school tradition are starkly visible.

THE FBI—A GREAT AMERICAN INSTITUTION—J. EDGAR HOOVER, A GREAT AMERICAN CITIZEN

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

Mr. HARSHA. Mr. Speaker, several Democratic Members of Congress are waging a vicious campaign designed to destroy the credibility of the FBI and its Director, J. Edgar Hoover. By crying "wolf" this time, however, these FBI critics are attempting to create a paranoid fear of police state tactics which simply do not exist and are trying to undermine the cause of justice rather than to serve it. In addition, the charges leveled against Mr. Hoover, personally, unjustly discredit a most dedicated man who has contributed almost half a century of distinguished service in the law-enforcement field.

All in all, it augers conspicuously of political opportunism at the ultimate expense of the American public.

Hoover has long been an unwavering adversary against crime. He came into the FBI in 1924 facing the prospects of setting this new organization in order first by cleaning up internal corruption and by establishing high standards for FBI agents. From then on, the record speaks for itself, and it speaks well. With the help of the FBI, kidnapping and gangster crime waves of the 1930's subsided. In the 1940's, the FBI played a vital role in averting Nazi espionage and subversion in the United States before and during World War II and in battling Communist infiltration which Hoover maintains still exists today. Since then, the FBI has dealt with rising crime rates, mounting civil rights strife with extremists on both sides, street violence, organized crime and terrorist bombings.

The record is one of achievement, public service and protection. It is a far cry from the Gestapo-like police force today's critics would have us believe it to be. Quite the contrary, Director Hoover has repeatedly spoken against the idea of a Federal or national police force. Instead, Hoover has advocated cooperation when necessary between local officials and the FBI:

> That is the American way of avoiding any resemblance of national control or of a national police system to which, as I say, I am very much opposed.

This does not sound like the kind of person commandeering a "Big Brother" type of police force. In fact, it was not until 1934—10 years after Hoover took over as head of the FBI—that Congress granted the power of arrest and the right to bear arms to FBI agents.

Another charge against the FBI is that its methods of investigation and surveillance invade the privacy of innocent individuals. However, the same critics who decry the FBI for snooping needlessly are curiously silent on other matters. I cite specifically the theft of over 1,000 documents from the FBI office in Media, Pa. Only 14 of the stolen papers were released because they were supposedly detrimental to the FBI. Here we have an actual crime, a theft of Government documents, but none of the so-called crusaders against the FBI have spoken out against the theft. Apparently, they must think it acceptable when the crime serves their purpose.

This purpose, however, as I have said before, does not serve that of the American public. One Senator is crying because the FBI supposedly had agents at the Earth Day rallies last year. But, the Senator has yet to provide any specific evidence that these FBI activities were unwarranted or in any way illegal. Why this FBI activity is so terrible is beyond me. In this day and age when extremists seize any opportunity they can to turn a public gathering or peaceful demonstration into confrontation and violence, I see nothing wrong with having the FBI checking out any possible situations which could lead to violence. And, I do not find the presence of the FBI at such functions in any way incriminating against those attending the functions; it is merely a precaution. Probably, had violence occurred, these same critics would be complaining that the FBI was not doing its job.

The fact is, the FBI has been doing its job. However, as is any Government agency, it is not above error or without the need for revision and improvement. The same holds for its Director as it does for any Government official or Member of Congress. But looking at the record, the FBI has a most remarkable one of achievement for almost 50 years. It has consistently been working for the law-abiding American public—protecting its rights and freedom, not usurping them.

If, indeed there are changes to be made in the FBI, there are more constructive means of achieving them than by making personal attacks on the Director or by deliberately undermining the credibility of this important investigative bureau. Because of its many contributions to maintenance of law and order over the years, I shudder to think of what the country would be like had it not been for the FBI.

ISRAEL'S INDEPENDENCE

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

Mr. LONG of Maryland. Mr. Speaker, today we are observing the 23d anniversary of the independence of the state of Israel.

Time is on Israel's side. During my recent visit to Israel and Egypt, I was impressed by the progress the Israelis are making in spite of the war. Their GNP is now equal to Egypt's, even though they have one-tenth the population. In another 20 years Israel will be three or six times the economic power it is now. Last year Israel's GNP was $5.2 billion—giving the 3 million Israelis a per capita output of $1,800, compared to $180 for the average Egyptian.

The American people have made a tremendous contribution to Israel's economic and military position. Our private Jewish community has given Israel $4.7 billion through the United Jewish Appeal, Israel bonds, and personal remittances. The U.S. Government has provided $1.615 billion in economic loans and grants. Since 1967 we have provided almost $1 billion in military assistance, including the sale of more than 150 aircraft, electronic equipment, and munitions.

In addition, West Germany has paid $1.7 billion in restitution to individuals, has paid the Israeli Government $775 million in reparations, and provided $180 million in development loans. Total: $9,970 billion.

Egypt, on the other hand, is showing little economic progress. Their rapidly growing population of 33 million is a drain rather than a help. The country is saturated with unabsorbed labor.

Economic growth is only slightly greater than what is needed to feed, clothe and house the growing population. During my recent visit, President Sadat told me that all the resources needed for development are going for war, and that Egypt is paying the Russians in "hard cash" for manning their SAM sites.

Foreign Minister Abba Eban was skeptical of President Sadat's desire for peace. He and Finance Minister Phinhas Sapir both commented, "Of course, the Egyptians want peace. Everyone wants peace if he can get what he wants."

Abba Eban told me that Israel would be firm on keeping control of Sharm El Sheikh, possibly unless an arrangement similar to the United States-Japanese agreement over Okinawa could be reached. He also stressed the importance of retaining the Golan Heights and on keeping the East Bank of Suez demilitarized. He did indicate that the West Bank of the Jordan and the Sinai Peninsula were otherwise negotiable. He was vague on the Old City of Jerusalem, but from my own observation of the construction of apartment houses for Jews, going on in the part of the city formerly held by Jordan, it would appear that the Israelis intend to remain there.

In conclusion, Mr. Speaker, I salute the Israeli nation on its 23d anniversary and hope it will enjoy progress and peace in the future.

TAX REFORM MEASURES TO AID ELDERLY AMERICANS

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

Mr. BIAGGI. Mr. Speaker, I am introducing today three tax reform bills that will help our elderly Americans cope with their financial problems in an inflationary economy.

My bills would provide an exemption for the first $5,000 of retirement income, permit those over 65 to deduct all their medical expenses and permit a taxpayer with an elderly dependent to claim an exemption regardless of the dependent's income.

With over 25 percent of all Americans over 65 living in poverty, these measures should be approved as soon as possible. The undesirable alternative could be increased welfare costs.

My first bill to exempt $5,000 of retirement income will free many of our elderly Americans from the burden of taxation. First, the measure applies upon retirement to any civil service pensioner with respect to his public retirement payments. This aspect of the bill is similar to many provisions already enacted at the State level.

Then for all other retirees it would apply at age 65. Retirement income from all sources would be considered in computing the exemption.

The medical expense deduction provided for in the second bill was in the law up until 1965 when the medicare program was enacted. At that time, the thinking of the Committee was that Medicare would sufficiently provide for the elderly person's medical needs. We all know that has certainly not been the case. So now with further Medicare cuts on the horizon, I believe this provision ought to be reinstated in the law.

This measure is particularly important when one considers that the elderly American spends a far greater proportion of his income on medical expenses than does the rest of the population. Many are plagued with exhorbitant bills and little money to pay for them. This legislation would help them meet their medical obligations.

The third bill I am introducing will permit a taxpayer who has an elderly parent or relative living with him and who provides more than 50 percent of that person's support to claim him as a dependent for exemption purposes despite the fact that the person may have an income over $625.

A similar exemption is already permitted if the dependent is under 19 or attending college. Certainly the person who takes on the obligation to provide the substantial share of support for an elderly person should be granted some tax help. If this person were unwilling or unable to take on this burden, in all likelihood the elderly dependent would be forced on welfare.

This type of concern for one's own parents and relatives has been diminishing in recent years. If we can encourage such proper humanitarianism by modifying the tax laws, then we should do it.

I am pleased to say that almost 50 of my colleagues have joined me in introducing these three measures. They, too, have recognized that the plight of our elderly Americans cannot be ignored.

While the elderly are waiting for the extensive social reform legislation touted as the answer to their problems, these measures I am introducing will bring some quick and needed relief. The elderly American can no longer be shuffled off as a forgotten human being. Let us give them the wherewithal to live life in dignity after years of toil to keep this country great.

PROPOSAL BY ATOMIC ENERGY COMMISSION TO ESTABLISH NUCLEAR WASTE DUMP IN LYONS, KANS.

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

Mr. SKUBITZ. Mr. Speaker, the proposal by the Atomic Energy Commission to establish a nuclear waste dump in Lyons, Kans., has aroused considerable feeling among many Kansas residents. From the Governor down, there has been resentment over the AEC's high-handed attitude, its minimum concern over the safety factors and the possible effects on human beings of the burying of highly lethal radioactive wastes, and its arrogance over the rights of a State to make its own decisions on such important matters.

Recently, the Kansas League of Women Voters formally went on record by adopting a resolution proposing a temporary suspension of the installation of the atomic waste depository. A story relating this fact appeared in the Kansas City Times of April 23, and I wish to insert it in the RECORD at this point:

WOMEN VOTERS ASK DELAY ON LYONS DUMP

SALINA, KANS.—The Kansas League of Women Voters adopted a resolution yesterday calling on members of the joint committee on atomic energy to seek temporary suspension of plans to locate a radioactive waste disposal at Lyons, Kans.

The resolution, adopted at the league's state convention here, was incorporated into a brief letter addressed to Rep. Chet Holifield (D-Calif.), chairman of the 18-member committee.

It requested that the Atomic Energy commission "cease all activity related in any way to the proposal to create a repository for radioactive waste at Lyons, Kans."

The league asked the delay until further independent research was conducted to assure "the citizens of the U.S. of complete safety in the transportation, handling and storage of these wastes."

FOREIGN ASSISTANCE

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

Mr. ROUSH. Mr. Speaker, I would like to express my utter dismay at the President's foreign assistance message this past week, which called for some $3.2 billion to be spent in fiscal year 1972 under a new U.S. bilateral assistance program to implement the Nixon doctrine.

I am deeply concerned over the President's request for these funds in light of

his withholding some $12 billion fiscal 1971 appropriations.

It is the historic privilege of the Congress to appropriate public funds. Lengthy hearings, debates, in both the House and the Senate, and many hours of time are spent in carefully and judiciously weighing all the alternatives to a bill. The President, constitutionally, has the right to veto any bill sent him by the Congress, and the Congress has the constitutional right to override such a veto with a two-thirds majority. It is the responsibility of the executive branch to administer the expenditure of funds in compliance with the purposes specified in the authorizing legislation. It is reprehensible to think that this procedure, as set forth by the Constitution, can be dispensed with by executive whim. An item veto, for which Congress has no effective recourse, negates the constitutional system of checks and balances that we have abided by for over 180 years. It renders the Congress unable to fulfill its role as set forth by the Constitution and forbids any reordering of national priorities.

Presently, over $7 billion is being withheld in Federal assistance for transportation. Some $6 billion of this amount in highway construction moneys alone, has been frozen with no word as to the reason for the freeze. These funds help sustain local business and employment levels, while solving an acute need that will not wait. Two hundred million dollars in mass transit moneys have been withheld. Is this consistent with the current needs of the country, or with the President's own words when he stated that, and I quote:

> The need for fast, convenient, economical, public transportation is greater than ever before.

It is hard to reconcile this statement with the impounding of mass transit funds.

At least $1 billion in Federal aid to cities has been frozen. The U.S. Conference of Mayors charges that this freeze will have a crippling effect on vital city programs. Is there any one of us who does not realize the crisis of our large urban centers? Even the President himself has stated that, 24 million Americans still live in substandard housing at a time when acres of valuable urban renewal land lie vacant or cluttered with decayed buildings. How does this withholding of millions of dollars of HUD funds help us to accomplish anything? How does it help us to accomplish the task of providing adequate housing or constructing modern water and sewage facilities for our cities.

Daily I receive letters from concerned people in my district, in my home State of Indiana, and since I became a member of the Appropriations Committee, I have received letters from distraught citizens throughout the country. They attest to the problems I have already stated and they bring my attention to other areas of concern where the release of Federal funds, already authorized, could do a great deal to solve some of our national problems. The elderly are concerned with federally funded programs for the aged, educators are concerned with library facilities and funds needed to educate handicapped children. Residents of rural areas want to know why over $600 million appropriated for the Farm Credit Administration, the Farmers' Home Administration, and other agricultural funds have not been released. I do not have the answers for these rural residents who heard the President propose in his March 10 message to the Congress that the "Federal Government rethink America's rural development needs and dedicate itself to providing the resources and creative leadership those needs demand."

The list is long and the letters are many. The answer lies in the fact that the Congress has exercised its responsibilities on the ordering of national priorities and I ask the executive branch to do the same.

Although I am a freshman Member of the 92d Congress, I was a Member of this body for 10 years previously. My 2 years away from the Congress, with the people, has made me especially aware of the problems that plague the country; I can only hope that the administration is not holding back these dollars to serve as a fund to pump up the economy in 1972 with full employment before the election. Why wait? Right now the economy is in a deplorable state and needs the boost these funds will provide.

I ask the executive branch to live up to its own rhetoric and release these impounded funds. National priorities cannot be deferred until 1972, an election year, they must be addressed now.

AD HOC COMMITTEES

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

Mr. HÉBERT. Mr. Speaker, with reference to the colloquy just recently had between the gentleman from New York (Mr. RYAN) and myself, he has just told me that I misunderstood what he said. He said he meant to say that he would make the testimony available to the committee. He did not mean to suggest that he had already given it to the committee. And I accept that explanation. We have said repeatedly, "Give us any evidence you have, and in our own regular manner in which we have conducted every investigation, we will conduct this one." Perhaps the following exchange of correspondence between Mr. ECKHARDT and myself will serve to clarify the committee's position on this subject, if, indeed, further clarification is needed:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 8, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, House Armed Services Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: News stories over the past few months concerning alleged war crimes in Southeast Asia have opened up all sorts of questions that are yet to be publicly investigated by a House committee. Too many Americans believe that facts are being glossed over, covered up and kept from both the American public and from those of us who serve the public. Complete candor on the part of both the military and the government is needed. A formal public airing of the serious charges of war crimes in Southeast Asia is called for if the American people are to maintain confidence and trust in those who guard this country's security.

We urge you, Mr. Chairman, to schedule as rapidly as is feasible, full-scale public hearings before the Armed Services Committee on this subject. Public hearings—with full participation by individuals involved at every level and on every side of the question—ought to clear away the smoke surrounding the accusations and produce an accurate assessment of what exactly has occurred in Southeast Asia.

An open investigation would be an invaluable contribution to the national security. Once and for all it would be established whether or not policies are being pursued in Southeast Asia that constitute war crimes as some have alleged. The facts must be revealed.

The national interests are at stake. We are confident that your committee—as the watchdog of the military—is as anxious as we are to see that this situation is publicly aired.

We look forward to your response.

Sincerely,

BOB ECKHARDT.

MARCH 9, 1971.

Hon. BOB ECKHARDT,
House of Representatives, Washington, D.C.

DEAR MR. ECKHARDT: I have your letter of March 8, 1971, signed by you and 10 other Members of Congress, requesting full-scale public hearings before the Armed Services Committee concerning alleged war crimes in Southeast Asia.

I am intrigued by your suggestion that we conduct such full-scale hearings into this matter. I presume, of course, that you have reference to the crimes committed by the North Vietnamese and the Viet Cong against the people of the Republic of South Vietnam and against American troops. These atrocities committed by the communist forces have never been thoroughly investigated nor exposed to the American people. Of course, alleged crimes committed by American military personnel in Vietnam are under constant investigation as is publicly evident from a daily reading of the newspapers.

The Committee on Armed Services, through its Investigating Subcommittee, which I chaired, completed an extensive investigation of the My Lai incident. However, should the Committee find the means and time to conduct an investigation of the crimes committed by the communists against our Allies and our own troops, I can assure you we will do so.

Thank you for bringing this matter to my attention.

Sincerely,

F. EDW. HÉBERT,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1971.

Hon. F. EDWARD HÉBERT,
Chairman, House Armed Services Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the prompt response to our letter of March 8. We believe, however, that you have misconstrued our request. While we concur with your opinion that any "crimes committed by the North Vietnamese and the Viet Cong against the people of the Republic of South Vietnam and against American troops" should be a subject of vital concern to your committee and to the American public in general, that is an area where we would have little influence to bring about changes.

There is, of course, no question but that the commission of atrocities by North Vietnamese and the Viet Cong is an established fact that should not be disguised or avoided. But as United States Representatives, we are deeply concerned about allegations of violations by U.S. personnel of U.S. military law and international law in Southeast Asia. As you will undoubtedly agree, this is an area in which the exercise of congressional responsibility can have a direct influence.

Since your letter of March 9 does not indicate any possibility of placing such matter on the agenda of your committee, and since we still strongly believe that it is in the interest of justice and national security to establish whether or not policies are being pursued by *any* authority in Southeast Asia that deprive persons of their rights and sometimes their lives, we intend to provide a forum for such an inquiry.

We have requests from many individuals formerly in Vietnam to be given an opportunity to tell their story concerning this matter. Perhaps some of the facts which are developed might be of future use to the Armed Services Committee, in which case they would be made available to your committee.

Sincerely,

BOB ECKHARDT.

INVESTIGATING SUBCOMMITTEE,
March 22, 1971.

Hon. BOB ECKHARDT,
House of Representatives,
Washington, D.C.

DEAR MR. ECKHARDT: Thank you for the letter addressed to me by you and ten other Members under date of March 19, stating that you intend to provide a public forum for certain individuals "to tell their story" about alleged "violations by U.S. personnel of U.S. military law and international law in Southeast Asia."

Whatever your motivation might be for pursuing such a course of action, it can hardly be the one you suggest, namely, that you are doing it because my letter of March 9 "does not indicate any possibility of placing such matter on the agenda" of my Subcommittee. That is strictly your conclusion and finds no support in my letter. As a matter of fact, my Investigating Subcommittee has investigated and continues to investigate all substantial allegations of the type to which you refer. However, the very nature of such charges requires the application of House Rule XI (26) (m) which reads in part: "If the Committee determines that evidence or testimony at any investigative hearing may tend to defame, degrade or incriminate any person, it shall—(1) receive such evidence or testimony in executive session;".

This Rule does not impede us since we are seeking justice and such corrective action as might be necessary rather than publicity. That this is a proper and effective way of proceeding was amply demonstrated by our investigation of the My Lai incident.

If you have any specific allegations of possible war crimes or related incidents and care to submit them to me, I will see that they receive the immediate attention of the Investigating Subcommittee staff.

Sincerely,

F. EDW. HÉBERT,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 30, 1971.

Hon. E. EDWARD HÉBERT,
Chairman, Armed Services Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In view of your assurance that the Investigating Subcommittee of the Committee on Armed Services is continuing actively to investigate all substantial allegations of violations by U.S. personnel of U.S. military law and international law in Southeast Asia, we would prefer to make witnesses who have approached us available to your committee rather than providing any independent Congressional forum for their presentations. Any preliminary discussion with the individuals who have approached us on this matter would be limited to ascertaining the broad nature of the complaints and would envisage submitting the specific allegations to your subcommittee. With respect to these specific allegations, in view of your letter, we are confident the subcommittee will give them prompt consideration and we are hopeful that you will be able to see your way clear to schedule them as soon after the Easter recess as your calendar permits.

Far from having any compunction against admitting error in construing your previous letter we are delighted that we were wrong.

Sincerely,

BOB ECKHARDT.

As a responsible committee we must abide by the rules. We do not change the rules. As you know, the rules of the House provide that evidence or testimony which may tend to degrade or incriminate any person shall be received in executive session. The rule is firmly based on justice and fair play and does not in any way impede or obstruct an investigation by a duly authorized competent committee.

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

Mr. HÉBERT. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Does the so-called ad hoc committee to which public reference has been made here this morning have any authority in this Congress to hold any hearings anywhere to the gentleman's knowledge?

Mr. HÉBERT. To my knowledge, any individual Member may, on his own initiative, conduct an ad hoc proceeding or whatever he wants to call it—but in doing so he is not entitled to challenge the whole committee system of this House. Our rules have grown out of many years of experience and are designed to promote the most effective and efficient conduct of the business of the House. They properly establish lines and boundaries of jurisdiction and those who wilfully ignore or disregard them do no service to the Congress or the country.

The SPEAKER. The time of the gentleman has expired.

THE PEOPLE'S PEACE TREATY

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

Mrs. ABZUG. Mr. Speaker, today seven of my colleagues and I are introducing a concurrent resolution expressing the sense of the House entitled "The People's Peace Treaty." We do so because of the wide support the treaty has received among many Americans, especially the young. We believe the Congress has the power to end the war in Vietnam. We believe the Congress will and must do so by passing the Vietnam Disengagement Act calling for the withdrawal of our troops before the end of this year.

This People's Peace Treaty is a very deeply moving expression of the yearning of people throughout this Nation and Indochina to see this war end by their own actions in the face of nonaction by this body.

This treaty has been endorsed by tens of thousands of Americans from all walks of life. Prominent American labor leaders, clergymen, educators, and mayors, student bodies and college student governments, churches and community groups have ratified the treaty. The names of some of the organizations and individuals who have endorsed the treaty are listed below. The treaty has been introduced into the Vermont State Legislature and the Cambridge, Mass., City Council. On April 27, the Detroit City Council approved the treaty. In the coming weeks the City Councils of Pueblo, Colo., Cleveland, Ohio, and Madison, Wis., will be asked to ratify it.

Because of the widespread support this treaty is receiving, we bring it to the attention of our colleagues in the Congress in the form of a supporting resolution. It is our belief that this treaty is being offered by the people to their Government as yet another testament of their will that we in Congress act immediately to end this war. In addition to the lists of individuals who have endorsed the treaty, Mr. Speaker, I am appending the text of the concurrent resolution and the text of the People's Peace Treaty:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE PEOPLE'S PEACE TREATY

Whereas the efforts to attain a negotiated settlement of the Indochina conflict at the Paris peace talks have been unsuccessful for many months; and

Whereas a direct and equitable solution to the war is now possible; and

Whereas the principles of the Peoples' Peace Treaty form the basis for a just and honorable end to the war in Indochina:

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the People's Peace Treaty embodies the legitimate aspirations of the American and Vietnamese peoples for an enduring and just peace in Indochina.

A JOINT TREATY OF PEACE BETWEEN THE PEOPLE OF THE UNITED STATES, SOUTH VIET NAM & NORTH VIET NAM

INTRODUCTION

Be it known that the American and Vietnamese people are not enemies. The war is carried out in the name of the people of the United States, but without our consent. It destroys the land and the people of Viet Nam. It drains America of her resources, her youth and her honor.

We hereby agree to end the war on the following terms, so that both peoples can live under the joy of independence and can devote themselves to building a society based on human equality and respect for the earth. In rejecting the war we also reject all forms of racism and discrimination against people based on color, class, sex, national origin and ethnic grouping which form a basis of the war policies, present and past, of the United States.

PRINCIPLES OF THE JOINT TREATY OF PEACE

Americans agree to immediate and total withdrawal from Viet Nam, and publicly to set the date by which all U.S. military forces will be removed.

Vietnamese agree to participate in an immediate ceasefire with U.S. forces, and will enter discussions on the procedure to guar-

antee the safety of all withdrawing troops, and to secure release of all military prisoners.

Americans pledge to stop imposing Thieu, Ky and Khiem on the people of Viet Nam in order to ensure their right to self-determination, and to ensure that all political prisoners are released.

Vietnamese pledge to form a provisional coalition government to organize democratic elections, in which all South Vietnamese can participate freely without the presence of any foreign troops, and to enter discussions of procedures to guarantee the safety and political freedom of persons who cooperated with either side in the war.

Americans and Vietnamese agree to respect the independence, peace and neutrality of Laos and Cambodia.

Upon these points of agreement, we pledge to end the war in Viet Nam. We will resolve all other questions in mutual respect for the rights of self-determination of the people of Viet Nam and of the United States.

As Americans ratifying this agreement, we pledge to take whatever actions are appropriate to implement the terms of this joint treaty of peace, and to ensure its acceptance by the government of the United States.

ENDORSERS OF PEOPLE'S PEACE TREATY

(Partial listing)

Ralph Abernathy, President, Southern Christian Leadership Conference.
Congresswoman Bella Abzug, New York.
Barbara Ackermann, Cambridge City Councilwoman.
Barbara Avedon, San Francisco.
Congressman Herman Badillo, New York.
Richard Barnet, Co-director, Institute for Policy Studies.
Rev. Daniel Berrigan, S.J.
Rev. Philip Berrigan, S.S.J.
Joseph Bethell, Albert Einstein School of Medicine.
Julian Bond, State Representative, Georgia.
Rev. Malcolm Boyd.
Allan Brick, Fellowship of Reconciliation.
Rabbi Balfour Brickner, Union of American Hebrew Congregations.
Wagner H. Bridger, Albert Einstein School of Medicine.
Allan Brotsky, Attorney.
Robert MacAfee Brown, Stanford University.
Roscoe Lee Browne, actor.
Timothy Butz, Vietnam Veterans Against the War.
Godfrey Cambridge, actor.
Kay Camp, Women's International League for Peace and Freedom.
Noam Chomsky, MIT.
Kenneth Cockerel, Attorney.
Rev. William Sloane Coffin, Jr., Yale.
Judy Collins, singer.
Congressman John Conyers, Jr., Michigan.
Rt. Rev. Daniel Corrigan, Dean, Colgate Theological Seminary.
Bishop William Crittenden, Erie, Pa.
Bishop C. Edward Crowther, Santa Barbara.
Rt. Rev. William Davidson, Episcopal Bishop of Western Kansas.
Leon J. Davis, President, National Union of Hospital and Nursing Home Employees, ARWDSU/AFL–CIO.
Rennie Davis, May Day Collective.
Rt. Rev. Robert L. DeWitt, Bishop of Pennsylvania.
Dave Dellinger, People's Coalition for Peace and Justice.
Congressman Ron Dellums, California.
Joseph Duffey, National Chairman, Americans for Democratic Action.
Jane Dudley, mother of P.O.W.
Congressman Don Edwards, California.
Joseph & Helen Eisner, New York.
Ronnie Eldridge, New York.
Gerhard Elston, National Council of Churches.
Sister Joques Egan, Religious Order of the Sacred Heart of Mary.
Daniel Ellsberg, Center for International Studies, MII.
Richard Falk, Princeton.
Jules Feiffer, artist.
Abe Feinglass, Amalgamated Meat Cutters and Butcher Workmen of North America.
Rev. Richard Fernandez, Clergy & Laymen Concerned About Vietnam.
Thomas Flavell, Manager Local 169, Amalgamated Clothing Workers of America.
Jane Fonda, actress.
Henry Foner, President, Fur, Leather & Machine Workers Unions Joint Board.
Moe Foner, Executive Secretary, Local 1199, Drug and Hospital Workers Union.
Betty Friedan, author.
Charles P. Garry, attorney.
Alan Geyer, editor, Christian Century.
Ben Gazzara, actor.
Senator Charles E. Goodell, New York.
Dr. Carleton Goodlett, San Francisco.
Mitchell Goodman, author.
Patrick Gorman, Secretary-Treasurer, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.
Cleve Gray, artist.
Francine du Plessix Gray, author.
Dick Gregory, actor.
Father James Groppi, Milwaukee.
Thomas J. Gumbleton, Roman Catholic Auxiliary Bishop, Archdiocese of Detroit.
Julie Harris, actress.
Mrs. Philip Hart, Washington.
Dave Hawk, Vietnam Moratorium Committee.
Tom Hayden, Berkeley.
Karl Hess, Institute for Policy Studies.
Abbie Hoffman, WPAX, New York.
Al Hubbard, Vietnam Veterans Against the War.
Ericka Huggins, Black Panther Party.
Rock Hudson, actor.
David Hunter, Deputy General Secretary, National Council of Churches.
Rev. Jesse Jackson, Operation Breadbasket.
Rafer Jackson, athlete.
Jennifer Jones, actress.
Bernard Kelly, Roman Catholic Auxiliary Bishop, Providence, R.I.
Kenneth Kenniston, Yale.
Arthur Kinoy, attorney, Rutgers University.
Mrs. Martin Luther King, Jr.
Jerome Kretchmer, administrator, Environmental Protection Agency, New York City.
William Kunstler, Center for Constitutional Rights, New York.
Rabbi Arthur Lelyveld, Cleveland.
Denise Levertov, poet.
Robert Z. Lewis, Staff Council, United Electrical Workers.
Robert Jay Lifton, Yale.
Roz Lichter, Assistant Commissioner, Economic Development Administration, NYC.
David Livingston, President, District 65, New York.
Salvatore E. Luria, Institute Professor, MIT, Nobel Laureate.
Sister Elizabeth McAlister, Religious Order of the Sacred Heart of Mary.
Senator Eugene J. McCarthy.
Rev. Richard McSorley, Georgetown University.
Francis J. McTernan, attorney.
Stewart Meacham, American Friends Service Committee.
Charles E. Merrill, headmaster, Commonwealth School.
William & Ruth Meyers, New York.
Kate Millett, author.
Jonathan Mirsky, Dartmouth.
Congressman Parren Mitchell, Maryland.
Ashley Montagu, anthropologist.
Rt. Rev. Paul J. Moore, Jr., Episcopal Bishop Coadjutor of New York.
Stewart Mott, New York.
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Ngo Vinh Long, Vietnamese Students for Peace, Harvard.
Grace Paley, author.
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Sidney Peck, People's Coalition for Peace and Justice.
Ben Peckin, Business Executives Move for Peace, Chicago.
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Rev. Peter Riga, St. Mary's College.
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Gloria Steinem, author.
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Dalton Trumbo, author.
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Arthur Waskow, Jews for Urban Justice.
Salome Waelsch, Albert Einstein School of Medicine.
Cora Weiss, Women Strike for Peace.
George Wiley, executive director, National Welfare Rights Organization.
Melvin Wulf, American Civil Liberties Union.
Ron Young, Youth Work director, Fellowship of Reconciliation.
Trudi Young, National Coordinator, Women Strike for Peace.

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Ronald Turner, sbp, Wheaton College (Ill).
Steve Uhlfelder, sbp, Univ. of Fla.
Richard Underwood, sbp, Ind. Univ. at Kokoma.
David Van Landschoot, sbp, St. John's Univ. (Minn).
David Vander Meulen, Editor, Wheaton College (Ill).
Scott Vanderhoef, sbp, Alfred Univ. (NY).
Paul Vasconcellos, sbp, Southeastern Mass. Univ.
Ethan Vinson, sbp, Western Mich. Univ.
Rebecca Volkman, sbp, Green Mountain College (Vt).
Ralph Wafer, sbp, Tulane Univ. of La.
Robert Watson, sbp, Univ. of Minn. at Morris.
Joseph Webb, sbp, D.C. Teachers College.
Mark Wefers, sbp, Univ. of New Hampshire.
Philip Wiatrak, sbp, St. Martins College (Wash).
Edward Wickham, Editor, Suffolk Univ. (Mass).
Steve Wild, sbp, Univ. of Nebraska at Omaha.
Marvin Wilson, Jr., Editor, College of San Mateo (Calif).
Nathaniel Wordell, sbp, Barrington College (RI).
Kaf Woytek, Editor, Texas Lutheran College (Texas).
David Wren, Jr., sbp, Univ. of Calif. at San Fran.
Robert Yeargin, Editor, Bellarmine-Ursuline College.
Eleanor Zarinsky, sbp, Alverina College.
Robert Beechman, sbp, Nebraska Wesleyan Univ.
Jeanne Blum, Editor, Emmanuel College (Mass).
Dave Connaroe, sbp, Rangely College (Col).
Martha Corrigan, Editor, Mt. St. Mary College (NH).
Dave Curtis, sbp, Whitman College (Wash).
Al Flesh, sbp, Monmouth College (Ill).
Jack Foard, Editor, Fla. Presbyterian College.
Gay Frederickson, Editor, Westmar College (Iowa).
Richard Galant, Editor, Brandeis Univ. (Mass).
John Green, sbp, Creighton Univ. (Neb).
Darriel Johnson, sbp, Univ. of Puget Sound (Wash).
Rollin Kirk, sbp, Princeton Theological Semin. (NJ).
Les Kurtz, sbp, Westmar College (Iowa).
Michael McCulley, Editor, Univ. of N.C. at Charlotte.
Darwin McKee, sbp, Austin College (Tex.).
Ron Mora, sbp, La. St. Univ. at New Orleans.
Nancy Parker, Editor, Univ. of Md. at College Park.
Michael Peterson, sbp, St. Olaf College (Minn).
Ray Potter, Editor, Onondaga Comm. College (NY).
Leonard Smith, sbp, Brevard Comm. College (Fla).
Paul Van Valkenburg, sbp, Alma College (Mich).
W. Larry Wallace, sbp, Vanderbilt Univ. (Tenn).
Bill Yacker, sbp, Gettysburg College (Pa).
Angelo Zingales, sbp, St. Leo College (Fla).
Teresa Landwehr, Editor, College of St. Benedict (Minn).
George Adams, sbp, St. Marys College of Md.
F. L. Bailey, sbp, Pace College (NY).
Fred Barden, sbp, Appalachian State Univ. (NC).
Kathleen Barlow, sbp, St. Mary's College (Ind).
Felicity Barringer, Editor, Stanford (Calif).
Gene Beaudoin, sbp, Univ. of Vermont.
William Brooks, sbp, Olivet College (Mich).
Garry Brown, sbp, Univ. of Redlands (Calif).
Michael Bushey, sbp, Bowdoin College (Maine).
Chip Casteel, sbp, Univ. of Missouri at Columbia.
Bruce Chessen, sbp, West Los Angeles College.
Roger Cochetti, sbp, Georgetown Univ. (Wash., D.C.).
Edward Farley, sbp, Lake Forest College.
H. T. Francis, sbp, Kalamazoo College (Mich.).
R. Denning Gearhart, sbp, Eisenhower College (NY).
Dennis George, sbp, Penn. State, Delaware Campus.
Ken Hambleton, Editor, Doane College (Neb).
Dave Holmquist, sbp, Cyprus College (Calif).
Gerry Hough, sbp, Clemson Univ. (S.C.).
Charlie Impagli, Editor, Georgetown Univ. (Wash., D.C.).
Ed Johnson, sbp, Morningside College (Iowa).
Bro. Bernard Kinlan, sbp, St. Anthony College (NH).
Ellen Knop, sbp, Mt. St. Agnes College (Md).
Lerry Lacey, sbp, Chabot College (Calif).
Tom Lai, sbp, City College of San Francisco.
John Lane, sbp, General Theological Seminary (NY).
Jay Levin, sbp, Conn. College.
Roy Lott, sbp, Colgate Univ. (NY).
Charles Loveless, sbp, Calif. State College.
Paul Newfeld, sbp, Ohio Univ.
Jim Stetson, sbp, Bridgewater State College (Mass).
Randy Surbaugh, sbp, Wisc. St. Univ. at Eau Claire.
Petty Wittman, sbp, Reed College (Ore).

CAMPUS RATIFICATIONS AND ACTIONS ON THE PEOPLE'S PEACE TREATY

(Partial listing)

Adelphi Univ. (NY)—organizing around the Treaty with teach-ins, a newsletter, a faculty group, draft counseling; coming to Washington, D.C. for April 24, march.

Alverno College (Wis.)—holding referendum on Treaty April 28 and seminars and films on April 22.

American University (Wash. D.C.)—Treaty ratified in referendum; Student Senate ratified Treaty; Political Consciousness Day held on April 21; preparing for April 24–May 7.

Antioch College (Ohio)—organizing support for the Treaty.

Austin College (Ohio)—holding a referendum on April 21.

Baldwin-Wallace College (Ohio)—conducting a sign-up/canvass campaign around the Treaty; presenting Treaty to student senate & faculty group.

Bellarmine-Ursuline College (Ky)—holding a referendum.

Boston College (Mass)—Undergraduate Student Council ratified Treaty; holding a referendum April 22–23.

Brevard Comm. College (Fla)—holding a referendum April 19–24 and conducting a sign-up/canvass campaign for Treaty; coming to Washington, D.C. for spring actions.

Brewton Parker College (Ga)—conducting a sign-up/canvass campaign.

Bridgewater College (Va)—holding a referendum on April 19–20.

Brown University (RI)—conducting a sign up/canvass campaign on Treaty.

Bryant College (RI)—Student Senate overwhelmingly ratified Treaty; holding a student referendum.

Butler Univ. (Ind)—student senate ratified Treaty.

Colgate Univ. (NY)—Treaty ratified in referendum on April 21; taking Treaty to student senate last week in April; held large teach-in on April 17; more than 200 coming to D.C. for April 24th march and a lot for May actions; several campus organizations have ratified the Treaty.

California St. Polytechnic College at Pomona—organizing support for the Treaty; held teach-in in late March.

Case Western Reserve Univ. (Ohio)—Treaty ratified in student referendum; holding Winter Soldier Investigations and National Welfare Rights hearing on May 2nd; presenting Treaty to Cleveland City Council on May 3 with other groups in city.

Clarke College (Iowa)—organizing around the Treaty.

Colby College (Maine)—student government ratified Treaty.

College of St. Benedict (Minn)—organizing around Treaty; sending 3–4 buses to D.C. for spring actions.

College of the Holy Cross (Mass)—organizing support for the Treaty.

College of William & Mary (Va)—Student Association unanimously ratified Treaty; held Peace & Justice Day on March 11.

Concordia Teachers College (Neb)—Treaty was ratified in referendum.

Creighton Univ. (Neb)—holding referendum on April 23.

Cuyahoga Comm. College, Western Campus (Ohio)—holding a teach-in April 22.

DeKalb Univ. (Ill)—conducting a sign-up/canvass campaign around Treaty.

DePaul Univ. (Ill)—conducting sign-up/canvass campaign; held Peace Treaty teach-in on April 20.

Drake Univ. (Iowa)—conducting a sign-up/canvass campaign.

Drew Univ. (NJ)—organizing support for Treaty and April 24 March.

Duke Univ. (NC)—Treaty was ratified in referendum.

Eastern Mennonite College (Va)—Treaty was ratified in referendum; organizing around Treaty.

Eastern Washington State College—organizing around Treaty.

Emmanuel College (Mass)—conducting a sign-up/canvass campaign.

Emory & Henry College (Va)—conducting a sign-up/canvass campaign

Everett Comm. College (Wash)—organizing support for Treaty.

Fairfield Univ. (Conn)—student senate ratified Treaty.

Florida St. Univ.—ratified Treaty in referendum 5600–400.

Fordham Univ.-Uptown (NY)—organizing support around Treaty.

Framingham St. College (Mass)—holding referendum on Treaty; organizing also in surrounding community.

George Mason College (Va)—student council ratified Treaty; holding a referendum in April; supporting April & May actions.

Gettysburg College (Pa)—conducting a sign-up/canvass campaign; holding rallies for the Treaty.

Goddard College (Vt)—The Goddard Assembly, a student-faculty-staff-administration group, not only ratified the Treaty, but also mandated that space be set aside in the 1971–72 school year for students from South Vietnam who have been thrown out of college by the Thieu-Ky-Khiem regime for advocating peace & withdrawal of U.S. troops from their country. The group also recommended that similar arrangements be made for students from liberated areas of N & S Vietnam at the end of hostilities in Indochina.

Greensboro College (NC)—Student Government Assoc. ratified Treaty.

Florida Presbyterian College—organizing support around Treaty on campus and in community.

Grinnell College (Iowa)—holding a campus-wide referendum; conducting a sign-up/canvass campaign.

Hampden-Sydney College (Va)—conducting a sign-up/canvass campaign; organizing to come to D.C. for April and May actions.

Haverford College (Pa)—conducting a sign-up/canvass campaign.

John Carroll Univ. (Ohio)—all day activities on Treaty on April 22, including peace vigil in front of ROTC building and a rally with David Dellinger in the evening.

Lake Forest College (Ill)—conducting a sign-up/canvass campaign.

Lake Superior St. College (Mich)—holding a referendum on Treaty; sending 21 to Washington for spring actions.

Lewis and Clark College (Ore)—student senate ratified Treaty; organizing Young Voters for Peace, seeking to obtain 1 million pledges from 18–21 year old voters not to vote for candidates who don't insist on immediate and total withdrawal of US forces from Indochina, as well as pledge to vote in 1972 election.

Long Beach City College (Calif)—student senate ratified Treaty.

Los Angeles Pierce College (Calif)—conducting a sign-up/canvass campaign.

Louisiana St. Univ. at New Orleans—organizing support for Treaty on campus and in the community.

Luther College (Iowa)—holding a referendum on April 26.

Manchester College (Ind)—community council ratified Treaty; held Peace Treaty Signing Day on March 1; going out to community churches with success.

Metropolitan St. College (Col)—holding a referendum on May 5–6.

Middlebury College (Vt)—holding a referendum on Treaty; have held student and faculty seminars on Indochina.

Monmouth College (Ill)—conducting a sign-up/canvass campaign.

Montgomery Jr. College (Md)—held Peace Treaty and May Day rally on April 1; organizing around Treaty; taking Treaty to Rockville City Hall on April 23.

Moorhead State College (Minn)—Treaty was ratified in referendum (75% yes and 25% no); student senate ratified Treaty.

Mt. St. Mary College (NH)—conducting a sign-up/canvass campaign; organizing to bring people to D.C. for spring actions.

Nebraska Wesleyan Univ.—organizing around Treaty.

Newton Jr. College (Mass)—held a referendum on Treaty.

Northhampton Co. Area Comm. College (Pa)—holding a referendum April 27–28.

No. Va. Comm, College—organizing around the Treaty; supporting Vietnam Veterans Against the War actions in D.C.

Northeastern Univ. (Ill)—conducting a sign-up/canvass campaign around Treaty (out of 8000 students, already have 3000 signatures.

Northwestern Univ. (Ill)—holding a referendum on April 21; canvassing in community also; organizing to come to D.C. for spring actions.

Oakland Univ. (Mich.)—an implementation referendum was held; 11 of 12 questions were supported, including: using the billboard on I 75 for anti-war purposes; having the university support demonstrations against war manufacturers, withhold the 10% war tax on the phone, publicize an anti-war position, and boycott services and products of all companies that profit from the war; the referendum was open to the university community, and steps will now be taken to implement the results; previously, the university congress ratified the Treaty.

Ohio University—organizing around the Treaty.

Ottawa University (Kan.)—student senate ratified Treaty; holding a referendum on April 28.

Penn State Univ.—student senate ratified Treaty.

Pacific Univ. (Oreg.)—conducting a sign-up/canvass campaign.

Princeton Theological Seminary (N.J.)—holding a referendum on May 3.

Radford College (Va.)—organizing around Treaty.

Rangely College (Colo.)—holding a referendum on April 27; conducting a sign-up/canvass campaign also.

Richmond College (Va.)—College Senate ratified Treaty; holding a referendum on April 27; bringing people to D.C. for April 24 march and May actions.

Rio Hondo College (Calif.)—holding a referendum on April 23; conducting a sign-up/canvass campaign.

Roosevelt Univ. (Ill.)—Treaty was ratified in campus-wide referendum (78% yes to 22% no); organizing to bring people to D.C. for April 24.

Rutgers Univ. (N.J.)—Treaty was ratified in referendum by 5–1 margin.

St. Lawrence Univ. (N.Y.)—student senate ratified Treaty.

St. Leo College (Fla.)—student senate ratified Treaty.

St. Mary of the Plains College (Kansas)—student council ratified Treaty; Treaty also ratified in referendum by vote of 418–40 (out of 600 students in the college); have gotten military recruitment banned from the campus; planning activities in the community on April 23 and 24; on April 24 they will picket Senator Robert Dole's place and sit-in in his office; planning local actions for May Day.

St. Olaf College (Minn.)—conducting a sign-up/canvass campaign.

Salem State College (Mass.)—holding a referendum on April 20–23; organizing around Treaty and bringing in speakers and coming to D.C. for spring actions.

Sarah Lawrence College (N.Y.)—student senate ratified Treaty; organizing around it through sign-up/canvass campaign and in the community; supporting spring actions in D.C.

San Diego St. College (Calif.)—Assoc. Student Council ratified the Treaty.

San Fernando Valley St. College (Calif.)—Treaty was ratified in referendum; student senate also ratified Treaty.

Siena College (NY)—Treaty was ratified in student referendum (75% yes to 25% no); student senate also ratified.

Smith College (Mass)—teach-in open to five-college community and townspeople, as well as educational workshops on Treaty and political situation in Asia; will be organizing around Treaty on campus and in community.

Sonoma State College (Calif)—organizing around Treaty.

South West Baptist College (Mo)—conducting a sign-up/canvass campaign, especially during the student convocation on April 22.

Southern Illinois Univ.—organizing around Treaty; launching movement against the Center for Vietnamese Studies (CVS)—trying to force the University to sever its contract with USAID, which administers programs there to train American advisors for the South Vietnamese government and police force; in May, will be launching non-violent, civil disobedience aimed at the CVS and the AID grant; working through dorms, fraternities and sororities, and using teach-ins and rallies.

S.U.N.Y. at Alfred—organizing around Treaty; coming to D.C. for spring actions.

Temple Univ. (Pa)—Treaty was ratified in referendum.

Texas Christian Univ.—holding a referendum on May 5.

Towson State College (Md)—holding a referendum on April 20–21; held teach-ins on April 19–20; circulating Treaty.

Tulane Univ. (La)—holding a referendum on April 27, co-sponsored by the student senate and the New Orleans Peace Action Center.

University of Akron (Ohio)—holding a referendum on April 22.

University of Alabama at Huntsville—conducting a sign-up/canvass campaign; mass actions planned for April 24 & May.

University of Arizona—organizing around Treaty and April 24.

University of Bridgeport (Conn)—organizing around Treaty.

University of California at Berkeley—organizing around Treaty; conducting a sign-up/canvass campaign; supporting April 24 & May actions in D.C. & California; gathered enough signatures to place the Treaty on the past city-wide elections, but the courts ruled that it was out of the jurisdiction of the city.

University of California at Los Angeles—organizing around Treaty & spring actions; conducting a sign-up/canvass campaign.

University of Cincinnati (Ohio)—organizing around the Treaty.

University of Hawaii—organizing around the Treaty.

Unversity of Illinois at Circle Campus—conducting a sign-up/canvass campaign; held 3 day teach-in.

University of Illinois at Champaign—Urbana—holding a referendum on April 27–29 as part of their Peace Treaty Week actions during the last week of April; 1 busload at least coming to D.C. for April 24; some for May also; rally on April 26 with Rennie Davis; May 5–6 strike on campus with rally in community; also organizing around Treaty in community.

University of Iowa—student senate ratified Treaty.

University of Kentucky—student senate ratified Treaty.

Univ. of Kansas at Lawrence—conducting a sign-up/canvass campaign.

Univ. of Md. at College Park—conducting a sign-up/canvass campaign.

Univ. of Mass. at Amherst—student senate ratified Treaty; holding a referendum; organizing to come to D.C. for spring actions.

University of Missouri at Columbia—held university-wide referendum on April 19; student senate ratified Treaty; also conducting a sign-up/canvass campaign.

University of North Carolina at Charlotte—trying to hold referendum on May 6–7.

University of North Carolina at Chapel Hill—organizing around Treaty; held activities all day on April 14.

University of Oregon—Treaty was ratified in referendum by 2–1 margin; presenting Treaty on April 22 to state legislature and Governor Tom McCall; asking Eugene City Council on April 21 to adopt an immediate withdrawal resolution; organizing around Treaty in community also; supporting April and May actions on the West Coast, with Vietnam Veterans Against the War leading many of their activities locally.

University of Puget Sound (Wash.)—Central Board (legislative body of Associated Students) ratified Treaty; participating in Peace Week during April 17–24, as well as local and national activities in May.

University of South Alabama—organizing around Peace Treaty.

University of Southern California—student senate ratified Treaty overwhelmingly; holding a referendum on April 21; organizing for April 24 March in San Francisco.

University of Texas at Arlington—holding a referendum on April 28.

University of Texas at Austin—held referendum on Treaty; organizing around it.

University of Vermont—organizing around Treaty on campus and in community; had the Treaty introduced into the State Legislature with the support of the Speaker of the House; Treaty was reported out of committee favorably, but lost in the House on a close vote; organizing people to come to D.C. for April and May actions.

University of Virginia—student senate ratified Treaty; conducting a sign-up/canvass campaign (already have over 2000 signatures); establishing a fund to be used to rebuild Vietnamese towns destroyed by the U.S.; circulating the Charlottesville Pledge, whereby people commit themselves to non-cooperation with the Selective Service System when 100,000 others have signed a similar pledge; in addition to draft resistance, are organizing tax resistance as a means of implementing the Treaty.

University of Md. at Balto. Co.—organizing around the Treaty.

University of Washington—Treaty was ratified in referendum by vote of 2759 to 939; trying to adopt sister cities in North and South Vietnam; planning actions against the local draft induction center.

University of Wisconsin at Madison—organizing around Treaty; helped get the Treaty introduced into Madison City Council; sending people to Washington, D.C. for April & May actions.

Vanderbilt University (Tenn)—Treaty was ratified in a referendum and through a sign-up/canvass campaign.

Virginia Commonwealth University—student senate ratified Treaty.

Virginia Polytechnic Inst. & St. Univ.—organizing around Treaty and spring actions.

Wabash College (Ind)—organizing around Treaty.

Wartburg College (Iowa)—student senate ratified Treaty.

Wesley Seminary (Wash., D.C.)—holding a referendum on April 21.

West Virginia Union of Students—ratified the Treaty.

West Virginia University—student senate ratified Treaty.

Western Washington State College—holding a referendum on April 30; student legislature ratified Treaty; participating in Peace Action Week on April 19–23; scheduling a march on May 5.

Westmar College (Iowa)—organizing around Treaty; coming to D.C. for April 24.

Whitman College (Wash)—conducting a sign-up/canvass campaign.

Wichita St. Univ. (Kansas)—conducting a sign-up/canvas campaign; holding a campus rally; scheduling a People's March for Peace in support of the Treaty on May 5.

Willamette University (Ore)—student senate ratified Treaty; taking Treaty with Univ. of Oregon to State Legislature and Governor McCall on April 22.

Wisconsin State Univ. at Oshkosh—Treaty was ratified in referendum; Student Government Association has ratified Treaty; organizing on campus and in the community.

Yale University (Conn)—conducing a sign-up/canvass campaign; organizing on campus and in community.

4/21/71

(NOTE: Updated and additional information since 4/21/71 is attached.)

Appalachian St. Univ. (NC)—holding a referendum on the Treaty.

Bowdoin College (Maine)—organizing support for Treaty.

Bridgewater State College (Mass)—holding a referendum on April 22–3, as well as canvassing for the Treaty.

California St. College—holding a referendum on May 5–6, as well as conducting a sign-up/canvass campaign.

Chabot College (Calif)—organizing around the Treaty.

City College of San Francisco—organizing around the Treaty.

Clemson University (SC)—conducting a sign-up/canvass campaign.

Concordia College (Minn)—student senate ratified Treaty.

Conn. College—conducting a sign-up/canvass campaign.

Cornell Univ. (NY)—have been conducting a sign-up/canvass campaign since February; pushing for April 24 & MayDay.

Doane College (Neb)—conducting a sign-up/canvass campaign.

Edgecliff College (Ohio)—organizing around the Treaty.

Eisenhower College (NY)—organizing around the Treaty.

General Theological Seminary (NY)—conducting a sign-up/canvass campaign.

Georgetown University (Wash., D.C.)—Undergrad. Student Govt. ratified Treaty; holding a referendum on April 29; providing housing for spring actions; organizing for spring actions.

Kalamazoo College (Mich)—holding a referendum on April 20.

Lake Forest College (Ill)—conducting a sign-up/canvass campaign; already one third of student body has signed the Treaty.

Morningside College (Iowa)—holding a referendum on May 5.

Mt. St. Agnes College (Md)—conducting a sign-up/canvass campaign; will also be conducting a voters registration drive where new voters will pledge never to vote for an administration that continues war (similar to drive in Oregon).

Ohio Northern Univ.—organizing around Treaty.

Olivet College (Mich)—holding a referendum on Treaty; also conducting a sign-up/canvass campaign; sending students to D.C. for spring actions.

Pace College (NY)—organizing around Treaty.

Penn State—holding a referendum on April 21 & 22; held a teach-in & march on April 19.

Penn. State, Delaware Campus—conducting a sign-up/canvass campaign; April 21 was a day for the Harrisburg Six case.

Reed College (Ore)—conducting a sign-up/canvass campaign; doing other organizing around the Treaty; participating in Young Voters for Peace (see Lewis & Clark College).

St. Anthony College (NH)—holding a referendum on April 25; holding a Prayer Service for Peace.

St. Mary's College (Ind)—organizing around Treaty; supporting a Refugee Aid

Program; organizing people to go to D.C. for spring actions.

St. Mary's College (Md)—conducting a sign-up/canvass campaign; holding a rally and planning teach-ins; sending people to D.C. for spring actions.

Southern Colorado State College—conducting a sign-up/canvass campaign; leafletting on campus and in community; presenting Treaty to Pueblo City Council on May 2nd; taking Treaty to churches during the next week and the beginning of May.

State Univ. College at Fredonia—Treaty was ratified in a campus-wide referendum (86% in favor of Treaty and immediate end of war in Indochina and 14% against); Student government ratified Treaty; gearing actions to May in Washington, D.C.

Stanford (Calif)—Treaty was ratified in a referendum on April 7–8.

University of Cincinnati (Ohio)—planning to come to Wash., D.C. for May actions; holding rally on May 4th to start strike on May 5th.

University of Maryland, College Park—Student Govt. Assoc. ratified Treaty; holding a referendum on April 27; organizing for spring actions in Washington; held rally for SCLC mule train at noon on April 27.

University of Missouri at Columbia—Treaty was ratified in university-wide referendum by margin of 7–1; also conducting a sign-up campaign.

University of Puget Sound (Wash)—holding a referendum on May 3–6; have conducted a sign-up/canvass campaign.

University of Redlands (Calif)—organizing around Treaty.

University of Southern California—Treaty was ratified in referendum on April 21 (60% yes to 35% no, with 5% abstaining); organizing for May actions on West Coast.

University of Tennessee at Knoxville—organizing around Treaty.

Valparaiso Univ. (Ind)—conducting a sign-up/canvass campaign; participating in Solidarity-Vietnam Days with films, speakers, etc.

Wesley Theological Semin. (Wash., D.C.)—Treaty ratified in referendum.

Wellesley College (Mass)—organizing around Treaty; held World Peace Conference on April 14–23.

West Los Angeles College (Calif)—holding referendum on May 6.

Western Washington St. College—trying to put anti-war resolution on city ballot in September.

Whitman College (Wash)—conducting a sign-up/canvass campaign.

Wis. St. Univ. at Eau Claire—held a referendum on Treaty on April 19–21.

University of Wis. at Madison—helped get passage of resolution urging immediate withdrawal of U.S. forces from Indochina during the local election held this past month.

"THE WILLIAM McCHESNEY MARTIN BUILDING"—AN ATTEMPT TO MEMORALIZE HIGH INTEREST RATES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, secretly, the Federal Reserve Board has decided to build a monument to high interest rates and tight money.

The Board—meeting behind closed doors—voted the monument on November 7, 1969. Word of this marble edifice to memorialize high interest rates leaked out despite the Board's desire for secrecy.

The monument—which is to be an annex to the Federal Reserve Building on Constitution Avenue—is to be called the William McChesney Martin Building.

This will be a building which can be viewed by the thousands of tourists who come to Washington each year. They will be able to see a building that has been dedicated to a man who cost the American people more than any other public official in its history. They will be able to see a building memorializing the man who engineered the highest interest rates in the history of the United States.

Many of these tourists undoubtedly will be the same people who from time to time were thrown out of work—and placed in the unemployment lines—by the man who is memorialized in this new Federal Reserve Building.

Mr. Speaker, it is a mark of the arrogance of William McChesney Martin that he was able to arrange to have this building designated in his name while he served as Chairman of the Federal Reserve Board. Few buildings in Washington bear the names of individuals and there has not been a single edifice constructed by the Federal Reserve over its 58-year history which was designated in the name of a person either living or dead.

Yet, we are to have a building named after a living former Chairman of the Federal Reserve Board and a man who is highly active in the business world, serving on numerous boards of directors of giant U.S. corporations with combined assets of $40 billion.

I trust that William McChesney Martin will not demand that all of his current business affiliations be listed on the cornerstone of the building—such corporations as American Express, IBM, the Riggs National Bank, Dow Jones & Co., Caterpillar Tractor, Eli Lilly & Co., Royal Dutch Petroleum, United States Steel, General Foods.

Mr. Speaker, such an outlandish scheme could be carried out only by the Federal Reserve System—an institution which operates in secret, which does not come to Congress for appropriations, which is not audited by the General Accounting Office, and which receives billions of dollars in interest payments from the U.S. Treasury to finance its farflung operations. Any other agency which sought to memorialize its chief in such a manner would have heard from Congress in no uncertain terms. The Appropriations Committees of the House and Senate would never have allowed a Cabinet officer or agency head or other public official to be memorialized through the construction of a new building.

While the Federal Reserve now claims that Mr. Martin did not participate in the deliberations, it is a fact that the decision to name the new annex the William McChesney Martin Building was made almost 3 full months before he left as Chairman of the Board.

Names of individuals for permanent structures have been used rarely and carefully by the Federal Government throughout its history. Such honors have been normally reserved only for the most distinguished public servants who have benefited the entire Nation.

But this practice has never been used to honor a public official who has cost the Nation vast sums of money. There is no excuse for the Congress and the administration to allow the Federal Reserve System to build a monument to high interest rates down on Constitution Avenue.

This act—naming the building after William McChesney Martin—is prime evidence of the high-handed tactics engaged in daily by the Federal Reserve System.

Mr. Speaker, many may criticize me as being too harsh on Mr. Martin, but all that I ask is that these critics take a look at the record that this man compiled from April 2, 1951, to January 30, 1970. For just short of 19 years, William McChesney Martin controlled the monetary affairs of this Nation and played an essential role in many of the basic economic decisions, particularly those of the Eisenhower administration.

When William McChesney Martin was sworn in as Chairman of the Federal Reserve Board on April 2, 1951, the prime interest rate charged by commercial banks stood at 2½ percent. When he walked out of the Federal Reserve Building as Chairman for the last time on January 30, 1970, the prime interest rate was 8½ percent.

During his 19 years as manager of monetary policy, the prime interest rate soared 340 percent.

When William McChesney Martin took over as Chairman in 1951, the yield on long-term Government securities was 2.57 percent. When Mr. Martin left the Federal Reserve, the yield had risen to 6.86 percent.

In 1951, when Mr. Martin started managing our monetary affairs, the Treasury Department—that is, the taxpayer—was required to pay only 1.552 percent on short-term borrowings. After Mr. Martin's 19 years of mismanagement, the taxpayers were being stuck with 7.67 percent interest on the Treasury's short-term borrowings.

Between 1951 and 1970, the total public and private debt approximately tripled. But the interest paid on the debt was nearly seven times greater when Mr. Martin left office than when he assumed the chairmanship in 1951.

The American people were paying about $17.7 billion in various interest charges on the public and private debt in 1951, but with steady interest rate increases throughout the Martin years this interest bill had soared to more than $120 billion by the time the Federal Reserve got a new Chairman in February, 1970. This interest bill of $120 billion is a staggering burden for the American people. These Martin interest rate charges simply take too much out of the earnings of the average American—in many cases, so much that a family cannot afford the basic necessities of life.

As a result of the interest rate increases engineered and allowed by the Federal Reserve—under the management of William McChesney Martin—the American people paid nearly $350 billion in excess interest charges between 1951 and 1970. These are interest charges above and beyond the charges that would have been required had William Mc-

Chesney Martin kept interest rates at the levels existing when he took office.

Mr. Speaker, these are dollars and cents—cold figures—but the cost in terms of human misery was much higher. The tight money and high interest policies pursued by William McChesney Martin delayed progress throughout this great Nation.

Millions of homes were not built because of high interest and tight money. Hundreds of urban slums were not eradicated because local communities could not raise the necessary funds during periods of high interest and tight money. Hundreds of small rural communities faded from the scene under the pressures of these high interest policies. Thousands of legitimate small businessmen closed their doors, sold out by the Martin policies. Thousands of deserving youth never reached the college doors, because they were unable to borrow the funds necessary to finance a higher education.

Three times in the Eisenhower administration, the high interest, tight money policies pursued under the Martin Federal Reserve Board pulled the country into severe recessions. Unemployment increased sharply as the economy stagnated. Today, we have 6 percent unemployment—and massive economic troubles—and much of this can be traced back to the policies pursued before William McChesney Martin left office in February of 1970.

This is the man who the Federal Reserve says should be memorialized with a William McChesney Martin Building—a monument to high interest rates, mistaken monetary policies, and classic disregard for the wishes and needs of the American people.

Mr. Speaker, the Federal Reserve should voluntarily rescind its resolution designating the annex as the William McChesney Martin Building. I urge the Federal Reserve Board to do this.

However, if the Federal Reserve does not come to its senses, it is the responsibility of the Members of Congress to take the necessary steps to correct this error. We simply cannot allow the construction of a monument to high interest rates in the Capital of the United States.

Mr. Speaker, it is also incumbent on the Congress to prevent the commercialization of public buildings. I object to any of the public buildings—whether they are constructed in the name of the Federal Reserve or any other agency—being named after persons who are currently active in the business community promoting commercial projects and Government contracts. As I have noted earlier, William McChesney Martin is an active director on the boards of at least eight major U.S. corporations, many of which have extensive dealings with the U.S. Government. He is also an adviser to at least one major commercial banking institution. Mr. Martin is also the former head of the New York Stock Exchange and has recently renewed his connections with the exchange in an advisory role.

This memorial being proposed by the Federal Reserve can only enhance Mr. Martin's farflung relations with the big business and big banking community.

If we are not careful, we will soon see giant corporations advertising the fact that they have buildings in Washington named after illustrious members of their boards of directors. Mr. Martin has latched on to some of the biggest and most powerful corporations in the world since departing from the Federal Reserve. For example, he is a director of International Business Machines, a $7 billion corporation; United States Steel, a $6 billion corporation; Caterpillar Tractor, a $1½ billion corporation; American Express, a $1.8 billion corporation; Royal Dutch Petroleum, an $18½ billion corporation; General Foods, a $1 billion corporation; Eli Lilly, a $0.5 billion corporation; and Dow Jones & Co., a $72 million corporation. Mr. Martin is also an adviser on domestic and international banking matters for the Riggs National Bank of Washington, D.C., a $1 billion banking institution.

Mr. Speaker, William McChesney Martin has left the Federal Government and entered the biggest of the big corporations boardrooms. We should leave him to enjoy the fruits and profits of his long and close relationship with the giants of the American business and banking community. Mr. Martin is obviously receiving all of the awards he needs from his big business friends and he does not need a "William McChesney Martin Building" to comfort him.

And certainly, Mr. Speaker, the Federal Government has absolutely no need for a William McChesney Martin Building in Washington, D.C., or any other monuments to high interest rates. The people have enough sad memories of the high interest years of Mr. Martin.

ADJOURNMENT OVER TO MONDAY, MAY 3, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

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

There was no objection.

THE PRESIDENT'S GOVERNMENT REORGANIZATION

The SPEAKER. Under previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 15 minutes.

ORDER OF BUSINESS

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

Mr. WINN. I am glad to yield to my colleague from Iowa.

Mr. GROSS. Mr. Speaker, it is my hope that the heavens will open and an angel will descend to earth one day soon and explain the procedure that has just taken place by which two of the four Members of the House were compelled to stay on the floor and listen to a speech on a subject on which they were not in the least interested.

I hope that some day the mystery of this act on the part of the gentleman from Texas (Mr. PATMAN) will be explained to the Members of the House.

I thank the gentleman for yielding.

Mr. WINN. Mr. Speaker, over the past several years America has seen its resources, both natural and manmade, drain away—much of it because of outright waste and misuse. Our money has followed the same road.

Our Diamond Jim Brady image has been rapidly wearing away, though that is not bad news by itself. But, the reason we no longer seem to have enough money to go around—to do all the things that need doing—is because we have squandered our money. And, there is no doubt that past attitudes toward spending public moneys indiscriminately have contributed greatly to the problem.

America at the crossroads is a trite, but true phrase which fits our country's situation today.

We have the decision at hand to change things—to change our attitudes and our practices regarding the spending of the citizen dollars which are needed to keep our country going.

This administration, under the leadership of Richard Nixon, is going all out to see that Federal money is spent wisely. The President said, in a memorandum to department and agency heads last May:

> We must exert at least as much—and sometimes even more—effort to save the taxpayers money as we do to spend it.

This was not just rhetoric. The President has been working for results. Instead of turning off the lights of Government, he has directed a beam of light across the full spectrum of Government under his authority.

The Ash Council on Executive Reorganization has become well known, but so too should the President's Advisory Council on Management Improvement. This group, under the leadership of retired Air Force general, B. A. Schriever, has been doing an outstanding job in developing new ways to improve the operation of the Federal Government.

It is up to the President and General Schriever to reveal the details of projects, but I can personally attest to the quality of the membership of the council and the dedication and hard work which exemplify their efforts.

I would also like to pay a special tribute to Dwight Ink, the man who heads the Government's Management Improvement efforts. This man is one of the hardest working in Government service. He is also one of the brightest and most capable. Under his dynamic leadership, and with the help of assistants like Brian Usilaner, the Office of Management and Budget is making fantastic inroads in helping the Federal bureaucracy become more responsive to the public's needs as well as more efficient.

Their emphasis is not on cost reduction per se, but on getting a greater value out of the citizen-dollar.

I not only approve and applaud administration efforts in this regard, but I have also tried to help as an individual Member of Congress where I could. For

those who might be interested, but not to blow my own horn, I am inserting an outline of my most recent activities in this general area. I am rather proud to have had a hand in generating considerable savings in the Federal Government through a constructive and positive approach.

I am also inserting for your information a copy of the first management improvement newsletter put out by the OMB. It was released last Thursday. I would like to call your attention to a couple of items in the newsletter.

Last September the OMB sponsored the first Federal Management Improvement Conference, which was well attended by Federal Government employees. I was privileged to be one of three Members of Congress to be recognized during the presidential awards banquet of that conference.

An article in the OMB newsletter announces that this will now become an annual event, and will have presidential support and participation, I would hope. Shortly after last September's conference I wrote George Shultz suggesting a similar action. I am pleased that others agreed and are moving ahead with plans for the second annual conference to be held this coming September.

Also in the newsletter is a rather definitive article about a cost savings technique variously known as value engineering or value analysis. Now, I would not try to go into a detailed discussion of it—you can get that detail from reading the newsletter article—but I would generally define the technique as an organized method for eliminating unnecessary costs. I want to point out that the Civil Service is moving ahead with plans to teach value analysis to Federal employees, with courses beginning in September.

Such a course will help a greater number of Federal employees to work as hard at saving tax dollars as they do to spend them. I am proud to have had a hand in this course becoming a reality.

This brings me to my last point.

As I remarked earlier, the President is doing some fantastic things helping to make Government more effective and more responsive to the needs of its people. Once again, I can only applaud and praise administration efforts to hold the line on costs and improve the management of the Federal Government's bureaucracy.

The blot on the administration's record is that the Department of Defense is shelving its value engineering personnel and reducing that cost savings technique to a hit or miss basis.

Value engineering, the program that saved $464 million in fiscal 1970 is being severely crippled by the Defense Department.

Yes, that is right. The Defense Department is severely crippling its most successful cost savings program.

The teeth of the program have been pulled out through leadership reductions in the Navy, Air Force, and the Office of the Secretary of Defense.

The Air Force Systems Command, which has had the most outstanding savings effort through value engineering, had 57 personnel in the program in 1967 and beginning July 1 will have none. That is right, none.

The lead value engineering man under the Chief of Naval Materiel has had his position abolished effective July 1 and the Navy also suffers from a number of unfilled VE vacancies.

The clincher was the recent disestablishment of the Value Engineering Directorate in the office of the Secretary of Defense. This occurred in the last couple of months.

Remaining VE personnel are now being scattered throughout the Defense Establishment with questionable overall control being exercised.

All of this while the Nation is crying for a greater emphasis on saving tax dollars instead of spending and wasting them and while other Federal agencies and departments are initiating value engineering programs.

Last month I wrote Secretary of Defense Melvin Laird over the dismantling of his Department's value engineering effort.

The response only served to disillusion me further on this point. The return letter was signed by Assistant Secretary Barry J. Shillito.

Now, I do not believe Mel Laird sanctioned this response. As a matter of fact, the Shillito letter was so seeping with whitewash that I had to hang it out to dry before I could read it. It was not satisfactory, to say the least.

You do not have to take my word for it. I am enclosing a copy of our letters for the RECORD. You can examine them and decide for yourself.

By the way, I am very sorry to hear of the discomfort of my friend and former colleague, Mel Laird, I wish him a speedy recovery.

When he is recovered, I hope that he will personally look into my remarks and the deemphasis of the value engineering program. I will, of course, be writing him again in the next few days and calling his attention—once again—to this situation.

Let me reemphasize that I have not come before you today to cast a shadow over this administration's efforts in improving the management of the Federal Government, but to praise those efforts.

I sincerely hope that this blot on an otherwise outstanding record will be removed.

With the economic troubles which have besieged our country in the recent past, it is particularly significant that America's government is being reorganized, and new management procedures being implemented, in order to get the greatest possible value for the citizen's tax dollar. This could well be one of our President's greatest contributions to American government.

The material referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 18, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: About a year ago I queried our federal government's major departments and agencies on their cost reduction activities, especially as to the degree of utilization of the technique called value analysis or engineering.

My survey revealed that the Department of Defense had by far the most outstanding value engineering program in the federal government, but that it could be beefed up considerably with a resultant substantial increase in savings to the taxpayers of America.

I advised the President's Advisory Council on Management Improvement, chaired by retired Air Force General, B. A. Schriever, of my survey and conclusions suggesting that the technique of value analysis/engineering be applied on a government-wide basis.

Following a follow-up study by the Council, they recommended to O.M.B. that value analysis/engineering be integrated into the government's management improvement program.

Since that time, formalized programs and plans for same have begun to surface in other departments and agencies, namely G.S.A. and H.E.W.

One of the basic conclusions drawn from my original survey was that, for maximum effectiveness, such VA/E programs should be formalized and concentrated and have top-management support and involvement.

In light of that conclusion, I have become somewhat disillusioned with activities in your department.

In fiscal year 1970 your value engineering department saved the taxpayers $1-million per assigned full-time man. That record is great, but as I indicated in my report to the President's Council, Defense Department efforts in this regard should be greatly increased.

Instead, I discover that the program is being cut back considerably. Cutbacks will, of course, tend to reduce total realized savings.

I have been aware for some time that the Air Force Systems Command, which has had the most outstanding value engineering savings effort, was being cut to shreds. And, more recently, I have become aware of further reductions in status and manpower taking place in the Defense Value Engineering Directorate.

Most alarming is that savings goals are being eliminated by some departments at Defense in favor of a do-what-you-will approach.

It is inconceivable to me, that just at the time when this technique and its multi-possibilities for hard audited citizen-savings is being fully appreciated, that your department is reducing its own leadership and savings effort.

I can understand personnel cutbacks for cost sake in nonproductive areas, but I cannot understand cutting back personnel who are producing net savings of an estimated million-dollars per man-year.

In the near future, I intend to take the floor of the House to discuss government cost reduction and management improvement efforts. I hope that I will have something more constructive to report concerning your department's activities in this area, especially in light of your $30-billion in defense procurements.

I'll be looking forward to hearing from you soon.

Most sincerely,

LARRY WINN, JR.,
Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,
INSTALLATIONS AND LOGISTICS,
Washington, D.C., April 13, 1971.

Hon. LARRY WINN, JR.,
House of Representatives, Washington, D.C.

DEAR MR. WINN: This is to acknowledge your letter of March 18, 1971 concerning Value Engineering in the Department of Defense. There is no question that the proper application of VE can help stretch defense dollars.

In considering the current status of VE in the Department of Defense, certain basic factors must be considered. First, the DoD is making a major effort to reduce reporting requirements and the size of the Office of the Secretary of Defense staff. Second, the role of the OSD staff is being centered on policy guidance and review, with day-to-day decision-making delegated to the Departments wherever practical. Third, participative management techniques are being used more extensively to involve more people in the decision-making process. Fourth, cost is being given more equal priority with performance and schedule in new defense systems.

Most of the specifics you cite are due to the need to realign the VE Program with the above changes in defense management philosophy and practices. A major reduction in the frequency and detail of reporting has already been implemented. This reduction has in turn permitted a reduction in the number of personnel formerly concerned with VE reporting at various staff levels, including the Office of the Secretary of Defense. However, because of your specific comment concerning the Air Force Systems Command, I am asking the Assistant Secretary of the Air Force (I&L) to advise you of the status of VE in that Command.

I appreciate your concern about goal setting. It is true that, under decentralization, the Departments may elect to eliminate some VE goals. This flexibility must be viewed in the perspective of other steps to improve cost control. Actions such as the new priority on cost, the establishment of the Defense System Acquisition Council Review, and Selected Acquisition Reporting are examples of high level attention to this area. These constitute a direct stimulus to Departmental personnel to use cost control methods, such as VE, wherever possible.

The proper use of VE has Department of Defense top management support. This was re-emphasized by Mr. Packard in a recent letter to the Secretaries of the Military Departments. Its importance will be emphasized in appropriate DoD directives now being restructured as a part of the simplification of the Directives System. The Office of the Secretary of Defense staff will continue to review departmental efforts. A senior OSD official is scheduled to review the program's policies and effectiveness near the end of this month.

My office will continue to exercise leadership in Value Engineering to insure its fullest use in support of current actions aimed at improved cost control in the design, development, production, and maintenance of defense materiel.

Sincerely yours,

HARRY J. SHILLITO,
Assistant Secretary of Defense (Installations and Logistics).

BACKGROUND INFORMATION ON REPRESENTATIVE LARRY WINN'S INVOLVEMENT IN VALUE ANALYSIS/ENGINEERING

Surveyed major federal departments and agencies (March 1970) on cost reduction programs and use of value analysis/engineering. Concluded that cost reduction in general and VA/E in particular were not being utilized consistently on government-wide basis. Further investigation revealed that administration was moving ahead to up-grade general cost reduction and management improvement areas.

Recommended to the President's Advisory Council on Management Improvement that VA/E be used on government-wide basis.

Council agreed (July 1970) and recommended to O.M.B. that VA/E be integrated into the over-all management improvement effort.

(Aug. 1970) Winn estimates savings from government-wide use of VA/E of "up to one billion dollars a year."

Winn, one of three members of Congress honored at the first Federal Management Improvement Conference (Sept. 1970). Other two: Rep. Chet Holifield (D.-Calif.) and Rep. John Erlenborn (R.-Ill.).

Cited in first O.M.B. Management Improvement Newsletter as initiator of broader use of value analysis in the federal government.

Management Sciences Training Center of Civil Service, which has scheduled government employee courses in value analysis beginning in September, says of Winn's involvement:

"Value analysis in the management systems area received its major thrust in the Federal Government by Congressman Larry Winn of Kansas. He recognized its potential for improvement in the management of government programs. The Office of Management and Budget has also recognized its potential and is attempting to instill interest in value analysis among government managers."

MANAGEMENT IMPROVEMENT NEWSLETTER

Issued from time to time by the Office of Management and Budget to communicate informally with the management staff of other Government agencies and exchange information that will help reduce costs and increase efficiency in the Federal Government.

PREFACE

This is the first in a series of Management Improvement Newsletters to be issued by the Office of Management and Budget, Executive Office of the President.

It is a vehicle for the "idea interchange" mentioned in paragraph 5, OMB Circular No. A-44, dated February 16, 1970. Its purpose is to spread the word on good management and to exchange ideas—to be an interesting, useful, and informative link between OMB and other Government agencies.

We are sending this newsletter to the management offices of all Federal agencies. Please distribute it internally as you see fit.

We urge everyone to read this first issue carefully. Publication of this newsletter will be continued only if you find it useful, so we would appreciate your comments on this first issue. If you have any questions about the contents, any recommendations for making it a more useful means of communication, or if you have some good ideas that might interest other management people, please get in touch with Brian Usilaner of my staff at (IDS code 103) 395-4850.

DWIGHT A. INK,
Assistant Director.

FEDERAL PRODUCTIVITY TO BE MEASURED

The Office of Management and Budget, the Civil Service Commission, and the General Accounting Office have established a joint project to determine the use of measurement systems in the Federal Government. It is divided into three phases as illustrated in Figure 1.

The first phase is a pilot study effort which got underway April 5, with a meeting of representatives from seventeen Federal agencies to find out the extent to which productivity and work measurement systems are now being used in the Federal Government. Phase 1 is scheduled to be completed by May 27, 1971.

At the meeting agency representatives were given an 8-page "Measurement Systems Questionnaire", with instructions to submit a brief description of measurement systems in use in their agencies, together with representative samples of how those systems are being applied. A summary of manpower coverage is also to be included, showing the number of positions, by type, that are covered and not covered by specific measurement systems.

Four categories of measurement systems have been defined for this project: Overall Productivity Indexes, Work Measures, Unit Cost Measures, and Manpower Planning Measures.

"Overall Productivity Indexes" show the ratio of an organization's physical outputs to its physical inputs. They are derived by dividing labor costs and other significant costs into the number of physical outputs produced each year. The resulting quotient, or productivity index, can then be computed from year to year in terms of constant dollars.

"Work Measures" are based on the individual work units produced within an organization. They are used to compare physical output over given periods of time. The number of pieces of first class mail processed by a Post Office in one hour, for example, can be measured against a given standard to see whether the average output is gaining or declining.

"Unit Cost Measures" are computed by dividing the number of physical work units produced into the total operational costs of a work center.

"Manpower Planning Measures" are a means of forecasting manpower requirements. They are based on workload statistics, activity rates, peakload requirements, safety standards, etc. An example is FAA's practice of staffing Air Traffic Control towers on the basis of peak hour traffic and human stress factors.

Phase 2 is a prototype effort using information gathered during phase 1. It will begin July 1 and continue during fiscal year 1972. Its purpose is to determine the best measurement techniques to use in the Federal Government. These techniques will be tested during fiscal year 1972 for feasibility in selected agencies.

If these measurement techniques are found to be feasible, phase 3 will then consist of the development of guidelines, policies, and instructions for establishing and using basic measurement systems throughout the executive branch on a continuing basis beginning in fiscal year 1973. Phase 3 guidance will be based on the experience gained during the one-year prototype phase.

ANNUAL MANAGEMENT IMPROVEMENT CONFERENCE OKAYED

Mr. George Shultz, Director of the Office of Management and Budget, has approved annual sponsorship by his office of the Federal Management Improvement Conference and the Presidential Management Improvement Awards presentation.

The 1971 Conference will be held in Washington, D.C., September 27 and 28. Invitations are scheduled to go out in July asking Federal agencies to nominate participants.

Theme of the 1971 Conference will be "Presidential Management Objectives." According to Mr. Shultz, the format this year will be changed somewhat "to permit a greater focus on specific management problems."

"Last year's Conference," he said, "confirmed that there is no single, simple solution to the management needs of the Federal Government. The concerted efforts of all are needed to attack the numerous problems facing us."

This year, panels of distinguished and highly capable executives will meet for discussion with small audiences of selected participants. In these discussions, as well as in the plenary sessions, emphasis will be on defining management problems and suggesting solutions. Readers are invited to forward suggestions for Conference topics to: Mr. Brian Usilaner, Office of Management and Budget, Executive Office of the President, Washington, D.C. 20503.

The Presidential Management Improvement Awards ceremony will take place this year on the first day of the Management Improvement Conference, September 27.

OMB Bulletin No. 71-7 of April 7, 1971, specifies nomination procedures to be followed by agencies. Nominations are due to OMB by July 16.

Proceedings of the 1970 Conference have been distributed to all participating agencies. One copy should be given to each participant in last year's Conference. Extra copies should be widely disseminated among other agency management personnel. If more copies are needed, they can be ordered direct from the Government Printing Office (GPO No. 410-609).

OMB CIRCULAR NO. A-44 UNDER REVISION

The Office of Management and Budget is now in the process of revising OMB Circular No. A-44. This is the Circular that establishes a formal Government-wide management improvement program. It was last revised in February 1970. The new version is scheduled to be issued in June of this year. Agencies will be given an opportunity to comment on the Circular in draft form before it is formally issued.

Mr. Norman Peterson of OMB says "the Circular will be broadened to emphasize an agency's 'total management process' ". It will provide agencies with a comprehensive interpretation of the statutory responsibilities of OMB and agencies for management improvement. Improvement of an agency's total management process will be encouraged through the provision of OMB guidelines concerning the various management systems an agency must develop and use as an integral part of its total management process.

The guidelines to be provided by OMB will be in the form of benchmarks which agencies and OMB can use in evaluating progress with the development and use of management systems and related improvement techniques. In evaluating the progress of agencies against these benchmarks, OMB will use a variety of review techniques emphasizing direct and positive feedback to agencies resulting from OMB review. If an agency's management systems and related improvement techniques are meeting appropriate benchmarks, then the agency will be considered to have satisfied applicable statutory requirements.

For example, OMB has statutory responsibility to issue regulations concerning the review by each agency of its operations. The revised Circular will specify in detail the benchmarks which must be satisfied by agency review programs. In addition, the Circular will describe how such a program fits into an agency's total management process and related management systems.

In those cases where guidance on specific management systems and related improvement techniques is already available, the Circular will provide a cross reference to the appropriate authority and requirements.

PAPERWORK REDUCTION PROJECT ENDS JUNE 30

The Government-wide Project to Improve Federal Reporting and Reduce Related Paperwork ends June 30, 1971. Agency reports on savings are due into OMB by September 30.

After review by GSA and OMB, agency accomplishments will be summarized in a report to the President. This report may also offer recommendations concerning the need for continuing efforts in this area, including recommendations for strengthening reports management and control.

An Interagency Steering Group chaired by Mr. W. L. Johnson, Jr., Assistant Administrator for Administration of GSA, has been advising OMB on this project. Other members are Messrs. George Bergquist (DOD), Frank Elliott (USDA), Larry Jobe (Commerce), Ben Posner (USIA), and Charles Sparks (CSC).

A Task Force set up under the auspices of the Steering Group has been reviewing the adequacy of the organizational arrangements, statements of functions, and resources for managing reports and developing reporting systems.

The Task Force is chaired by Mr. Everett Alldredge, Assistant Archivist for Records Management of GSA. The Task Force has worked primarily on developing guidelines for the reports management function. Its recommendations will be reviewed by the Steering Group before being submitted to OMB for possible issuance in the form of a directive.

It is expected that the results of the present Government-wide project and the Task Force's findings will identify what actions must be taken to sustain and extend improvements achieved during the Governmentwide project. Such actions will have to focus adequate attention on the organizational arrangements, functions, and resources for managing reports and reporting systems.

The Interagency Steering Group is establishing four committees composed of selected agency representatives to review the interagency reporting requirements of OMB, CSC, GSA, and Treasury. These committees will take an independent look at this reporting from the viewpoint of agencies that prepare reports for OMB, CSC, GSA, and Treasury. The Steering Group will receive recommendations from these committees which will be passed on to the appropriate agency for consideration.

VALUE ANALYSIS PAYS OFF

At the request of Congressman Larry Winn (Kansas), an investigation was made by the Office of Management and Budget on the potentials of Value Analysis (Engineering) for reducing costs of Government operations. The investigation disclosed that significant savings had been achieved in the procurement of hardware like aircraft, ships, and weaponry. In addition, it was found that sizable reductions can be obtained in technical documentation, reporting systems and related paperwork.

The concept of value analysis was developed during World War II when materials were difficult to obtain and the resulting shortages forced the introduction of many substitutes. The use of substitutes at General Electric, using a functional approach led to the development and incorporation of value analysis techniques into the field of product design. These methods were then adopted to other production processes.

Value Analysis was initiated as early as 1954 within the Department of Defense by the Department of the Navy, Naval Ships Systems Command. The Department of Defense Cost Reduction Program has led to further expansion and utilization of these principles within the Federal procurement field. At this time, many Federal, State, and local agencies have adopted or are considering the advantages of formal programs in their activities.

Value analysis is an organized approach to obtain optimum value for every dollar spent. Through a system of investigation, unnecessary expenditures are avoided or removed and the result is improved value and economy. The approach is a creative effort directed towards the analysis of functions. It is concerned with the elimination or modification of anything that adds cost to an item but is not necessary to its basic function—that is performance, safety, appearance or maintenance. During this process all expenditures relating to procurement, maintenance, operation and replacement are considered. Through the use of the latest technical information regarding new materials and methods alternate solutions are developed for specific functions.

Conventional cost reduction methods are augmented by value analysis. In contrast to simple cost-cutting by making smaller quantities or using less or cheaper materials, an item is analyzed by asking such questions as: What is it? What must it do? What does it cost? What other material or method could be used to do the same job? What would the alternative material or method cost? To arrive at the answers to these questions, an organized methodology and job plan are used.

Federal agencies that have a good Value Analysis program report savings of up to three percent of their operating budget each year. The Department of Defense, for example, has realized over $2 billion in audited savings since 1965.

In 1970 alone, DOD's use of incentive contracts netted savings of more than $72 million. Through incentive contracting, the Government rewards contractors for identifying unnecessary provisions in Government contracts and having them removed.

Savings that result when Value Analysis is applied to large-scale procurements can more than offset the cost of a Value Analysis program.

The following agencies have recently started or augmented a Value Analysis program:

General Services Administration, Public Buildings Services.

Department of Health, Education, and Welfare, Facilities Engineering and Construction Agency.

Department of the Interior, Bureau of Reclamation.

Department of Transportation.

National Aeronautics and Space Administration, Office of Facilities.

Veterans' Administration, Office of Construction.

Next fall the Civil Service Commission plans to conduct a 5-day training course on Value Analysis.

Mr. Charles Peterson, Associate Director of Management Sciences Training Center, U.S. Civil Service Commission, advises that the course will provide an introduction to Value Analysis. It will be directed toward the improvement of management systems (software) rather than hardware. It is intended to provide the student with a practical knowledge of the steps in Value Analysis through experience gained in workshop sessions.

The first course will begin September 27 and run through October 1. Announcements on the course will be released in the spring.

GOOD IDEAS

The following examples of management effectiveness and cost reduction have been culled from management improvement reports submitted by Federal agencies for fiscal year 1970. They have been selected to foster idea interchange. Some show commendable progress toward an agency's goal. Some show keen insight into the selection of performance indicators. Many of them may be useful to other Government agencies. We publish them here in the hope that they will stimulate all agencies to improve the effectiveness of their operations and come up with innovations in economy and efficiency.

The Food and Nutrition Service (FNS) of the Department of Agriculture is working closely with state and local officials to assure free or low-priced lunches for needy children—particularly those who attend schools that lack kitchens or cafeterias. During fiscal year 1970 the number of children who directly benefited from this program rose from 3.9 million to 5 million. A goal of 6.6 million has been set for 1971, and progress to date indicates that it will be met.

The Export-Import Bank of the United States uses as one indicator of its management effectiveness the number of loan applications approved each year. This indicator is also used to figure the average number of applications approved by each loan officer in a year's time. During FY 1970, the Export-Import Bank approved 150 loan applications, an increase of 63 over FY 1969. At the same time, the efficiency of loan officers increased by 87% as they raised the number of loan applications approved from an average of 2.23

in 1969 to 4.17 in 1970. Goals for 1971 have been set at 275 applications approved; and 6.55 per loan officer.

The Post Office reports that management is being strengthened by delegating authority downward to the 15 regional directors and local postmasters. It is a direct result of the Postmaster General's determination "to make the regional offices focal points of efficient business management . . . rather than merely administrative offices following orders from Washington." The Post Office reports good progress in eliminating multi-layering and reducing reports to higher headquarters.

NASA reports an innovative device developed by a technician at NASA's Lewis Research Center. The Federal Water Pollution Control Administration had over 300 oceanographic instruments in use. Each one contained an electro-mechanical timing mechanism. After four or five months of service, one out of every three of these mechanisms was found to be inoperable because of electrical contact deterioration. Replacement of the instruments cost $85 each until a technician at Lewis devised an electronic recruiting system that prolongs the life of reconditioned and new contacts almost indefinitely. The necessary repair now costs about $1.00 per instrument.

The Agency for International Development reports a saving of $181,000 in the cost of transporting jeeps. Competitive airlines estimated that it would take 9 plane loads to fly 50 jeeps to Nigeria using the DC–8 Stretch Jet. An AID employee devised a means of unloading the jeeps sideways rather than lengthwise, which permitted them to be airlifted in only 3 plane loads. The estimated cost dropped from $316,000 to $135,000.

By using cardboard furniture instead of conventional or plywood furniture for its temporary 1970 census offices, the Census Bureau saved $148,000 last year. Almost 30,000 cardboard desks and tables were designed, field tested, and subsequently used at a cost of less than $4.15 each. Plywood units would have cost about $9.00 and the cheapest conventional furniture, almost $25.00 per unit. For this saving, Presidential Management Improvement Certificates were awarded to five Census Bureau employees: Robert Long, Robert Mackoff, Cecil Matthews, Jefferson McPike and Robert Rountree.

While clearing debris behind the Dworshak Dam in order to raise the level of the reservoir, the Army Corps of Engineers came up with a unique idea that is expected to save the government over a million dollars. The conventional method of clearing reservoirs is to cut the growth, collect it, and burn it in place. This is particularly difficult in the precipitous canyon of the Clearwater River. So the Engineers decided to use the flotation method. Trees and other growth will remain where felled until the pool level is raised. As debris floats to the top, it will be swept together by boat and moved to an area where it can be removed and safely burned.

HUD reports that in order to preserve quality, it used to buy toners for copying machines directly from the machine manufacturer. Tests of competitive toners have proved that a lower-priced product will work satisfactorily. A blanket order arrangement with the new supplier now gets quantity discounts on all departmental orders. Annual savings amount to about $10,000.

The Navy Department reports this improvement in telecommunications management. To remove chassis corrosion from Ground Control Approach equipment, all electronic components and wires used to be stripped and completely disassembled. The chassis was immersed in stripper and bright-dip solutions before components and wiring were reassembled. A new dry honing process has been developed which uses a very fine glass-bead abrasive under low blasting pressure to remove all corrosion and clean delicate components. With this method, the Navy cleans large assemblies intact, without endangering circuit elements. The costly steps of disassembly, reassembly, and rewiring, have been eliminated, at annual savings of approximately $289,000.

The Navy reported savings of over $2¾ million in FY 1970 through a new method of loading, blocking, and bracing rail shipments of 500-lb. bombs. The new method allows 36 pallets, each holding six bombs, to be shipped in a box car. Under the former method, only 21 pallets could be accommodated.

The Atomic Energy Commission reports that one of its Quality Assurance survey teams in Albuquerque found that a contractor was making a 100% inspection of all dimensions of three small subcomponents. The team recommended a statistical sampling technique that was put into effect in March 1970. As a result, only 195 of the remaining 46,000 parts which would ordinarily be subject to 100% inspection will be examined. Savings: over $52,000.

Through its own research efforts, the Bureau of Engraving and Printing has developed a new, inexpensive ink for printing food coupons. It is expected to save some $72,000 annually. The Bureau expects to save another $223,000 annually by changing its trimming and perforating operations. These changes will reduce the number of personnel formerly required by 13 and, at the same time, increase the rate of production.

When NASA requested proposals for its Lunar Rover Vehicle, about 30 contractors responded. The cost of printing and distributing the documentation needed by each of these contractors would have run close to $30,000. By sending each contractor a microfilm copy instead of a hard copy of all data, NASA saved $23,350 on this contract alone, and intends to follow the same procedure on future procurements, when appropriate.

At Goddard Spaceflight Center, whenever the head of a tape transport wore out, the Data Processing Branch ordered an entire record-and-reproduce head assembly as a replacement. When one of the technicians found this out, he persuaded the manufacturer to provide head stacks alone. The difference in cost amounted to $850 apiece. An initial saving of $15,880 was realized; there will be savings of about $14,660 per year hereafter.

NASA's facility at Langley has worked out an arrangement with the local electric utility that saved over $35,000 last summer. In exchange for an offer by Langley to relinquish one hour of its peak daily load during June, July, and August, the utility company agreed to provide up to 150,000 KW of off-peak demand at no charge. Test tunnel operations were scheduled from 11 p.m. to 7 a.m. in order to take advantage of the saving.

The use of a magnetic tape typewriter has eliminated a major typing burden for HUD's San Francisco Region. Standard paragraphs are stored on tape and inserted into contracts as the need arises. Rental cost of the machine is $3,000 a year, but its speed and accuracy of reproduction resulted in a 1.8 man-year savings during FY 1970.

The Internal Security Division of the Justice Department expects to save at least ½ manyear (approximately $3,274) with the help of an electronic information retrieval system. The system will not only provide for more complete, error-free research into the backgrounds of individuals and organizations, but will free division personnel to perform other important functions.

Instead of hiring additional guards, the Justice Department is using an electronic guard system to protect the classified contents of certain rooms. This should result in savings of about $14,000 for FY 1971.

The FAA's National Aviation Facilities Experimental Center (NAFEC) at Atlantic City, New Jersey, recently began using a commercially operated semi-automatic $.75 car wash in lieu of the old fashioned $2.50 "sponge-and-bucket" type. With 63 GSA vehicles at NAFEC, this economy produced an estimated annual saving of $4,100.

The average annual cost for AEC contractors to maintain their own record centers is $2.40 per cubic foot, compared with an average of $.57 for storage in Federal Records Centers operated by GSA. In FY 1970, the Albuquerque operations office saved almost $2,000 by transferring about 1,000 cubic feet of contractor records to Federal repositories.

The Arms Control and Disarmament Agency has a new system for controlling Top Secret documents that may be of use to State Department, CIA, and other agencies that handle classified information. For each Top Secret document, a master punch card is prepared, identifying the document by number, title, subject, and originating agency. From the master card, transaction cards are prepared automatically by machine. Several copies of these cards stay with the document at all times. When it is transferred, the recipient always signs one of the cards as a receipt. Receipts, therefore, no longer have to be typed; inventories are prepared automatically; and when someone wants to find out what documents are on the same subject, he can do so in a hurry by machine processing.

Readers are encouraged to contact applicable agency management officials listed at the end of this Newsletter for additional information on any of the items described above.

THE MANAGEMENT EFFECTIVENESS PROGRAM—A REVIEW OF INITIAL REPORTS

The Government-wide Management Improvement Program is based on the following premises:

It is an inherent obligation of each department and agency to strive to maximize the benefits achieved through use of the public resources.

A corollary of this responsibility is the manager's obligation to strive to improve his organization as an even more effective instrument of its functions.

Opportunities for further gains in effectiveness of the organization are ever present and improvement is always possible.

Our review of the initial reports on the management effectiveness segment of the Government-wide Management Improvement Program indicated that, despite the "learning curve" frustrations and difficulties which traditionally affect the quality of first efforts, agency reports, in the main, were in consonance with the above stated premises and responsive to the requirements of Circular A–44. Certainly, the initial groundwork has been laid for rapid progression toward full development and implementation of a realistic and responsive management effectiveness program. It was especially significant to note that some of the smaller agencies, with their limited missions and highly specialized scope of activity, were particularly adept at selecting key areas for evaluation, identifying governing performance indicators and assigning realistic objectives or improvement goals.

Reports from a few of the agencies indicated not only a clear need for further review of the purpose, intent, definitions and guidelines contained in Circular A–44, but also the need for further explanation or amplification of these factors by OMB. For example, the *purpose* and *intent* of the management effectiveness program is to achieve *overall improvement* in the effectiveness and efficiency of Government operations in *significant areas* not necessarily susceptible to measurement or evaluation in terms of dollars saved. Note that emphasis is on achievement of gains in effectiveness of operations as well as on the attainment of efficiency benefits.

Therefore, to be fully responsive to the purpose and intent of Circular A–44, implementing systems and procedures should

provide managers with a comprehensive picture of both resources consumed (inputs) and the outputs produced for selected programs and activities (to the extent that inputs are identifiable and measurable against output accomplishments). Analysis of results can then provide a realistic basis for a two-pronged attack on the management problem at hand, i.e., maximizing benefits or performance, and minimizing the cost or resources applied to achieve the specific level of desired performance.

Selection of areas

As defined in Circular A-44, "An area represents a *priority* problem or activity which has been *selected* for coverage under the program." This definition specifies that the areas included in the report should be carefully selected from among those functions or activities which are of most concern to senior managers of the reporting agency. Ideally, they should reflect those key activities directly associated with the basic mission or major program established to carry out the mission.

In selecting areas, it is most important to keep organizational objectives foremost in mind. The advantage in being highly selective in area identification is obvious. Top management need be concerned only with those problems of primary significance; they are brought to the attention of the people with authority to initiate necessary corrective action; results either confirm the validity of current policies or point to need for policy revisions; the responsible managers are aware that their programs are under surveillance by their superiors and react accordingly, and the overall reporting workload is held within reasonable limits.

Such areas as "Suggestion and Incentive Awards Program," "Employee Sick Leave," "Travel," etc. found in some of the reports are areas which, while of certain significance to the agency concerned, are not considered appropriate for management effectiveness reporting to OMB. (Page 28, 1st paragraph, "Proceedings of the Federal Management Improvement Conference," provides additional guidelines on selection of areas.)

Goal-setting

Goals are defined as "approved quantitative objectives representing the desired performance to be achieved during the current fiscal year for a specific area." (This subject is well covered in the Panel 4 portion of the "Proceedings of the Federal Management Improvement Conference," pp. 82-86). Among the goals included in the agency reports were a few that are identified here to illustrate how goals can be sharpened and made more useful.

One area used as a goal was, "Congressional Inquiries Received." This goal is not a valid objective or performance target since the associated workload input is outside of agency control. Further, the comparable performance indicator reflecting the number inquiries received, while a measure of administrative workload, would not provide a measure of effectiveness in handling this type of correspondence. If this workload, in fact, represents a significant portion of the agency's mission, then an appropriate goal could be based on progress in handling these actions, or the processing time involved, e.g., "percent answered within 'X' days," "Congressional actions on hand over 'X' days," etc. A further refinement might be made by considering inputs, i.e., "Replies completed per Action Officer." A similar example was revealed in an agency's goal expressed as "loan requests," which could also be converted to a meaningful goal by the above procedure.

A few goal assignments merely accommodated "business as usual" levels of performance, or projected a reduced level of effectiveness. All goals should contain a built-in incentive for improvement representing a gap between what is customarily achieved and the agency's aspirations for progress. They should reflect the maximum performance that can be expected by the application of sound management procedures and the efficient utilization of existing and programmed resources. In setting goals, it is important that they be challenging but reasonably capable of attainment. A shorting of "progress voltage" becomes quickly apparent when goals are set so high as to be clearly out of reach.

Performance indicators

The selection of realistic and meaningful performance indicators is perhaps the most difficult task involved in implementing the management effectiveness program. Yet, it is the most important because they must adequately reflect the progress and managerial health of the selected areas, and also determine the nature and parameters of goals to be associated with them. Circular A-44 defines performance indicators as "a significant quantitative measure of performance in the problem area which provides the best perspective of the total management effort being applied to the problem or activity." Indicators should be selected in a manner which assures that priority attention is concentrated where the greatest needs exist. They should be carefully selected with an objective of identifying the smallest possible number essential for reflecting an accurate picture of the current level of effectiveness and overall status of progress for a specific area.

Difficulty in selection of representative and governing indicators appeared as the most common problem among the reports evaluated. The following were identified in the annual reports as typical of the problems encountered: Some reports used as performance indicators the full range of report elements included in the feeder report for the area. Others furnished only a ratio or percentage without providing at least one of the two base figures necessary for identifying the scope of the measurement involved. While rates, ratios, percentages, order of rank, range of numbers—all these variations of quantitative expression can be highly meaningful and valid indicators of performance, they are relatively impotent when standing alone.

Conversely, it was noted in a few reports that two or more indicators were used to reflect base data which were ideally suited for conversion to more meaningful ratios or percentages. Additionally, goals were assigned to each indicator, although conversion, as indicated above, would permit elimination of the separate goals in favor of a single goal associated with the resulting ratio or percentage. Further, there was noted a tendency to assign goals to each report element even though, in some instances, the goals were counterproductive, i.e., one goal could not be achieved without missing the other. In these situations, only the most significant and governing indicators should be assigned goals.

Although occurring in only isolated instances, there was some evidence of a lack of understanding or misinterpretation of the term "performance indicator." Perhaps the best way to clear this up is to associate the term with a few of the more common indicators we are confronted with in our everyday life such as the Dow Jones averages, Unemployment Rate, Gross National Product, Consumer Price Index, etc. Moving a step closer to indices of more concern to us as individuals, consider "par" for the golfer, "averages" for the bowler, "price/earnings ratios" for the investor, and "miles per gallon" for the motorist. The significant feature of all of these is their universal ability to present the relative standing or current status of a given area of concern in simple and meaningful terms without recourse to large numbers of reports and volumes of associated data.

Some reports reflected inputs and related outputs separately with goals assigned to each, thereby missing an opportunity to strengthen the report, provide a better indicator, and reduce goals and reporting workload by the simple procedure of reducing the two elements to a single indicator. Using an example, here is how it could be done. Let's say an agency has a fleet of aircraft and, as would be expected, persons responsible for keeping the aircraft in flyable condition. The benefit or product from the aircraft can be measured in terms of "flight hours" in use. A key input to this accomplishment would be the number of maintenance manhours required.

Here we have manhours (inputs) and flight hours (outputs) which are actually two independent but related variables and both can be measured. A simple conversion of these two elements of data into "maintenance manhours per flying hours" (MH/FH) produces a more meaningful performance indicator. Now we have an indicator that represents a measure of effectiveness considered significant in support of a fleet of aircraft. An undesirable MH/FH value, as measured against the assigned goal or targeted standard of performance, signals to management and support elements that corrective action must be taken so that a more desirable manhours per flight hour value can be achieved.

Summary

In summary, the purpose of this article is to give agencies the benefit of our findings from our review of the initial report, and without resorting to a cook-book procedure, provide constructive guidance to assist the agencies in a self-analysis of their management effectiveness program so that implementing systems and procedures may be strenghtened to provide meaningful reports which reflect progressive gains in effectiveness. In this way, top management from the levels of the President, the agency heads and their major division heads can get a clear and concise picture of the major problems hindering effective accomplishment of functions and objectives, validity of policies currently in effect, actions needed to overcome deficiencies, and the degree of progress being made in resolution of the identified problems.

Top management must know how the organization is doing. In Government, especially, even the smallest agencies have to know whether they are merely marking time or moving fast enough in the right direction. No manager in any department or agency can afford to live in a vacuum. One that claims he can get by without performance data, or insists that all possible improvements have already been made, is simply not managing. He is reacting. He cannot plan without data—he cannot make sound decisions without data. That means reports. It does not mean unnecessary reports. It does not mean reporting trivia. It does mean relevant reports. It does mean careful selection of areas, establishment of challenging but realistic goals, and reporting in terms of a small number of meaningful performance indicators.

As stated earlier, a good start has been made in implementation of the management effectiveness program. With continuation of the enthusiastic and conscientious response evidenced thus far, it is clear that progressive improvement can be expected in subsequent reports with resultant gains in Government-wide management effectiveness.

SELECTED BIBLIOGRAPHY

A list of titles that are representative of current thinking in the field of management nd the improvement of management systems, as well as papers reflecting current management policies of the Administration are provided in the following annotated bibliography.

Ash, Roy L. "Reorganizing the Executive

Branch for National Economic Growth." (In *Conference Board Record,* April 1971, v. 8, p. 7–9.)

The Chairman of the President's Advisory Council on Executive Organization reviews existing Executive Branch organization for economic affairs and discusses the Council's proposal for a Department of Economic Affairs.

Ash, Roy L. "Why the Federal Government Needs Restructuring." (In *Fortune,* March 1971, v. 83, p. 64+.)

The Chairman of the President's Advisory Council on Executive Organization outlines the attributes of an Executive Branch structure suited to the needs of the present and the reforms proposed by PACEO to restructure Federal agencies to conform to these attributes.

Downs, Anthony. *Inside Bureaucracy.* Boston, Little, Brown, 1967. 292 p. $6.50.

Offers a set of propositions about how bureaus and bureaucrats behave. "While much of the theory is familiar, it is expertly organized and presented . . . Some portions are highly original and valuable, including . . . some much-neglected subjects such as the life cycle of bureau, the five types of bureaucrats and their incidence and behavior, bureau territoriality, and bureau ideology."

Drucker, Peter F. *The Age of Discontinuity: Guidelines to Our Changing Society.* New York, Harper & Row, 1969. 394 p.

"Four major areas of 'discontinuity' are cited: the explosion of new technology that will produce major new industries; the change from an international to a world economy; a new 'society of organizations'; mass education and its implications for work and leisure. Singled out as the most important is the changed position and power of knowledge, which has become America's central resource, its true factor of production."

Federal Management Improvement Conference, Washington, D.C., 1970. *Proceedings.* Sponsored by the Office of Management and Budget, Washington, U.S. Govt. Print. Off., 1971. 184p. $1.00 GPO No. 410–609.

Papers and discussion deal with management demands of the future, the impact of technology, labor-management relations in government, applying the systems approach to management problems, establishing goals and measuring effectiveness, evaluating agency management, managing organization change and motivation.

Ink, Dwight A. "The Challenge of Management in the 1970's." (Paper presented at the *United Nations Interregional Seminar* on the use of Modern Management Techniques in the Public Administration of Developing Countries, Washington, D.C. 27 Oct.–6 Nov. 1970. Washington, Office of Management and Budget) 1970. 14p.

Examines elements of management which need special emphasis in the new decade. Focuses particularly on the need for receptiveness to change, the contribution of systems analysis, and the importance of new technology, organizational flexibility, and managerial responsiveness.

Kast, Fremont E. and James E. Rosenzweig. *Organization and Management: A Systems Approach.* New York, McGraw-Hill, 1970. 654p. $10.95.

Provides "in-depth understanding of how a systems approach can provide a framework for unifying traditional thought, management science, and behavioral theory." Discusses goals and values of organization, decision-making processes, the role of technology, and its relation to organizational structure and management.

U.S. President. (Richard M. Nixon) "Executive Reorganization: the President's Message to the Congress" . . . March 25, 1971. (In *Weekly Compilation,* Mar. 29, 1971, v. 7, p. 545–560.)

For remarks by the President, Secretary of the Treasury, John P. Connally, and Associate Director of the Office of Management and Budget Arnold R. Weber at a news briefing on the message, see p. 541–545 of the same issue.

In addition to these books that may be available in your libraries as well as from the publisher, the following pamphlets and periodicals are put out by various agencies for the purpose of publicizing their own management improvements and passing the ideas on to others. Copies may be obtained by calling the respective departmental representatives listed at the end of this issue.

Department of Defense, *Ideas for Managers.* A summary of thousands of tested savings ideas.

Department of Defense, *Defense Management Journal.* Presents as a regular feature a select group of cost reduction and management improvement ideas for both crossfeed and motivational purposes.

National Aeronautics and Space Administration, *NASA BITS.* Brief Ideas, Thoughts, and Suggestions concerning management improvement, along with identification of responsible individuals and activity location.

Department of the Treasury, *Progress in Management Improvement.* This is an annual report pamphlet. It provides some crossfeed items and includes a section entitled "Better Way."

Atomic Energy Commission, *Cost Reduction Abstracts.* Purpose is primarily to stimulate ideas and innovation, but also contains a number of actions appropriate for idea interchange.

REFERENCE LIST OF MANAGEMENT IMPROVEMENT OFFICIALS

We are furnishing this list in order to encourage direct communication among agency management staffs. The following officials have been identified as having either a policy or operating role in their agencies' management improvement efforts.

Agency, official, and telephone

Agency for International Development: Lane Dwinell, 632–8298; Manlio F. DeAngelis, 632–0216.

Agriculture, Department of: A. Devlin, 737–6275; Ken Hatch, 737–6111.

American Battle Monuments Commission: William Ryan, OX3–6067.

Arms Control and Disarmament Agency: Stamford Mentor, 632–9472; Richard Durham, 632–9504.

Atomic Energy Commission, Bill Slaton, 973–5414; Wade Palmer, 973–4293.

Central Intelligence Agency: John M. Clarke, 351–5477.

Civil Aeronautics Board: Troy B. Connor, 382–4248; Oscar Disler, 382–7624.

Civil Rights, Commission on: Bert Silver, 382–3411; John Birkel, 382–2416.

Civil Service Commission: Ray Mondor, 632–4596; Michael Hinds, 632–4596.

Commerce, Department of: William Rapp, 967–3707.

Defense, Department of: Harrell Altizer, OX5–2221.

Economic Opportunity, Office of: Robert C. Cassidy, 254–5330; Brent Peabody, 254–6174; Edward F. King, 254–6168.

Emergency Preparedness, Office of: Gaston Choniere, 395–5706.

Equal Employment Opportunity Commission: Martin Alexander, 343–9385; Sally Crocker, 343–9385.

Export-Import Bank of the United States: Francis Collins, 382–1168.

Farm Credit Administration: E. A. Jaenke, 388–6937.

Federal Communications Commission: B. Kahn, 632–7513.

Federal Home Loan Bank Board: Dick Griebenow, 386–6145.

Federal Maritime Commission: Andrew Drance, 382–3496.

Federal Mediation and Conciliation Service: Lowell M. McGinnis, EX3–3511.

Federal Power Commission: Marsh H. Moy, 386–3531; Afton P. Mitchell, 386–6296.

Federal Trade Commission: John Delaney, 962–8581; Monroe Day, 962–8581.

Foreign Claims Settlement Commission: Francis T. Masterson, DU2–2902; Donald H. Baxter, DU2–2902.

General Services Administration: David Levine, 343–2989.

Health, Education, and Welfare, Department of: Leo Holland, 963–5472; Russell Hess, 962–4065; Phil Asher, 963–7981.

Housing and Urban Development, Department of: Ward Elliott, 755–6102; John Richie, 755–5294.

Indian Claims Commission: David Begelow, 382–6433.

Interior, Department of the: John Pearson, 343–5915.

Interstate Commerce Commission: M. D. Jackson, 737–9765, X–434.

Justice, Department of: Leo Pellerzi, 739–3101; Herman Levy, 739–3267.

Labor Department of: Edward Salner, 961–2721; Arthur M. Leib, 961–2485.

Management and Budget, Office of: Brian L. Usilaner, 395–4850; Norman S. Peterson, 395–4850.

National Aeronautics and Space Administration: Ray Einhorn, 963–3241.

National Aeronautics and Space Council: Russell W. Hale, 395–3556.

National Council on Marine Resources and Engineering Development: E. L. Dillon, 395–3104.

National Foundation on the Arts and the Humanities: Paul P. Berman, 382–7504.

National Labor Relations Board: Clarence Wright, 382–5263.

National Mediation Board: Thomas A. Tracy, 343–8771.

National Science Foundation: Jack Kirsch, 632–4026.

National Water Commission: Robert Baker, 557–1964.

Panama Canal Company: W. M. Whitman, 382–6453.

Peace Corps: John Donahue, 382–2496.

Post Office Department: James Hargrove, 961–8223; Roland Wendel, 961–8444.

Railroad Retirement Board: Jeremiah Walsh, RE 7–1780.

Renegotiation Board: Harold Stone, 382–7073; Harry Geserick, 382–7073.

Securities and Exchange Commission: William E. Becker, 755–1114.

Selective Service System: John D. Dewhurst, 343–7725; Capt. Donald Russell, 343–7135.

Small Business Administration: Robert Belloni, 382–4961; Bronnie Lowey, 128–5027.

Smithsonian Institution: John Jameson, 381–5221.

State, Department of: James Falsone, 632–3484.

Subversive Acts Control Board: Margrette Burgess, DU2–6251.

Tariff Commission: Kenneth Mason, 628–1272.

Tennessee Valley Authority: Jacob Vreeland, 343–4537.

Transportation, Department of: John McGruder, 426–4774; Don Keil, 426–4747.

Treasury, Department of the: Elton Greenlee, WO4–5621.

U.S. Information Agency: Walter W. Jones, 632–4946.

U.S. Soldiers' Home: Raymond A. Gritton, 726–9100; X–331.

Veterans' Administration: John J. Williams, DU9–3473.

ETHNIC HERITAGE STUDIES

The SPEAKER pro tempore (Mr. EDMONDSON). Under a previous order of the House the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, I would

like to take this opportunity to recognize and commend my colleagues who have united in an effort to broaden the base of "black studies" in our schools to include the cultural heritages of all ethnic groups in our Nation, beginning in the elementary schools and extending throughout our secondary levels.

This business of living together begins very early in life, if I may be permitted to bring that profound observation again to our attention, and all who live together need to know about each other in order to relate harmoniously in a heterogeneous society such as ours. The experiences of group interaction and emotional adjustment which most of the people in our country share during their school years constitute some of the most important influences in the shaping of the character of our Nation. Therefore, everyone should have the opportunity, beginning early in life, to study and learn about his own heritage as well as the cultural heritage of all the different groups that make up the ethnic fabric of this great country.

There is evidence in every section of our country that many of our schools on the college and graduate levels are now including "black studies" as required or elective courses, and they are endeavoring to teach American history as it has happened and as it is continuing to happen—with the black American more in perspective. I am sure, for the highest good of America, we all hope this trend will continue to grow with all deliberate speed, for as one black educator has put it:

Teaching about the blacks in American History is no longer a question of relevancy; it's a question of survival.

American history in the past made of the black American a nonentity. In fact, as far as the pages of American history are concerned, black Americans almost became invisible between the Reconstruction period and the advent of the civil rights movement of the past two decades.

"American History" written without naturally and factually including full and accurate reference and respect for the evolutionary involvement and the unique unfolding of all of its ethnic counterparts makes the designation not only a misnomer, but an absolute mockery. It otherwise represents but an elaborate diary or chronology of activities of the favored majority whose emissaries for self-aggrandizement wield the pen.

History is history, and American history is American history, and those who write it and those who teach it must "tell it like it is," or it is not what it is said to be, and everyone is the loser for it.

There is no black, red, brown, yellow or white history. There is however one history of all the people of this Nation.

I submit that courses, in "Negro History" and "black studies" have come about because of the systematic exclusion of blacks from the mainstream of American life and from the books and historical accounts of the development of our country; also because of the vitally needed effort to repair the resulting damage done to the moral, social, and economic fibre of the country.

However, the job of restoration and reeducation can only be partially done on the college and graduate level. There, in addition to self-enlightenment, we can at least hope to provide specialized courses for teachers, who we hope will realize the importance of the subjects and with dedication will teach, guide, and direct our children in the elementary and secondary social studies curricula and history courses required of every child in our public schools.

The children of today are America's hope for the future. Therefore, each child must be given, early in life, the opportunity to experience the past through the pages of history—truly recorded. That opportunity, hopefully, will form the basis for a resulting privilege—that of experiencing the present in harmonious relations with fellow citizens and with mutual respect for the cultural heritage of each other, which a true knowledge of the past actually affords.

True knowledge not only informs but inspires. Stated differently, true knowledge of the past stimulates awareness of one's own cultural heritage and provides a philosophical premise on which all citizens can meet the challenges of the day in peace and with respect for each other. Herein lies a great hope for greater achievements in the future for a stronger, more creatively productive, and unified America.

Mr. Speaker, I wish to join those of my fellow Members of Congress who share this great vision for our country and who previously cosponsored legislation so described and designed to achieve this great purpose. In that legislation I would recommend but one change.

The title of the bill presently reads:

To provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation.

The change I recommend is that the word "all" be substituted for "the major" in reference to ethnic groups in the Nation.

And so at this time, I would like to introduce this identical legislation, except for the aforementioned one-word substitution, and append to my remarks a full copy of the bill with the change shown therein for others of our colleagues who, I trust, will join in this pursuit of happiness in America as a realizable objective through education.

H.R. 7897

A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of all ethnic groups in the Nation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Ethnic Heritage Studies Act of 1971."

SEC. 2. The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE STUDIES

"STATEMENT OF POLICY

"SEC. 901. This title is enacted in recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace. It is further enacted in recognition of the principle that all students in elementary and secondary schools of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group. It is the purpose of this title to assist schools and school systems in affording each of their students an opportunity to learn about the nature of his own cultural heritage, and those in which he has an interest, and to study the contributions of these forebears to the Nation.

"ETHNIC HERITAGE STUDIES PROJECTS

"SEC. 902. The Commissioner is authorized to arrange through grants to public and private nonprofit educational agencies and organizations for the establishment and operation of a number of ethnic heritage studies projects, reflecting the readily identifiable ethnic groups represented in the population of the United States. Each such project shall carry on activities related to a single culture or regional group of cultures.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each project provided for under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools which deal with the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group with which the project is concerned, and the contributions of that ethnic group to the American heritage.

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools throughout the Nation, and

"(3) provide training for persons utilizing or preparing to utilize the curriculum materials developed under this title.

"ADMINISTRATIVE PROVISIONS

"SEC. 904. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of museums and of colleges and universities, (2) the special knowledge of ethnic groups in local communities, and (3) the expertise of elementary and secondary school teachers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of funding and operating the projects, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 905. There is authorized to be appropriated to carry out this title for the fiscal year ending June 30, 1972, the sum of $20,000,000, and for the fiscal year ending June 30, 1973, the sum of $30,000,000."

AMERICA OWES A DEBT OF GRATITUDE TO THE DEDICATED AND COURAGEOUS POLICE OFFICERS OF OUR NATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, today, more than at any time over the past century, we all owe a debt of gratitude to the dedicated and courageous police officers of our Nation.

For all too long now, they have been the primary targets of the law violators and the subversives. And more and more, they are being required to perform their

jobs in an atmosphere of growing hostility from all segments of American society. Unfortunately, there is widespread conviction among many policemen that they are the unappreciated scapegoats for society's ills, and that, if they do not stand up for themselves, nobody will stand up for them.

Well, I want to stand up for them today.

There is far too little public recognition of the strain and assault under which police live and operate. Their work has grown increasingly dangerous over recent years. They have been criticized, verbally attacked, scorned, termed "pigs," not only by dissidents, but far too often by members of the community who ought to know better.

Given the danger of their work, given their indispensable importance to society, they are often seriously underpaid and all too often are subjected to malicious charges of "police brutality."

In more personal terms, the policeman is an American citizen, a human being, and a man or woman undertaking a difficult professional career. The 99.9 percent or more who honor their oath, respect their badge and uniform, and do credit to their force and to community standards, vastly more than offset the small percentage who disgrace themselves and their fellow officers by committing crimes on their own. A very small fraction of policemen ever discredit the uniform or misuse the public trust.

A policeman today is a composite of many qualities. He is the most wanted, while at the same time, he would like to be the most unwanted; one of the most underpaid, while expected to be the most honest; he must understand intricate Supreme Court decisions that even lawyers do not understand; he must maintain his composure while those around him are losing theirs; he must have patience, courage, good temperament and all the rest and, frankly, I do not know how he does it.

He must settle differences between warring individuals so each party believes that he won the battle. He must know how to stop bleeding, start breathing, revive the near-dead, bind up wounds, splint broken bones, and act as father confessor. He must measure up to the sternest standards of society.

If he is polite, he is pegged as an easy mark; if he is hard-nosed, he is called a Fascist; if he is overly friendly, he is "on the take"; and if he is not friendly, he is called discourteous.

Physically, a policeman must be able to subdue persons twice his size without soiling the suspect's clothing or being brutal. If you hit a policeman, he is a coward. If he hits you after you bounce a brick off his skull, he is a bully.

And then when some young punk shoves his dirty beard and foul breath into an officer's face and calls him a "Fascist," a "pig," or some other abusive name, or spits in his face, he must control his patience and be able to look calmly over the head of his antagonist.

And after all is said and done about cutting his pride and character up into little pieces, a policeman's only reward is to know that he stood tall through the dull monotony and deadly danger, to protect those persons who cherish human life from those who degrade it.

If we turn into a nation that does not care about dignity and respect for law and order and does not care about the brand of protection our police can offer, then we deserve nobody's sympathy.

The debt and obligation that all law-abiding Americans owe their policemen is one that we can only partially pay by giving them our continuous cooperation and good will.

WITHHELD FUNDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, on April 27, the distinguished majority whip, Mr. O'NEILL, took the well of the House to sharply criticize the Nixon administration for withholding about $12 billion in funds appropriated by the Congress. He charged by withholding these funds the President is showing a callous indifference to the critical problems of our cities, to the high levels of unemployment and other difficulties which currently plague the economy, and to the rights and prerogatives of the Congress.

In rising in response to the gentleman from Massachusetts, I certainly do not propose to defend every last penny of appropriations that have been frozen by the administration nor to argue about the complicated question of executive authority to impound funds. Rather, my purpose is to point out that in pressing this issue so vocally and indignantly, the leadership of the other party has fallen into no small amount of contradiction, confusion, and, I might even say, hypocrisy.

To begin, the distinguished majority whip complains with an air of incredulity that President Nixon "now refuses to spend this money and, in effect, vetoes these important programs without telling the American people that he has done so. He gives the appearance of supporting these vital projects and yet destroys them while refusing to fund them."

The implication is that President Nixon is engaged in some unprecedented, devious scheme to mislead the American people about his true intentions. Yet, surely the distinguished gentleman knows that impounding of funds, right or wrong, is a practice of longstanding by Presidents both Republican and Democrat. In fact, President Roosevelt probably used this tool more aggressively than any other President.

Nor is the $12 billion being withheld by the administration unprecedented in terms of the amount involved. Mr. Speaker, I have checked the figures for the last 10 years and find that as a percentage of Federal expenditures, and surely this is the most relevant figure for the purposes of comparison, President Nixon is withholding no more money than did his Democratic predecessors. Yet, I recall hearing no cries of Executive usurpation when President Kennedy withheld funds amounting to 6 percent of the Federal expenditures in 1962 or when President Johnson withheld funds amounting to 6.7 percent of expenditures in fiscal year 1967. I include a chart indicating funds impounded both in dollar amounts and as a percentage of overall expenditures be included at this point in the RECORD. I think it clearly indicates that President Nixon is doing nothing so unprecedented or misleading as the distinguished gentleman would have us believe:

Year	Expenditures (billions)	Funds withheld (billions)	Percent
1962	$106.8	$6.5	6.07
1963	111.3	4.5	4.04
1964	118.5	4.2	3.50
1965	118.4	5.6	4.70
1966	134.6	8.7	6.50
1967	158.2	10.6	6.70
1968	178.8	9.9	5.02
1969	184.5	9.6	5.60
1970	196.6	11.5	5.80
1971	212.8	12.8	5.40
Average			5.43

Mr. Speaker, in order to veil the partisan motivations behind this attack on the administration, the other party has loudly championed the needs of our decaying urban centers, implying that withholding the $12 billion is a direct blow to efforts to find solutions. The gentleman said:

> There is not a person in the country that does not acknowledge the fact that our cities desperately need help, and if they are not helped soon, life in our urban centers will become unbearable and the cities will—in our lifetime—fall . . . (yet) the Office of Management and Budget has withheld billions of dollars of funds for the cities.

The clear implication is that by withholding these funds, the President is clearly indicating that his priorities are badly out of line with the needs of troubled urban areas.

Mr. Speaker, I recently had occasion to read a document published by the Urban Coalition entitled "Counterbudget." I think there can be little dispute that the Urban Coalition is one of the major spokesmen for the needs of urban America and that Counterbudget is one of the most sophisticated documents available on how the priorities of the Federal Government could be reordered to more fully reflect urban needs. To be sure, there is much in that document with which I disagree, but the point I want to make is that it expresses quite well the viewpoint and priorities of those who champion urban interests.

I found it interesting to note that the authors of this document did not simply cry for a reordering of national priorities in the usual, vague, rhetorical manner, but identified specific areas of expenditure in which substantial reductions might be made in order to obtain additional revenues for higher priority programs in other areas. In particular, they singled out the following "low priority" areas: military and defense; agricultural subsidies; maritime subsidies; public works on inland waterways; impacted aid—education; highways; and space.

Now what is striking about this list is

that almost 61 percent of the funds currently being withheld are for programs in these areas. Thus, we get the strange anomaly of the leadership of the other party demanding, in the name of urban America, immediate expenditure of funds, 61 percent of which have been identified by the leading pro-urban lobby as of "low priority" for urban needs.

In pointing this out, I am not suggesting that the Counterbudget has the final word on urban priorities, but I think these figures indicate that the banner of urban needs under which the Democratic leadership has loudly marched in this latest attack on the administration is a pretty transparent banner indeed. I ask that the following chart, demonstrating the amount of money being withheld in areas identified by Counterbudget as being of "low priority" for urban needs be included at this point in the RECORD:

Counterbudget "low priority" program	Amount currently being withheld (millions)	Percent
Military and defense	$1,527	
Farm subsidy	46	
Maritime subsidy	109	
Inland waterway public works	57	
Impacted aid (education)	10	
Highways	6,071	
Space	20	
Total	7,840	61.62

Mr. Speaker, the gentleman further asserts that the impounded funds should be spent to reduce current economic slack and unemployment. I would certainly agree with the gentleman that when we are faced with economic conditions like those at present, there is need for a fiscally stimulative budget. But I would also contend that there is need for fiscal discipline, and that the notion of a balanced full-employment budget is the best way to reconcile these two needs.

In his budget message, President Nixon stressed that his administration has adopted "the idea of a full-employment budget in which spending does not exceed the revenues the economy could generate under the existing tax system at full employment." This full employment balance provides a convenient measure of whether further spending or more restraint is needed at any particular time. It also provides a good benchmark for determining whether funds withheld by the executive can be justified in terms of their impact on fiscal policy. If spending is already at the full-employment budget level, the case can be made, I think, for withholding funds in order that an inflationary full-employment budget deficit is not incurred. At the same time, if we are running a full-employment budget surplus in a time of slack and unemployment, the withholding of funds that could bring spending up to the full-employment balance would be much more difficult to justify from a fiscal point of view.

Mr. Speaker, in the early sixties the economy was in much the same condition in which we find it today; in both situations, economic conditions clearly indicated need for a full-employment balance in order to provide fiscal stimulus. The following chart compares the Kennedy and Nixon administration's policies in terms of spending and the full-employment budget. It clearly indicates that President Nixon has withheld funds that if spent would throw the full-employment budget far into deficit. I find it interesting to note that funds withheld by President Kennedy came at a time when there was both considerable economic slack and a high full-employment surplus. Therefore, if we accept the notion that spending ought to equal the full-employment balance, his failure to spend available appropriations had much less fiscal justification. Of course, we heard nothing from the other party then on how impounding funds represented callousness and indifference to unemployment and economic sluggishness.

Mr. Speaker, I would ask that the following chart be included in the RECORD. The first column indicates the full employment surplus for fiscal years 1962–64 and 1970–71. The second indicates the amount of funds withheld by the executive as of June in which the year ended. The third column indicates the amount that could have justifiably been withheld in order not to exceed the full-employment balance. And the final column indicates the percentage of funds withheld that could be justified on fiscal grounds; that is, column three as a percentage of column two. The clear conclusion is that the Nixon administration is on much more solid fiscal basis in its spending policy.

In making this point, I in no way mean to imply that in order to maintain a full-employment balance, the executive has the arbitrary right to impound funds. But if there is indeed authority to withhold funds, and this seems to be a long-standing practice, then fiscal considerations are important.

The chart clearly shows that most of the funds—82 percent and 100 percent for fiscal year 1970 and 1971—withheld by the Nixon administration indicate clear fiscal considerations. The same cannot be said for the Democratic administration in 1962, for example, in which only 2 percent of the funds withheld could have been justified on the grounds that their release would have thrown the budget into a full-employment deficit.

Year	(1) Full-employment surplus (billions)	(2) Funds withheld (billions)	(3) Funds withheld in excess of full-employment balance	(3) as percent of (2)
1962	2.4	6.5	4.1	63
1963	4.4	4.5	.1	2
1964	2.1	4.2	2.1	50
1970	2.1	11.5	9.4	82
1971	0	12.8	12.8	100

Finally, Mr. Speaker, the gentleman from Massachusetts charged that rather than promising $5 billion in revenue-sharing tomorrow in order to meet the needs of our cities, the President should release the impounded $12 billion today. Yet, a very small portion of the funds being frozen have anything at all to do with city budgets. The three major programs which are oriented to urban needs—model cities, public housing, and water and sewer grants—amount to only 12 percent of the total. And of this, $942 million is for public housing which is funded through a separate housing authority not usually included in the cities operating budget, and another $200 is for long-term facilities. But the real fiscal crisis in our cities today is the fact that day-to-day operating expenses for schools, police, fire, sanitary, and the like cannot be met. It is in this area that revenue-sharing money is most critically needed. As with so many other proposed "alternative" to general revenue sharing, the release of currently impounded funds would not bring relief where it is most needed.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Fifty-one years ago, 102,128 cases of smallpox and 498 deaths from smallpox were reported in the United States. Due to the advancement of medical technology not a single case has been reported in the United States since 1949.

AMERICAN VOLUNTARY ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, in our consideration of foreign assistance programs, one type of aid is frequently overlooked: the efforts of many American voluntary organizations in carrying out humanitarian projects overseas preceded the Federal Government's efforts, which are generally dated from the time of World War II.

As is apparent, the needs of our fellow nations are varied—needs rooted in economic underdevelopment, in the deprivations caused by natural disasters, and in the disruptions of wars—and the work of voluntary agencies has been structured accordingly. Of great interest is that the agencies operate a broad range of programs, from agricultural development, education, vocational training, and community development to family planning, health services, and nutrition.

The work of our voluntary organizations in meeting the needs in these areas not only makes available to the recipient countries our more abundant resources but also makes manifest the concern of individual American citizens for other peoples of the world. Representing the interest and support of millions of Americans, these organizations include the overseas arms of major religious groups as well as other programs such as CARE and Project Hope.

On May 14 of this year, the Advisory

Committee on Voluntary Foreign Aid completes 25 years of service as an intermediary between voluntary aid agencies and the U.S. Government. On April 7, I introduced House Concurrent Resolution 264, expressing the sense of the Congress that the American voluntary aid agencies be commended for their humanitarian efforts to relieve distress and to create a better life for less fortunate peoples of other nations. The resolution also urges the President to designate the week of May 10, 1971, as "Voluntary Overseas Aid Week." It is my hope that Congress will act favorably on the resolution, thus recognizing the excellent work and the dedication of many Americans in making voluntary foreign assistance possible.

STOP ILLEGAL DRUG IMPORTS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, Representatives RANGEL, DELLUMS, and I have been joined by 61 of our colleagues in the introduction of H.R. 7821, a bill to prohibit economic assistance to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States.

INTRODUCTION

If heroin was produced in this country, we could take those measures necessary to shut off the source of the narcotic. But the opium poppy, the plant from which heroin is made, is not grown in the United States. An estimated 40 tons of heroin is smuggled into the United States each year. This heroin comes from opium grown in the Middle East, Mexico, and, to a lesser extent, the Far East. The more than 100,000 Turkish farmers engaged in poppy growing will be harvesting another crop in a month or so.

To avert disaster we must find ways to choke off at the source the illicit flow of narcotics.

A halt in our economic assistance to some foreign governments can be an effective tool in halting the flow of illegal narcotics. The very nations that have failed to stop the illegal traffic of narcotics across their boundaries into the United States are major recipients of our aid.

Need for this legislation according to a top American narcotics agent:

We're dealing with an epidemic.

There are estimated to be more than 200,000 narcotics addicts, with the number constantly growing. The price of addiction to hard drugs is staggering. In terms of health, drug abuse is the major cause of death in New York City for those in the 15 to 35 age category. In terms of thefts, the Justice Department estimates that approximately $1.5 billion was stolen in 1969 to pay for the hard drugs used by addicts.

If we accept this figure, it is more than 10 times the $135 million the Federal Government will spend in 1971 to combat all forms of drug abuse. The cost of crime related to illegal hard drugs even exceeds the cost of all forms of Federal law enforcement: the Federal courts and prisons, the FBI, and all activities of the Justice Department.

Drug addiction is estimated to cause half of the crimes committed in the District of Columbia—the Nation's Capital. The District of Columbia Government has found that, only four blocks from the White House, 36 percent of all young men between 20 and 24 are heroin addicts.

EFFECTIVENESS OF PRESENT U.S. CONTROL EFFORTS

The head of the Bureau of Narcotics and Dangerous Drugs at the Justice Department, John Ingersoll, has pointed out that the only limitation on the smuggling of illegal narcotics into this country is the imagination of the smuggler. It has been estimated that there are 32,000 places on a freighter where drugs could be hidden. Similarly, there are about 220 million people passing through our ports each year, hopelessly more than the number of customs agents hired to inspect their baggage.

In 1970, 3,383 pounds of opium were seized compared with 290 pounds in 1969. Yet, these are tiny amounts when matched against the 40 tons estimated to be entering the country each year, smuggled in everything from ski poles to the official diplomatic mail.

It is clear that increased narcotics and customs personnel, no matter how efficient will not be able to stem totally the flow of illicit heroin into our country. Harvey Wellman, special assistant for narcotics matters to the Secretary of State, recently said that even with the most effective law enforcement program conceivable, only about 10 percent of the illegal drug traffic could be stopped.

EFFECTIVENESS OF INTERNATIONAL CONTROL EFFORTS

If the drug import problem is beyond the control of our own law enforcement agencies, what of international control efforts?

Countries which legally produce raw narcotics are obliged to keep the International Narcotics Control Board, a part of the United Nations, informed of estimated production and stockpiles. The Board also keeps close tabs on legal requirements throughout the world. When production exceeds demand, the Board is supposed to negotiate cutbacks with the producing countries involved.

Valuable though all this may be, it does nothing to touch the vast illegal narcotics production. This production, according to the INCB, is extensive and amounted to some 1,200 tons in 1965.

Though the U.N. agencies may have done good work, they are powerless. The U.N. is no more than a collection of diverse governments. Despite cajoling, nudging, and snapping by the U.N., it is upon individual governments that the responsibility for cutting back narcotics production primarily falls.

EFFECTIVENESS OF OTHER COUNTRIES' CONTROL EFFORTS

A quick rundown of the major opium-producing countries' efforts to control illicit production and export does not leave much grounds for optimism concerning their ability to stop the drug flow unassisted.

Turkey: Turkey is the source of about 80 percent of the opium used in the United States. The Turkish opium farmer must sell his legal output to the Government. For whatever he can divert and sell to the illegal buyers, however, he gets about three times the legal rate. Efforts to wipe out this illegal production are proceeding slowly, but have become bogged down in internal politics, according to John Ingersoll, Director of the BNDD.

Iran: Hand in hand with a new crackdown on smuggling, the Iranian Government recently permitted peasants to start opium production again after a 13-year ban. Foreign critics argue that, despite Iran's good intentions, a substantial amount will seep away onto the illegal market.

Mexico: The Mexican Government has pledged itself to eliminate opium crops and cut back the narcotics flow into the United States. But these good intentions have gotten snarled in bureaucracy and politics. So far there has been no significant decline in drug traffic across the border.

Southeast Asia: Burma, Laos, and Thailand grow the bulk of the opium crop which comes out of this area each year. In Burma the Government is incapable of halting production, while in Laos the army is engaged in the opium traffic and the air force helps transport the crop. The Thai Government, according to a U.S. report, is "alive to the problem," a response many deceased New York junkies would fail to appreciate.

I agree with the statement of a U.S. narcotics agent that:

The time has come to stop being nice guys around the world. This problem is too serious.

WHY ACTION BY CONGRESS?

It is possible, given a determined government, to control the growth of the opium poppy closely enough so that practically no opium seeps into the illegal trade. India is a case in point, with its strict licensing system and severe punishment provisions for violators.

If the United States made it known that we intend to stop giving economic assistance to nations that fail to exercise adequate controls over illegal drug production, those nations would institute effective drug control measures. In Turkey alone we are giving each year more than 10 times as much in economic assistance as the total value of the legal and illegal opium crop produced.

If the deterrent is to be credible, it cannot be left to the President to invoke. Congress has written a plethora of laws of this kind in the past, leaving their application to the discretion of the Executive. They just have not been used, and there is no reason whatever to expect a different result in this case. The culprit governments have long since concluded that our executive branch lacks the will to invoke any realistic sanctions against the drug traffic.

The time has come for the Congress to take action on its own right.

WHAT THE BILL DOES

Accordingly, I am today introducing a bill to amend the Foreign Assistance Act, which empowers the Comptroller General, as an agent of the Congress, to make an annual determination as to which foreign governments have failed to take appropriate steps to stop the flow of narcotics from their countries into the United States.

Should he determine that a given government has failed to take such steps, he would notify Congress and, after 90 days, no further foreign assistance would be available to the government in question.

Following the determination by the Comptroller General, if the President finds that the government in question has subsequently taken steps to curb the flow or if he finds that the overriding national interest requires that foreign aid be continued, he may ask Congress to waive the provisions of the act. Congress must concur in his request in order for a waiver to be effected.

The bill also authorizes the President to utilize such agencies as he deems appropriate to assist foreign countries in their efforts to curb the flow of narcotics.

Currently no one has authority under the Foreign Assistance Act to curtail aid because of illicit drug imports. I believe this bill, which leaves the final decision on termination of foreign aid to the Congress instead of to the President, vests this authority in the most appropriate place.

CONCLUSION

Mr. Speaker, this is a tough bill, but so is the problem with which it deals. Since the cause of drug addiction comes from beyond our borders, so must the cure. It is unfortunate that such blunt prompting as aid termination is necessary, but the extent of drug addiction is even more unfortunate.

A list of cosponsors follows:

COSPONSORS

Bella S. Abzug of New York.
Brock Adams of Washington.
Herman Badillo of New York.
Walter S. Baring of Nevada.
Alphonzo Bell of California.
Frank J. Brasco of New York.
James A. Byrne of Pennsylvania.
Shirley Chisholm of New York.
William Clay of Missouri.
James C. Cleveland of New Hampshire.
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John Conyers, Jr., of Michigan.
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Charles C. Diggs, Jr., of Michigan.
John D. Dingell of Michigan.
Thaddeus J. Dulski of New York.
Marvin L. Esch of Michigan.
Walter Fauntroy of the District of Columbia.
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Nick Galifianakis of North Carolina.
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Sam Gibbons of Florida.
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Seymour Halpern of New York.
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Parren J. Mitchell of Maryland.
William S. Moorhead of Pennsylvania.
Robert N. C. Nix of Pennsylvania.
David R. Obey of Wisconsin.
Carl D. Perkins of Kentucky.
Otis G. Pike of New York.
Bertram L. Podell of New York.
Richardson Preyer of North Carolina.
Charles B. Rangel of New York.
John R. Rarick of Louisiana.
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Teno Roncalio of Wyoming.
Dan Rostenkowski of Illinois.
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William F. Ryan of New York.
Fred Schwengel of Iowa.
Louis Stokes of Ohio.
Lionel Van Deerlin of California.
Charles H. Wilson of California.
Lester L. Wolff of New York.
Roger H. Zion of Indiana.

"FREE CALLEY NOW," SAY THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the caloused sentencing of Lieutenant Calley to life imprisonment as a result of the verdict finding him guilty of premeditated murder shocked the consciences of millions of Americans and has rekindled the patriotic spirit. The Calley incident may have conveniently disappeared from the national news scene but is not being forgotten in the hearts and minds of the American people.

Petitions and letters from my constituents as well as from citizens of other areas continue being received by my offices.

This week I received petitions bearing signatures of 9,105 citizens of the metropolitan Detroit area. The petition drive was spearheaded by the following three pro-American, anti-Communist groups: Breakthrough, Box 3061, Detroit, Mich. 48231; Christian Defense League, P.O. Box 322, Madison Heights, Mich. 48071; and Greater Detroit Student Anti-Communist Coalition. Other patriotic groups such as Chapter No. 86 of the Disabled American Veterans assisted in securing signatures.

The Detroit petition demands not only the reversal of Lieutenant Calley's conviction but also victory over international communism in Vietnam and elsewhere in the world.

In addition, I received petitions containing 7,860 signatures from the Committee for Support of Lieutenant Calley, Post Office Box 6434, Odessa, Tex. The committee is comprised of the following local Odessans: Mr. H. D. Horton, Mr. Ray Shook, Mr. Robert Frias, and Mr. Jim McMillen.

The Odessa committee felt that the conviction of Lieutenant Calley was unjust in that it punished him for actions he took while carrying out orders in the line of duty. The petition demands full restoration of Lieutenant Calley's privileges and rank in the U.S. Army.

These petitions along with others are being forwarded to our President, who as Lieutenant Calley's Commander in Chief was responsible for convening the court martial and has the authority to exonerate Lieutenant Calley.

I insert a letter from Mr. Donald J. Lobsinger, chairman of Breakthrough; the text of the Detroit petition to free Lieutenant Calley; the text of the Odessa petition; and several interesting accounts of implications arising from the Calley case:

BREAKTHROUGH,
Detroit, Mich., April 21, 1971.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Capitol Building, Washington, D.C.

DEAR CONGRESSMAN RARICK: During the past two weeks our organization, working together with the Christian Defense League and the Greater Detroit Student Anti-Communist Coalition, has circulated throughout the metropolitan Detroit area petitions identical to the one enclosed in support of Lieutenant William L. Calley.

Within that space of time we have collected or had returned to the Post Office boxes listed on the petition a sum total of 8457 signatures (as of this date), with many still to be returned, I am certain. There is no way to determine how many more have been sent directly ahead to the President rather than to us as an intermediary. The signatures on this petition represent persons of every race, creed, and color and signers are from every area of the city and suburbs.

We ask you to note that the Petition does not limit itself to a mere defense of Lt. Calley, however. Rather it goes much further than that. For in addition to a reaffirmation of "faith in our own country and the principles of freedom and individual liberty under God upon which it was founded" (Point #1), and the demand "that Lt. Calley's conviction be reversed, that he be freed forthwith with all medals, honors, benefits and privileges restored and his name thus cleared in the eyes of his fellow soldiers and countrymen" (Point #2), the Petition calls upon "our government officials (to) abandon our present no-win policy in Vietnam and embark immediately upon a pro-American course of decisive victory against International Communism, not only in Vietnam but around the world."

Because of your uncompromising stand in behalf of our country and against Communism, we are mailing these signed petitions to you—under separate cover—and ask you to forward them to the President, Richard M. Nixon, after you have made maximum use of them on the floor of the Congress, if you so desire.

We would appreciate hearing from you concerning your receipt of these petitions just as soon as possible.

Thanking you for your kind attention to our request, and offering you every encouragement to continue your outspoken resistance to the tyrannical forces at large in our country, we are

Very sincerely yours,

DON LOBSINGER,
Chairman.

A PETITION TO THE PRESIDENT OF THE UNITED STATES: FREE LIEUTENANT CALLEY

Whereas those responsible for the war in Vietnam are the leaders of the International criminal Communist apparatus, and more particularly the Communist governments of the Soviet Union, China and North Vietnam.

Whereas the responsibility for the prolongation of that war, together with its consequent rise in death toll and other casualty rates, must fall equally upon our own governmental officials and policymakers, who in

their foolish attempt to co-exist with these criminals, have refused to pursue a policy of decisive victory against Communist tyranny, terror and aggression, not only in Vietnam, but in other parts of the world as well.

Whereas Lieutenant William L. Calley, Jr., was acting under orders when he committed the alleged "atrocities" in My Lai.

Whereas Lt. Calley's conviction for premeditated murder and sentence in this case can only abet the cause of the enemy by serving to demoralize our men in the armed forces, encourage insubordination in their ranks and thus contribute to the further disintegration of our nation's military defense arm.

Whereas much of the widespread publicity given the alleged massacre in My Lai and this particular court martial, by its very nature and content, is intended to (1) degrade our country in the eyes of the world (2) distract from or otherwise offer apology for the systematic terror and far more brutal, numerous and outrageous crimes of the Communists (3) further undermine the faith of our young people in particular in their own country, and (4) psychologically disarm the American people by instilling them with such feelings of guilt and so weakening their will to resist as to render them incapable of defending not only their country, but themselves, against continued Communist aggression from without and Communist-inspired revolution from within aimed at the achievement of ultimate Communist victory and world conquest.

We, the undersigned:

(1) Reaffirm our faith in our own country and the principles of freedom and individual liberty under God upon which it was founded.

(2) Demand that Lt. Calley's conviction be reversed, that he be freed forthwith with all medals, honors, benefits and privileges restored and his name thus cleared in the eyes of his fellow soldiers and countrymen.

(3) Demand that our government officials abandon our present No-Win policy in Vietnam and embark immediately upon a pro-American course of decisive victory against International Communism, not only in Vietnam but around the world.

(Every American citizen is eligible to sign this petition. Signed petition should be returned to Post Office Box below as soon as possible.)

TEXT OF THE ODESSA PETITION TO THE PRESIDENT OF THE UNITED STATES

Inasmuch as Lt. Willliam Calley and thousands of other American boys are being asked to defend our country and endanger themselves in a conflict that our governmental leaders have never intended to win:

We the undersigned protest the actions of the military court which has "convicted" Lt. Calley as a result of the no-win, undeclared war in Vietnam.

We demand the full restoration of Lt. Calley's privileges and rank in the United States Army.

[From the Metro News, Apr. 13, 1971]

MYLAI HINTS GENOCIDE TRAP

(By Jo Hindman)

William Calley, Jr., U.S. Army, charged with premeditated murder, was sentenced to life imprisonment 3/31/71 for the killing of 22 alleged Vietnamese civilians in My Lai in 1968. At the time, he was fighting, not in defense of his country, but for United Nations' purposes in Viet Nam.

It is apparent how that sort of verdict can damage the morale within the Army and recruitment to keep up Army strength in the future.

Public revulsion was instant. Draft board members resigned around the nation protesting the conviction. An American Legion Post began a national campaign to raise the appeal fund for Calley.

The United States never has declared war on Viet Nam. Abetting the insane situation, the U.S. Supreme Court by a vote of 6 to 3 refused 11/9/70 to rule directly on a Massachusetts legislative move declaring the Vietnam war illegal.

In another litigant case, U.S.A. vs. Charles Robert Muncaster (1969) in Alabama, the principals long have insisted that any soldier-caused death under conditions as they are now (no lawful declaration of war) can be classed as premeditated killing. The Calley-My Lai murder conviction furnishes dramatic corroboration of that charge.

Why is the U.S. Army doing the United Nations' fighting in Viet Nam? The U.S.-ratified Southeast Asia Treaty (SEATO), part of the United Nations' international regional system, has entangled the U.S.A. in the U.N. global "police action."

Consider the Convention of Genocide (treaty), a U.N. world government noose not yet tied on the United States. During the Calley trial, One-Worlders made another urgent push to ram the U.N. Genocide treaty through the U.S. Senate, but failed.

Genocide is defined in the treaty as "a crime under international law, contrary to the spirit and aims of the United Nations . . . and means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: a) Killing members of the group;" . . . etc.

Killing either soldiers or civilians can be a Genocide crime. Had the Genocide treaty been in force with the United States as a contracting party, Calley probably could have been charged before a world court with the crime of Genocide. A signed treaty was lacking. The kill was defined by a U.S. military jury as a crime of murder.

The My Lai scandal began as a research study funded by a tax-exempt foundation, the Stern Family Fund headed by Philip Stern, an heir to the Sears-Roebuck fortune. For more My Lais under the Genocide Treaty with convictions and punishments, all that would be needed would be international research teams to dig up charges against soldiers fighting in the line of duty.

If universally signed, the terms of the Genocide Treaty could politically disarm every nation on earth, neutralizing armies, leaving citizens unprotected against the United Nations "police force." Remember its bloody slaughterings.

Was Lt. Calley marked to become the first American soldier convicted under the Genocide Treaty? If so, what impairment would wreck the future effectiveness of the U.S. Armed Services?

Did Mis-timing (treaty not yet signed by the United States) cause the My Lai incident to backfire?

[From the FI-PO News of Los Angeles, February 1971]

Who Is To Say?

(By George Putnam)

Decent Americans do not condone killing—least of all, women and children. But the question must be asked—who put Vietnamese women and children in the front lines? Who put them there? Which government is it that uses as part and parcel of its official policy, the terrorization of men, women and children—their own civilians—until they are stomped into submission? Which government is it that moves into the hamlets of Vietnam, killing, beheading, torturing, raping, murdering its own people?

How many courtmartials have been held to seek out the guilty in the massacre of thousands at the old capital city of Hue? These questions must be asked in weighing the American GI's presence in Vietnam—not as aggressor, but as the protector of the freedom loving people.

It is this reporter's opinion that the tragedy of Lieutenant William Calley at My Lai results from the fact that he was placed in a war setting, where the first rule learned is—kill or be killed, and where man is reduced to the least common denominator—a fearsome struggle for his very survival.

Lieutenant Calley is the end product of a system that molds a civilian into a fighter—who learns not to question the command, but to follow it under any and all circumstances. And from the very moment the rifle and the bayonet is placed in his hands, he knows that it is all that stands between him and death

And then he is sent to a far-off land to fight a war that he will not be allowed to win—against an enemy that is determined to win. And he is subjected to a guerrilla type war unlike any ever faced by Americans before. And in the words of his squad commander, the enemy is a faceless man, woman or child—each and all capable of killing.

Who is to say where the responsibility lies? Is it with the bombardier, dropping hundreds of tons of bombs on villages below, killing men, women and children? Is it with the fighter pilot, strafing them to death? Is it with the one who scatters napalm, burning them to death? Is it the helicopter crew with deadly rockets? Or is it the foot soldier with the rifle, who must look the enemy straight in the eye before he pulls the trigger?

Who is to say which is the most deadly? Which is just or unjust? Which is without conscience?

This reporter has walked along bunkers where dead Japanese lay buried by our bombs in Guadalcanal and Saipan and Guam—walked through the blocks of blasted ruins in Germany, with civilians by the thousands buried there—saw the horrible devastation of England, with thousands of English killed by the Nazi bombs, women and children as well—civilians burned to death in the blasts at Hiroshima and Nagasaki—hundreds buried in the hollows of the good ship Arizona at Pearl Harbor.

Yes, who is to say which is the most devastating act of war?

Lieutenant William Calley was sent to do a job—our job. He made the decision to kill on the spot at the moment. He said it was his men—or the enemy. And yet, Calley now stands alone as the number one villain in this miserable, dirty, no win war.

Is Lieutenant William Calley on trial only as an individual—or is he on trial as a symbol of the anti-militarism that is simply convulsing this nation?

And all but lost in the world's conscience, as it probes deeper and deeper to expose America's jugular—is the horrible treachery of the North Vietnamese—the Communists, the Viet Cong. All but lost is the fact that it is the Communists who invaded Vietnam, Laos, Cambodia, Thailand. And that Americans like Lieutenant Calley were sent to the aid of those who long for freedom, because they asked for help.

Yet now, we are being held up to scorn and ridicule in this incredible era of upside-downism—that's what it is, upsidedownism—where too often the innocent is guilty and the guilty is innocent—the liberator is labeled the oppressor, and the oppressor is called the liberator.

But overshadowing all this is the unchallenged fact that wars—once joined—wars are to be won. And the quicker wars are won, the fewer the complications, the less enervating, the sooner the return to that state of normalcy that we choose to call peace.

We say, you and I, that we could not pull the trigger on a woman or child. But you see, we did not stand beside Calley and his troops. We did not witness our fellow soldiers blown

to hell by women, and grenade-laden children, driven against our troops by their men.

Each of Calley's men thought that he would never come back alive. And each was reduced to that least common denominator, kill or be killed, live or die.

But tragic as Lieutenant Calley's story is, should we not be equally concerned with some of the broader implications? Is there a concerned effort to destroy the morale of every fighting man who represents us, an obvious effort to emasculate our government at home, a planned conspiracy to destroy this nation—from the President to the school kid, a mass all-out effort to make the finest, kindest, most generous nation in all the history of the world appear to be self-seeking, and bloodthirsty, and imperialistically aggressive?

Now tragically, too large a segment of America is beginning to believe all this and to accept this myth as fact. And there appears to be a horrible masochistic desire on the part of a segment of our Senate, and Congress, and intellectual establishment that longs to see our great country brought right down to its knees.

Lieutenant William Calley and the conduct of the war in Southeast Asia, our international display of weakness, all of this petty politicking over such issues as the SST, narcotics, crime and permissiveness, the anti-police activity, pornography and obscenity—all the rest—my friends, these are earmarks of a nation decaying at its very heart. And a people and a nation in their death throws is a very tragic thing to behold.

God gave us a magnificent nation, the closest thing to a perfect dream in all the history of man. But the good Lord also gave us free agency—and the power to destroy ourselves.

[From the Manion Forum, South Bend., Ind., Apr. 18, 1971]

PSYCHIATRIST ANALYZES PUBLIC REACTION TO CALLEY VERDICT

(Dr. David Crane)

DAN MANION. A prime topic for discussion among all Americans recently has been the trial and conviction of Lieutenant William Calley. Is he a hero or a scapegoat? We are extremely fortunate to have with us a man who both observed the trial and participated in it as a professional witness. Our guest today is Dr. David Crane, who is both a psychiatrist and an attorney. He is also a veteran of Viet Nam where he served as a psychiatrist for the 25th Infantry Division. Dr. Crane, welcome to the Manion Forum.

Dr. CRANE. Thank you, Dan. It's a pleasure.

DAN MANION. Dave, as someone who has been a psychiatrist in a combat zone and also someone who has interviewed Lieutenant Calley, do you think his conviction was legitimate or is he really a scapegoat, as many people try to imply?

Dr. CRANE. Well, I find the verdict very offensive in that I think it was concretely a mistake. I think it is a mistake primarily because of the evidence that was brought out in that trial.

Lieutenant Calley is a very average young man—a very ordinary sort of citizen. But the events that led up to My Lai 4, the events on that particular date, were such that this young man could not have been able to fulfill the necessary legal requirements for first degree murder. The one fundamental issue is whether he could plan, think out and contrive the committing of murder on that particular date. I don't think he was guilty to that degree.

DAN MANION. You say he couldn't be guilty of first degree murder, what would it require for such a conviction?

Dr. CRANE. In order to be guilty of first degree murder, according to the Uniform Code of Military Justice, an individual has to think through beforehand that he is going to take the life of another and do so unlawfully. I do not think that Lieutenant Calley had that capacity on that particular date.

DAN MANION. The question that most people bring up, Dr. Crane, is that there were many innocent civilians involved; that they had no defense, and yet Lieutenant Calley, with some of the men in his platoon, I guess, admittedly killed them, is it just tough or is it murder?

Dr. CRANE. I think we should look a little at the background on Lieutenant Calley. In high school he graduated 666th out of 731. He subsequently went to Junior College where he in fact failed. He then bounced around from job to job until he enlisted in the service in Albuquerque, New Mexico, where his car had broken down. He finally began to function reasonably well in the service. He was asked to go into OCS, where he graduated 120th out of 156. So his career record was not particularly a good one. He never had done much of anything right.

In Viet Nam he got into a combat setting where stresses are much greater than they are in a civilian setting. My Lai was particularly stressful, compounded by the fact that half of his platoon had been wiped out just a few weeks preceding the events on March 16th. So, this young man was functioning, I believe, in a very limited capacity, in terms of his being able to decide, think through and plan, and these are necessary ingredients to be guilty of first degree murder.

So, the people in My Lai as such did not constitute civilians in the eyes of this young man. They were, in fact, enemies, and having been there, you know the general distrust that all Americans begin to develop for Vietnamese. They are all essentially the same in our eyes. I think that this distrust was just compounded on the events of March 16th.

DAN MANION. They call it a free fire zone, I believe. If these people were there, did that make them the enemy anyway? We refer to them as civilians, but are they the enemy?

Dr. CRANE. According to Lieutenant Calley, he went into a free fire zone in which you can shoot anything that's visible. You don't have to sustain fire, you can fire at anything that moves. This village, according to Lieutenant Calley, was considered VC. They were told that anyone left in the village, again, according to the Lieutenant, was considered enemy. So, he went through that village and there was a very realistic problem, as he described it, and that was that if they preceded on through that village, they were going to leave themselves vulnerable to being fired upon from the rear.

He said that he had been admonished by Captain Medina that if any American troops were killed it would be his responsibility. So I think he was being expeditious; he was trying to be as practical as he could even though it seemed or seems—particularly back here—that it was a particularly alarming kind of event. He was trying to get through there as quickly as he could.

DAN MANION. For fear of being shot by one one of those so-called civilians?

Dr. CRANE. Right, and you know you can't tell the innocent civilians from the enemy over there.

DAN MANION. What is the national guilt that everyone seems to be talking about? Are we as a nation guilty because of the war or who is guilty in this situation? Someone must be.

PUBLIC RELATES TO CALLEY

Dr. CRANE. We've heard a lot of our elected leaders saying that the reason the American people are responding so remarkably to Lieutenant Calley's conviction is that we feel a kind of national guilt about this immoral war. I do not think that that is the case. I think the American people are responding to Lieutenant Calley's conviction because Lieutenant Calley is a very ordinary young man. Most of us know that we have limited talents and that Lieutenant Calley in being a very ordinary fellow could represent either a brother, a son or a father to most of us.

That means that if after going into the service, swearing that he would give allegiance to this country—and in fact went over there in defense not only of this country but in defense of the free world indirectly—and is now being convicted of first degree murder and could have his life taken as a result of acting in what he thought was the performance of his duty, I think the American people find that so patently offensive that they will not tolerate that kind of a verdict.

DAN MANION. Since you did testify and talked with the jury and the others who testified, what do you think will be the long range effect of this conviction on the nation and on the army?

Dr. CRANE. The biggest problem in that regard that I see is that this verdict has now come down and acts as law. Precedents constitute law and part of our legal jurisdiction. This verdict means that a young man going to Viet Nam today is going to have to decide every act before he commits that act. He has to have a full appreciation of the potential legal consequences of that act—whether it's right or wrong—and on the basis of making that decision he will then move.

In a combat setting he can, in fact, be killed long before that decision ever comes about. The significance of that to me is that if I had a son going to Viet Nam today I wouldn't want him to go because his life is in greater jeopardy now as a result of this verdict than it was just a few weeks ago.

I think it significantly jeopardizes the entire military structure as it has been known in the past, and I think that this has to be corrected. One of the problems in this area is now a young man gets into a tight situation and he says if I act in this particular situation, I might be convicted of murder; if I do not act, I might be convicted by General Court Martial for refusing an order in the face of the enemy, and I might also be executed. So he is damned if he does and he's damned if he doesn't.

DAN MANION. Apparently that is true. I notice in *U.S. News & World Report* where they are now teaching that if it becomes a final choice between whether or not there is an accomplished mission or to shoot a prisoner, they say don't accomplish the mission. You and I were told differently I think.

Dr. CRANE. That's exactly correct. One of the things that is kind of ironic about this is that many of these decisions are being made in a very calm, protected community, but in a combat setting like that where your life is at stake, when a bullet is coming at you, these decisions take on a very different meaning. In a combat setting it means it's your life versus the enemy, and you don't have time for the rule book under those conditions.

DAN MANION. The President, of course, has stepped in and said that he will be the one that will make the final decision. And yet some correspondents are saying that maybe he has reacted to something like mob rule or maybe he is just being political. What should the President do under these conditions or situation, or what does anyone do?

NIXON'S ACTION IS PROPER

Dr. CRANE. I think this raises a very interesting and important question. My answer to that is, first of all, the President is an elected official. So any act that he commits represents the American people. Now, we as American people know that he is our elected representative and ask him to do certain things in answer to us, and, I think, legitimately so. In the course of the history of this country, in our Constitution, we granted him special powers, powers that he could in fact pardon on Federal offenses.

That means that we have said legally that he can on rare occasions make rare decisions.

I think clearly that the Lieutenant Calley case is a rare circumstance, and if he elects to use those powers, I think it takes a great deal more courage than not to use them. He is saying to the American people, "I am responding to you because you in fact have given me the power to come to this conclusion." Should he use those powers, they are just as legal, just as valid, as that jury coming up with that first degree murder verdict.

DAN MANION. So he wouldn't be too far off base in stepping in?

Dr. CRANE. No. The problem here is getting what I consider bad law changed. This conviction constitutes bad law, but this is equally incorporated in our legal system, that bad law does not survive. Prohibition was passed, but the American people said we do not accept that as good law and they had it reversed. The same principle can apply in the Lieutenant Calley verdict.

DAN MANION. Others have said or implied that this is bad law. For instance, the Governor of Indiana, Governor Whitcomb, said that he too would be guilty of murder if it were to be compared to what he did in World War II, or ————————, who was a bombardier in World War II and has admitted killing, he was sure, innocent civilians. Take Nagasaki or Hiroshima and others, do you think that this conviction would convict the men who carried out these attacks?

Dr. CRANE. If this law is carried to its logical conclusion, and if we followed the precedent as set at Nuremberg, which I also do not think is good law, we would have to go back and pick up everyone who commits an act in killing innocent civilians—and that would include the thousands that were killed in Dresden, the hundreds of thousands apparently that were killed in Hiroshima and Nagasaki. That means even our own Governor in the State of Indiana, who admitted to strafing innocent civilians in China because they were trying to show the Chinese that the Japanese could not defend them. Well, these people would be vulnerable.

The significance of this is that in military setting, in wartime, the rules that are set up and the rule books are not necessarily applicable. Nuremberg, clearly, is a separate situation from what happened to Lieutenant Calley. At Dachau and Auschwitz they could determine with plenty of time whether to take the lives of people, and they subsequently elected to take the lives of innocent civilians—that's very different. There's a temporal difference, time difference, than what we see in a combat setting where you have to decide instantaneously.

DAN MANION. Dr. Crane, a lot of the American people are asking what they can do about Lieutenant Calley. What can you tell them?

Dr. CRANE. I think the most important thing for them to do is make sure that their elected officials know precisely how they feel. Let them know that they do not think that this is a just decision and emphatically impress upon them how strongly they feel. By putting those pressures on, they can in fact bring about changes, and these are not illegal changes, they are legal changes as determined by our Constitution. I think they should do it.

DAN MANION. Thank you, Dr. David Crane.

Ladies and gentlemen, Dr. Crane has testified at Lieutenant Calley's trial, now it's your turn to testify.

WE SHOULD BROADEN OUR PERSON-TO-PERSON ACTIVITY RATHER THAN GOVERNMENT-TO-GOVERNMENT ACTIVITY

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

Mr. GONZALEZ. Mr. Speaker, everyone knowledgeable in the field agrees that the ideal goal in our relationship with the countries that share our destiny in the Western Hemisphere is to broaden the person-to-person rather than the government-to-government, activity.

Private enterprises has been looked to by such men as President Kennedy, Nelson Rockefeller and many more.

But either we hear little of this involvement or else little enough is being done.

But I am happy to report that one of our great private institutions, one that epitomizes the best in American private business enterprise, know-how and department store expertise, Sears and Roebuck is doing something and doing it well and successfully.

I have recently read an article in Business Latin America entitled "Sears Displays a Model Way to Boost Exports of Latin Manufacturers." I was so impressed with the enlightened approach taken by Sears, Roebuck and Co. in its international operations that I would like to bring this article to the attention of my distinguished colleagues.

SEARS DISPLAYS A MODEL WAY TO BOOST EXPORTS OF LATIN MANUFACTURES

How to increase exports is one of the most compelling questions in Latin America today, both to governments that suffer chronic weakness in their balance of payments and to planners of multinational companies who recognize that a contribution to export expansion could go a long way toward rewiring the nationalistic attitudes menacing their activities. One company formulating an answer to the question is Sears Roebuck, which has designed a program aimed at putting Latin American manufacturers of non-traditional products within easy reach of the US consumer. Sears' export program could serve as a model for other companies operating in Latin America, particularly those which are willing to postpone immediate tangible profits and concentrate on building goodwill.

Sears' role in the program is essentially that of organizer and traffic coordinator. On the Latin side, the company is concentrating on developing a range of quality products that can be marketed abroad in limited quantities, such as fashion clothing for women, fine handcrafted jewelry, unusual textiles and decorator home furnishings, as well as products that lend themselves to high production volumes, such as shoes and clothing. In the area of marketing, Sears is trying to build up interest for Latin American products on the part of U.S. department stores and other retail outlets.

To get the products in shape for the market. Sears is providing the manufacturers with production technology, specifications, quality control standards, and other sorts of expertise. Many of the manufacturers are suppliers for Sears' local operations that have been encouraged to broaden operations. Others have no ties with Sears but have been attracted to the program in the hopes of developing export capability. The most far reaching effort to attract non-Sears suppliers has been undertaken in Brazil. There Sears has opened an export promotion office that advertises the program through newspapers and other media and invites manufacturers to investigate whether they might be able to profit from it.

The retailing part of the program is a significant departure for Sears. The company already has a program to develop and encourage local manufacturers to produce for home consumption by selling through Sears' local retail outlets. This local program has enabled Sears to raise the level of local sourcing to over 90% in most of its Latin American stores.

Under the export program, Sears will retail some of the products through its US chain of stores, but the company wants its participation in this phase to be minimal to avoid the taint of "tied" buying. The basic objectives are to create confidence on the part of the Latin American producer to enable him to penetrate the US market and create an awareness among the US public of Latin products and export capabilities. Over the long-term, of course, the intention is that Latin manufacturers will develop worldwide marketing capabilities.

Sears has been working quietly for the past year to develop the program. A promotional boost is taking place this week. Sears has lined up dozens of Latin American manufacturers and a wide array of products that are being unveiled this week in Washington in conjunction with Pan-American Day celebrations. In addition to trade displays from Brazil, Colombia, Mexico, Peru, and Puerto Rico, Sears has arranged a show of high fashion clothing that blends sophisticated designs and a Latin flair. Over 60 designs ranging from beachwear to wedding gowns from seven Latin countries are in the collection.

Close to 500 persons, including merchandise buyers, were invited to view the collection and approximately 40,000 people are expected to witness the entire trade display. To give sustained followup to this promotion, Sears will permanently maintain in its Chicago offices a press officer whose sole responsibility will be to assist Latin manufacturers to export to the US.

Although still in its infancy, the program has already scored some successes. Thanks to Sears' good offices a New York store has arranged to purchase 2,000 ponchos from a Colombian manufacturer—the largest order ever received by that company. A Honduran manufacturer of children's clothing, whose business took on a whole new scope when Sears began a retail operation there, has expanded to the point where it now employs over 300 people and sells some of its production to Macy's in New York and another department store in Miami. With Sears' help, a variety of Brazilian shoe manufacturers are being encouraged to increase volume so as to be able to sell in the US and elsewhere.

A REPORT ON THE PEOPLE, CULTURE, GOVERNMENT, AND AIMS OF COSTA RICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, it is not often that I have the time to read testimony presented to any committee other than those on which I serve. I did, however, have the good fortune to read the testimony presented to the Committee on Agriculture by Miss Dina Dellale in behalf of the Costa Rican Board of Trade, and I want to bring it to the attention of my colleagues.

Her presentation is, in reality, a report on the people, culture, government, and aims of Costa Rica. If other nations, especially in the Latin American complex, would try to become as self-reliant, and self-sufficient as this small independent nation, and would fight harder to attain similar goals, our problems would be less harrassing and the results of our trying to help our Latin Ameri-

can neighbors would be less disappointing.

I would like to call to the attention of the Members of Congress this young lady's suggestion to include in the new Sugar Act a worldwide appeal for reason. Miss Dellale suggests that the amendment read:

Whenever there are deficits to be allocated special consideration will be given to those countries who do not receive military assistance aid from the United States.

Mr. Speaker, I had the pleasure of visiting Central America during the early 1960's, and upon my return to Congress I presented the observations I had made.

I learned that Costa Rica maintains no military establishment, having no provisions in its budget for modern weaponry. Preference is given to the expenditure of funds for social security, agricultural experimentation, and nationwide education.

The total armed forces, if they can be called that, were a combination of police and firefighting units totaling 1,000 men. Ordinary sidearms were the largest weapons in their arsenal and the few rifles in existence were strictly for parade purposes.

When I came home I suggested that we cut out all foreign aid, military and otherwise, to every country that allocated more than 5 percent of its budget for defense or military procurement. My proposal received little or no attention.

I do believe, however, that the proposal advanced by Miss Dellalé is quite a refreshing one which can aid this Nation and the world in their reach for a reasonable state of peace and prosperity. I congratulate the nation represented by this witness for its refusal to be budged from a course of action aimed at the welfare of its people, and not being panicked by the bogyman of brandished swords and thundering cannons. If our Nation would consider a very simple fact, we might well reach a point where we can honestly start out on a road to peace and international understanding. Without profiteering trade and other unlimited credits, very few nations could buy or produce the weaponry necessary to both cause and wage wars.

I strongly recommend that my colleagues read the following statement, and give particular attention to the accompanying chart which describes the budgetary allocations of all Latin American countries. They will note that only one nation does not earmark funds for defense, while two fail to authorize funds for education, and five make no allocation for health.

The material referred to follows:

STATEMENT ON BEHALF OF THE COSTA RICAN BOARD OF TRADE

(By Dina Dellalé)

Mr. Chairman and Members of the Committee, my name is Dina Dellalé. I am the Executive Director of the Costa Rican Board of Trade. Costa Rica, it is true, is one of those little Latin American countries that has been discussed here but there is a difference as far as we are concerned, and it is that difference I would like to present to this Committee.

The Republic of Costa Rica is bordered by Nicaragua, Panama, the Pacific Ocean, and the Caribbean Sea. Its land is fertile and productive. There are active ports on both oceans to facilitate its international trade and the economy is primarily agricultural. The country historically has been called a nation of small farms. In this era of upheavals, riots, and revolutions. Costa Rica has long been known for the stability of the Government, the political maturity of its population and the freedom and honesty of its elections. It is one of the few Latin American countries with a firmly established democratic process and a national life based on concepts of equality and the dignity of labor. The political forces are direct and uncomplex, with few special interest or pressure groups. Public opinion is an influential factor.

While democracy in action has become a mere slogan in many parts of the world, here you can find it operating daily with responsibility. The President walks the streets of the capital, San Jose, without fear or bodyguards. The widespread distribution of wealth, a vigorous agrarian reform that finds one out of every five Costa Ricans owning his land, and the intensive expansion of educational facilities as the foremost national aim, are the keys to why Costa Rica is different.

May I give you an unusual example. Costa Rica is one of the few nations in the world that has renounced the maintenance of an army. With a great sense of the practical, the Constitution of 1949 decreed that money formerly invested in a military establishment would go to building schools, and all weapons were exchanged in the United States for plows and tractors. With no army, navy or air force, security is limited to town and village police and the Civil Guard. It is clear to all, Costa Rica has no aggressive intent or military pretensions and the country has escaped dictatorships, turbulence and anarchy. It has earned a respected place in the family of nations. No Costa Rican president ever built a monument to himself or a lavish building in which to live. To be a citizen is a source of pride and that spirit is reflected in their leaders.

The country's relations with other nations have been placid and friendly. Two principal bulwarks of its foreign policy are its commitment to Western democracy and rejection of dictatorial or undemocratic governments. Costa Rica is against all forms of despotism, whether of the right or left, and has been willing to take a forceful stand in support of its convictions. It was the first nation in the Western Hemisphere to declare war in World War II. Relations with the United States have traditionally been warm and cordial, attributed in large part to a sincere mutual respect for shared democratic traditions. The two countries have never had a major disagreement and Costa Rica has consistently supported United States policies.

Costa Rica's greatest resource is its people. This stable and sturdy country is best expressed through them. No one can fail to be impressed with the intelligence of its citizens. There has never been any large wealthy aristocracy or marked class differences to generate dislike. Rather, the national climate is one that fosters decency, generosity and concern for others. The influence of its own history can be seen in the value placed on work and education. The favorite character is not the aristocratic conquistador but the independent, middle-class worker who toils his own land.

I have stressed the character and behaviour of the Costa Rican people to show the Committee that there exists a real difference, politically and socially. Now I will present the economic difference.

As a country with an overwhelmingly agricultural economy, the major part of their income is derived from the exports of what is produced. Commerce and foreign trade are efficiently organized, and transportation facilities are well developed and continually expanding. The United States is the primary trading partner. Revenues do not constitute the patrimony of a few but belong to the majority of the population since the distribution of land and wealth is more equitable here than elsewhere in the Hemisphere. Costa Rica has experienced one of the highest population growth rates anywhere in the last several decades—the combination of a consistently high birth rate and an ever declining death rate. Its economy is also one of the fastest growing in the world for they are compelled to produce on a larger scale, to extend their markets, and to follow, perhaps more quickly than most Latin countries, the pace of progress. It, therefore, became necessary many years ago to substitute the monoculture of coffee with a diversification of agricultural activities to maintain and increase their standard of living which is the highest in Central America.

Sugar is considered the most important food crop in the country. It provides more energy to the diet and more income to the farmer than any other food. Exports began in 1958, at which time Costa Rica became one of the countries participating in the U.S. Sugar Act. Since then sugar has become one of the country's major export dollar earners with half of all production being exported. All exported sugar has gone to the United States even when the price was higher elsewhere. During 1963 and 1964 when prices soared in the World Market, this small nation, at a tremendous financial sacrifice, *was the first of all quota countries* to speak up, pledging her entire exportable production of approximately 72,000 tons to the U.S. consumer. The integrity of the Sugar Industry of Costa Rica demanded such action, for to them the Sugar Act is a two-way street, entitled to a mutual respect that is especially important in relations between large and small nations.

Sugarcane is grown mostly on small farms, in contrast to other Latin Countries where large sugar farms exist. There are more than 37,000 sugar farmers in the country, over 16,000 of whom have less than 8 acres planted in sugar. Some 53 percent of these farms are less than 34 acres and 90 percent are less than 170 acres. There are 29 mills. Counting the families of the sugarcane farmers and employed laborers, *one-tenth of the population* depends on sugar for a livelihood. Stable and reasonable wages cannot be attained without an assured and growing place in the U.S. Market—this place not to retreat from the one we have earned by consistent and full performance.

When I ask the Committee to consider the difference of Costa Rica, I respectfully request you to consider Costa Rica singly on her own merits and performance. We have come before this Committee since 1960 truthfully putting our plans for controlled expansion in your hands. Camouflage has never been needed to cover any unethical practices. Since the beginning of the new Act in January 1966 to the present day, all the basic quota and allocated deficits given to Costa Rica have been filled fully. We are grateful for the Committee's assistance during the past years in making the sugar industry of Costa Rica, a vital growing force in the economy of the country. Without it, there would have come unemployment, poverty and stagnation.

The year 1950 was the last time the country had a favorable balance of trade; imports have exceeded exports ever since. On a per capita value basis Costa Rica is the third largest importer from the United States in Latin America. The framework of the future has firmly been put in place but this year and next, and the year after, and some years more, Costa Rica needs every dollar agricultural exports bring to buy manufactured goods in the U.S. To wage Trade not War is the goal of the nation.

Before placing our quota request before the Committee, Costa Rica asks the Committee to include the following provision in the new Sugar Act: *Whenever there are deficits to be allocated special consideration will be given to those countries who do not receive military assistance aid from the United States.* Such a provision is in the interests of all countries dedicated to a better life for its citizens.

Mr. Chairman, Costa Rica has come before you and this Committee believing in the genuine understanding of its problems and hopes, and that visible evidence will result from our mutual friendship. We have always spoken with truth, with facts and figures and with future plans. We want to continue to buy from the United States, but we want to pay for what we purchase with money that is earned; not borrowed. A quota of 110,000 tons for Costa Rica in the new legislation will bring many mutual advantages and her Sugar Industry will continue to contribute to the welfare of its country and to the price protection of the American consumer.

Mr. Chairman, Members of the Committee, Costa Rica is a small nation but her capacities are large for democracy, for work and for friendship. I thank The Committee for its attentions.

[Dollar amounts in millions]

Country	Year	GMP	Income of Government	Total expenses	Expenses in— Education Amount	Education Percent[1]	Health Amount	Health Percent[1]	Defense Amount	Defense Percent[1]	Population [2]	Population [3]
Argentina	1965	17,204	2,024.0	2,506.0	245.0	9.78	26.0	1.04	302.0	12.05	24.0	104.42
Bolivia	1969	901	96.2	162.7	25.1	15.42	3.1	1.91	14.9	9.16	4.5	36.16
Brazil	1968	29,320	6,467.0	6,885.0	660.0	9.59			1,223.0	17.76	90.9	75.74
Columbia	1968	5,784	678.0	870.0	82.0	9.43	18.0	2.07	123.0	14.14	20.5	42.44
Costa Rica	1969	813	116.5	163.1	36.1	22.13	20.0	12.26			1.7	95.94
Chile	1967	4,148	993.0	1,043.0	162.0	15.53			87.0	8.34	9.4	110.96
Ecuador	1968	1,475	308.7	326.3	34.7	10.63	4.8	1.47	26.2	8.03	5.9	55.31
El Salvador	1969	948	127.3	134.3	27.5	20.48	13.0	9.68	9.7	7.22	3.3	40.70
Guatemala	1969	1,650	155.3	167.8	29.3	17.46	17.4	10.37	16.2	9.65	5.2	32.27
Haiti	1967	[4] 324	31.1	35.6	3.3	9.27	3.2	8.99	7.2	20.22	5.1	6.98
Honduras	1968	621	69.0	85.5	16.9	19.77	5.9	6.90	8.5	9.94	2.6	32.88
Jamaica	1968	1,040	181.0	209.0	22.0	10.53	15.0	7.18	5.0	2.30	1.9	110.00
Mexico	1969	28,940	2,320.0	2,576.0	504.0	19.57			184.0	7.14	48.9	52.68
Nicaragua	1969	735	73.0	84.0	17.0	20.24	5.0	5.95	11.0	13.10	1.9	44.21
Panama	1968	823	119.0	127.0	33.0	25.98	16.0	12.60	1.0	.79	1.4	90.71
Paraguay	1968	498	57.6	84.9	9.1	10.72	2.4	2.83	9.8	11.54	2.3	36.92
Peru	1969	5,100	749.0	788.0	171.0	21.70			171.0	21.70	13.2	59.70
Republica Dominicana	1968	1,132	176.8	190.8					50.3	15.88	4.1	46.54
Uruguay	1968	1,542	391.0	454.0					45.0	9.91	2.9	156.50
Venezuela	1969	9,700	1,937.0	2,513.0	290.0	11.54	162.0	6.45	198.0	7.88	10.0	251.35

[1] Percentage of expenses in relation with the total outlay of the Government.
[2] Referring to 1969, in millions of people.
[3] Expenses per person in relation with total outlay of the Government.
[4] Estimate.

Source: AID, Economic Data Book, Latin America, 1970.

CONGRESSMAN BIAGGI ADDRESSES WALL STREET GATHERING ON POW ISSUE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. BIAGGI) is recognized for 10 minutes.

Mr. BIAGGI. Mr. Speaker, yesterday I addressed a large crowd gathered in Wall Street to protest the continued failure of the North Vietnamese to release all prisoners of war. Those gathered there were demonstrating their firm commitment not to let these men be forgotten.

Because of the great importance of the POW issue and the possible implications of the Red Chinese overtures in connection with their release, I am including my remarks in the RECORD at this point for the interest of my colleagues:

ADDRESS BY CONGRESSMAN BIAGGI

It used to be said that the prisoner of war for all his difficulty was in a privileged status. For him, at least, the fighting was over. If ever there was any truth to that, it certainly is not valid today. The captive American in Vietnam fights a daily battle of sacrifice and survival that equals any challange or danger of the battlefield.

We must never forget that the man who braves the discomfort, the loneliness, the uncertainty and the agency of the prison camp remains an unredeemed pledge of these United States until he is returned to liberty. We must remember it. And Hanoi must be made to understand it in no uncertain terms.

Our prisoner of war lives on hope. Willingly, he bears the pain of isolation, confident that his country has not forgotten him. Confident that his country is doing all in its power to liberate him. His wife, his family, his friends, live on that same hope, confidence that he will be returned. We, as a nation, must live up to that confidence.

The fact is, we have all been so concerned with the war itself, that we have not cried out loud enough for the return of our prisoners of war.

Resolutions and petitions alone will not do the job. Negotiations have a way of stretching out. A way must be found to free these men without further delay.

Lately, we have seen a slight opening of the Bamboo Curtain. Red China is seeking to open the curtain further and carve out a new role for itself in the family of nations.

If there is to be a wider role for Red China in the Far East, let them now take a meaningful first step toward developing that new role.

Just yesterday, Secretary of State Rogers said "the United States should encourage Red China to be constructive rather than destructive."

If so, then, in addition to everything else, President Nixon should call on Peking to use its new found ping-pong diplomacy in obtaining the release of all P.O.W.'s in Southeast Asia. Certainly, the Chinese can exert sufficient influence in North Vietnam to accomplish this.

As another initiative, the President should call on the International Red Cross to select the one hundred most seriously wounded North Vietnamese prisoners and return them to their country. Then, let Mr. Nixon issue a challenge to Peking and Hanoi to do the same.

Our American prisoners of war must come home—they will come home—each one of them has sacrificed much in the service of his nation. Each one of their lives must not be allowed to be snuffed out as a forgotten memory. Each one of us owes them at least that—and more;

Some say that demonstrations to end the war will hasten its conclusion. If so, then demonstrations such as this one, should multiply in number and grow in volume until they are heard in the councils of Hanoi.

Just a few blocks down the street in the Trinity churchyard lie the bones of another group of prisoners of war. These men suffered in the holds of British ships anchored in the East River during the revolution.

The monument over their final resting place is a lasting tribute to their valiant service in the cause of this nation's independence.

History will not let them be forgotten.

Lest we forget, let me remind you—it has been seven years and thirty-three days this very day since the first of 1600 of our fellow Americans was captured in Southeast Asia.

Let us resolve that they, too, shall not be forgotten.

IMMIGRATION AND NATIONALITY ACT HEARINGS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that on Wednesday, May 5, 1971, Subcommittee No. 1 on Immigration and Nationality, Committee on the Judiciary, will continue hearings on revision of the Immigration and Nationality Act.

Hon. Raymond F. Farrell, Commissioner of the Immigration and Naturalization Service of the Department of Justice, will be the witness before the committee at 10 a.m. in room 2237, Rayburn House Office Building.

The purpose of the hearings is to review general enforcement of the immigration laws, and to analyze the problems that have developed in the administration of the law. Further hearings will be announced at a future date.

PERSONAL EXPLANATION

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

Mr. BROWN of Ohio. Mr. Speaker, yesterday, April 28, when the vote was taken on H.R. 6444, providing for a 10-percent increase in railroad retirement annuities, I was unavoidably absent because I was downtown meeting a speaking commitment. While I had arranged to be notified of any votes, I arrived downtown to find that the vote had begun shortly after I departed the Hill. Had I been present, I would have voted "yea" on H.R. 6444. I also missed the first and only quorum call yesterday, because I was temporarily occupying the chair in Joint Economic Committee hearings in the Senate Office Building and was in the midst of questioning when the roll was taken.

IMPROPER USE OF CONGRESSIONAL FACILITIES

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

Mr. WYMAN. Mr. Speaker, I rise to protest against the misuse of facilities and rooms of the Congress by certain Members purporting to conduct congressional hearings on so-called atrocities by Members of the Armed Forces of the United States. The use of rooms and facilities of the House to willfully undermine our Armed Forces, to damage the reputation of the United States at home and abroad, and to make infinitely more difficult the release of our prisoners of war or a negotiated settlement in Southeast Asia, by Members without committee authorization is deliberate misuse of the facilities of the Congress.

Its continuation is a disgrace to the House and an affront to the authority of Congress itself for no such hearings have ever been authorized to be held by these Members. The public is being misled into believing that they have and that what is going on involves official congressional action. Today's Washington Post accords front page publicity describing the activity of Members who are abusing their office in this matter as the "atrocities panel."

On April 7, 1971, I protested the prospective misuse of official rooms of the Congress for such activity at the expense of the national security in a letter to the Speaker, pointing out that Members so conducting themselves—whether self-described as an ad hoc committee or not—derived no authority from the House and were in fact misusing their position as Members by giving the public a false and misleading impression that congressional action was to be involved. The Speaker replied on April 20 that "all Members have the right to discuss any proposition in any room that is available in which Members may meet."

What has gone on here goes way beyond discussion. The witnesses who are appearing before these Members had to be arranged for, planned for, their testimony reviewed, and their travel paid by someone. A more contrived assault on both the reputation of our fighting men or the jurisdiction of the House Armed Services Committee would be hard to find.

It is difficult to see how the Congress can properly complain of an excess of permissivism as contributory to domestic unrest in the United States if it is itself permissive toward such misuse of its facilities and abuse of its standing committees.

I believe that those Members of Congress who are deliberately engaging in this unauthorized activity are willfully undermining their country's Armed Forces and disgracing the House of Representatives to boot. If they wish to conduct this sort of vendetta against America in privately owned or supplied facilities I believe it would still be within the power of the Congress to censure, but certainly the House can and should put a stop to such continuing misuse of its own facilities by so-called ad hoc committees operating without any authority from the Congress whatsoever.

Mr. Speaker, of significance in a broader context is the fact that this is not the first instance of recorded objection to misuse of congressional facilities by Members in this 92d Congress. On March 1 of this year, Congressman WILLIAM MINSHALL of Ohio, in a speech discussing the need for greater security on Capitol Hill, said on the floor:

> In this connection I would like to point out the growing concern many of us feel over unauthorized persons using office facilities in the House. I do not know what the situation is on the Senate side, but it is a fact that one House Member presently permits use of his office as headquarters for a private organization lobbying against the war in Vietnam. Another group issues a news bulletin called "Leadership Letter" out of 1709 Longworth Office Building, a two-room suite assigned as "additional space" to a House Member. I understand that the House leadership is aware of these abuses of taxpayers' property but allegedly is at a loss as to what to do about it. The steps to be taken are clear enough and on the books. No Member has authority to turn over office space to further the lobbying efforts of any private organization no matter how worthy may be their goals.

Mr. Speaker, I respectfully renew my request that this activity be stopped; that it be made clear that no Member or Members may use the facilities of the Congress under the misnomer of so-called committee action without authority from the House. Such conduct, when this Nation has fighting men abroad risking their lives to help a small nation to which we are committed by agreement, is disgraceful. I believe it merits censure.

I include in the RECORD at this point my correspondence with the Speaker, an announcement relative to these hearings, and two newspaper accounts to date.

APRIL 7, 1971.

HON. CARL ALBERT,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The proposal reported in the enclosure distresses me deeply. I do not believe I am alone in this feeling.

It seems to me to go beyond the proper authority of Members of the House to undertake to cast discredit on the House and dishonor on the Nation by a process of conducting ad hoc hearings on any subject, much less on America's blameworthiness in a time of war, declared or undeclared.

Members so conducting themselves derive no authority from the House to mislead the public into believing that congressional action is involved. This would clearly be aggravated by the conduct of any such proceedings in a House Office Building.

I hope that it will be possible to discourage this sort of thing before it happens inasmuch as I believe very deeply that it disgraces the House and is harmful to the United States.

Sincerely,

LOUIS C. WYMAN,
Member of Congress.

[From the Washington Post, Apr. 7, 1971]

FOUR CONGRESSMEN TO HOLD INQUIRY ON WAR CRIMES

(By William Chapman)

An unofficial inquiry into alleged U.S. war crimes in Vietnam will be held during four days this month on Capitol Hill, four congressmen announced yesterday.

The hearings, beginning April 26, are expected to deal in large part with testimony of war veterans recounting actions in which they took part and orders they received from superiors.

The four congressmen said they plan to look into military orders that may have led to such alleged atrocities as the killing of unarmed civilians, torture of prisoners of war and destruction of villages.

Rep. Ronald Dellums (D-Calif.), organizer of the inquiry, said it will center on policies that produced free-fire zones in South Vietnam, search and destroy missions, "indiscriminate bombing (and) the body-count mania."

Dellums said that high-level officials, including the Joint Chiefs of Staff, would be asked to testify, but the ad hoc committee will have no subpoena power.

The hearings, which will be held in the Canon Office Building opposite the Capitol, are termed a substitute for official hearings by the House Armed Services Committee. That committee's chairman, Rep. F. Edward Hébert (D-La.), has indicated that no open hearings will be held as requested by a group of congressmen headed by Rep. Bob Eckhardt (D-Tex.).

Meanwhile, Sen. Mark O. Hatfield (R-Ore.) yesterday urged that testimony of Vietnam veterans given two months ago at informal hearings in Detroit be investigated by congressional committees and by the State and Defense Departments.

He also suggested an independent commission to investigate allegations of war crimes and to assess "the moral consequences of our involvement in Indochina."

Hatfield cautioned against trying to pin guilt for illegal actions on any individuals who made war policy or carried it out. Such a process, he said, "could extend almost endlessly to individual after individual."

Dellum's ad hoc group, on the other hand, plans to delve into orders issued by specific military commanders. One prospective witness, Ronald Bartek, a former Army captain, said at a press conference yesterday that he heard one division commander order his troops to increase the body count. Bartek said his battalion, in effect, was assigned a quota of 50.

Rep. John Conyers (D-Mich.), a cosponsor of the hearings, said they would not be intended to "slander" anyone but that individual names undoubtedly would be cited. Dellums said the main purpose would be to "raise questions of policy," not to implicate individuals.

Sponsoring the hearings with Dellums and Conyers are Reps. Parren J. Mitchell (D-Md.) and Bella Abzug (D-N.Y.).

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 20, 1971.
Hon. LOUIS C. WYMAN,
House of Representatives,
Washintgon, D.C.

DEAR LOUIS: Thank you for your letter and enclosure. My Secretary who handles the assignment of rooms to Members advised that she had a routine request from Ronald Dellums if the room was available. It was and it was therefore assigned to him. No mention was made of the purpose for which it was to be used.

Thereafter the question of the legality of this usage was raised and I took it up with the Parliamentarian. He advised me that the group who contacted us have no official status but that all Members have a right to discuss any proposition in any room that is available in which Members may meet.

Sincerely,

CARL ALBERT,
The Speaker.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 22, 1971.

DEAR COLLEAGUE: Because of the intense current interest in U.S. involvement in Southeast Asia, once again we wish to invite you to participate in hearings on command responsibilities for war atrocities. These hearings will take place in the Cannon Caucus Room beginning at 9:30 am on April 26, 27, 28 and 29.

The hearings will be an open forum for Congress and the public. Following is a brief description of the topics covered and witnesses scheduled to testify:

April 26. Five West Point graduates—four captains and a major—will give detailed testimony on encouragement of policies leading to atrocities and the initiation of specific directives to commit war crimes by high level command personnel.

April 27: Five former military intelligence special agents and POW interrogators describe systematic torture employed by their units.

April 28: Nine former Americal Division members will provide accounts of torture and murder of civilians and wholesale destruction of homes and property as standard procedure.

April 29: Overview of the air war, pacification and forced urbanization. Included will be the first public documentation detailing destruction of hundreds of villages in Laos.

We respectfully request your participation in these important hearings so that you may hear the testimony and ask any questions to the witnesses. For further information, contact M. J. Duberstein on extension 55500.

Sincerely,

BELLA ABZUG,
HERMAN BADILLO,
JOHN CONYERS, JR.,
RONALD V. DELLUMS,
CHARLES C. DIGGS, JR.,
DON EDWARDS,
PARREN MITCHELL,
JOHN SEIBERLING.

[From the Washington Post, Apr. 29, 1971]

EX-GI TELLS ATROCITIES PANEL HE SAW ANOTHER U.S. MASSACRE NEAR MYLAI

(By William Greider)

Choking back tears, a 22-year-old former staff sergeant told a congressional audience yesterday that he witnessed another U.S. massacre in Vietnam—the shooting of about 30 people in a village not far from the now-famous hamlet of Mylai.

"I just couldn't believe it," said Danny S. Notley, of St. Paul, Minn. "These guys did this so systematically, like they'd done it many times before."

Notley's account, presented to an unofficial hearing on U.S. war crimes, described the action of an infantry squad on or about April 19, 1969, in a village called Troungkhanh 2, northwest of Ducpho in Quangngai Province, less than 20 miles from Mylai, which was wiped out by American troops 13 months earlier.

Notley served as a rifleman in Echo Company of the 4th Battalion, 21st Regiment, in the 11th Brigade of the Americal Division—the same brigade in which Lt. William L. Calley Jr. served when he and his men hit Mylai.

Notley, now a journalism student at the University of Minnesota, asserted that the incident was known by unit officers up to the battalion commander, a lieutenant colonel, but no action was taken.

"He gave us a well-done," the ex-GI said.

There is no immediate way to confirm or refute the details of Notley's account, but he did provide a copy of his Army separation papers, an honorable discharge which indicates that he did serve in Vietnam in Echo Company at the time.

The Pentagon had no comment on his accusation, but noted that the Army policy has been to investigate any allegations of misconduct if they appear to have substance. In this case, an Army spokesman said, that will be determined when a copy of Notley's remarks is obtained.

According to Notley, the reconnaissance platoon in which he served was angered because a popular GI in the unit was killed by a booby-trap near the village the evening before.

"The lieutenant (whom Notley did not identify) said, 'there's a ville over there and there's people in it and they're responsible for it . . . I want you to go in there,' and he said, 'I want some kills,' " Notley said.

After one squad went through and found nothing, the unit called in white-phosphorus artillery rounds, Notley said. Then he went in with a second squad of eight to 10 American soldiers. They first encountered a group of about 10 women and children, he said.

"As we moved into the village," Notley told a half-dozen congressmen, "nothing was said, you know, nobody said anything. But all of a sudden, these guys started shooting. Women and kids. I was in a state of shock."

Notley paused and choked on tears. The witness was one of 10 veterans of the Americal Division who appeared yesterday before the informal hearings chaired by Rep. Ronald V. Dellums (D-Calf.). The other vets recounted other brutalities—the torture and murder of prisoners, the general mistreatment of Vietnamese civilians—which they insist were typical of the war.

"If you want to know the truth about it," said Notley, "this is the first time I've ever been able to talk about it. I didn't tell my wife about it till last night."

Notley said he was stunned by the shooting, but the other soldiers moved farther into the hamlet.

"I'll never understand," he said, "why the rest of the people didn't run. Why didn't they run after the first 10 were killed?"

Notley said he was carrying an M-79 grenade launcher, loaded with a new type of anti-personnel canister that he had never fired.

"My squad leader looked at me and told me there was a time to get involved. 'This is a good time to try out your canister round.' He said, 'If you're not one of us, you're one of them' and I was actually afraid for my life."

Notley said he fired one round at the people about 20 meters away, but at the last instant deflected the weapon downward so that the grenade skidded along the ground. He doesn't know he said, whether his shot killed anyone or not.

"As soon as I did that," he said, "the rest of the people opened up and killed all the people . . . In all, there was about 30 people."

The platoon radioed in a "body count" of 13 Vietcong, according to Notley, who said the platoon leader "saw what happened and didn't say anything."

Notley's account was corroborated, in part, by another Americal Division veteran who appeared before the congressmen yesterday. John Beitzel, of Philadelphia, who served in another infantry company operating a few kilometers away that day, heard the "body count" confirmed by one of his unit's platoons and said the men later gossiped about how the people had been killed by Echo Company.

Notley said he assumed at first that his unit was in trouble for what it had done, since there was no hostile fire from the village prior to the killings. "They told us the battalion commander was coming and I thought, wow, somebody's going to jail."

Instead, he asserted, the commander, also unnamed in his testimony, commended the unit for their "body count." The commander, he said, questioned a Vietnamese child who survived and the child told him that the Vietcong were responsible. "I guess that's why they didn't run away, they didn't expect that from us," Notley said.

Notley said he fixed the approximate date of the action by a letter he had written to his wife on the morning his squad attacked the people. The letter, he said, recounted the death of the GI killed by a booby-trap.

Rep. John Conyers (D-Mich.) characterized the killings as "a massacre" and asked Notley what superior officers knew about it. The witness said the battalion commander "must have known. He was in the village the next day. Unless he couldn't smell. You could smell the bodies. Unless he was stone-blind."

Notley said he could identify four or five enlisted men who did the shooting.

But the Citizens Commission on Inquiry Into U.S. War Crimes, the anti-war group that organized this week's testimony, opposes the prosecution of individual soldiers, including Lt. Calley and the men involved at Mylai. Their position is that public scrutiny should focus instead on the policies and strategies of the war and on the top military and civilian leaders who drew them up.

THE FBI NEEDS IMMEDIATE INVESTIGATION

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, on Tuesday I rose on behalf of 10 of my colleagues to introduce a resolution calling for an investigation of the Federal Bureau of Investigation by the House Committee on the Judiciary. The investigation is more imperative now than it was 3 weeks ago when I introduced my original resolution. Since I introduced my original resolution in the midst of a flurry of publicity about the FBI, that publicity has not abated but increased; the bizarreness of the administration of the FBI has become not less evident but more so; the demand of the American people for some kind of investigation by their elected Representatives has not decreased but become more insistent judging by the mail I have received.

Three weeks ago it was charges of wiretaps that were hitting us closest to our congressional hearts. But I pointed out then as I point out now, that was only the closest to home. Since then we have seen increased bolstering up of the faulty indictment obtained against the Berrigan brothers and some coworkers in the Catholic peace movement. At least two dozen more people have been subpenaed

to appear before the grand jury in Harrisburg, prompting one of the lawyers involved to remark, "Usually they investigate before they issue indictments; here they have reversed it." That is precisely the issue I raised in my original remarks—that the indictment was returned based on questionable evidence to shore up accusations made before an Appropriations Committee of this body bolstering up requests for increased moneys. It is this questionable administration of laws and use of the judicial process that my colleagues and I urge the Judiciary Committee to investigate.

Since 3 weeks ago, the Senator from Maine has suggested that FBI agents surveilled so unseditious an event as Earth Day last year. How many other events are they surveilling? It is the activities of the agents that our resolution asks the Judiciary Committee to investigate, including how they select the "special" cases, how they gather evidence, what they do with what they gather, what kinds of files they maintain on Congressmen and their daughters, on John Q. Citizen and his sons.

Since 3 weeks ago the lack of quantity and quality of work has come increasingly to light with the release of more of the documents from the FBI office in Media, Pa. And the closing down of several of the field offices has brought about the disclosure that one of the doors at the Media office was secured only by a file cabinet pushed up against it.

In my remarks 3 weeks ago, I referred to the firing of the agent who criticized the agency during a classroom seminar; in those 3 weeks we have witnessed the firing of two young girls from their unclassified jobs because they believe in ending the war and worked for a peace group in their off-duty hours. I introduced my original resolution with a great sense of urgency; I find my feelings more intense now than I did 3 weeks ago. The Judiciary Committee has a duty under the rules of the House to watch the executive agencies who carry out laws within the jurisdiction of the committee.

My colleagues and I call upon the Judiciary Committee to execute this duty of watchfulness over this increasingly peculiar body of the executive branch—to recoup congressional control over this agency so long out of its purview—to allay the increasing fears of the American people and Members of this House. We urge an immediate investigation by that committee most able and most duty bound to investigate all facets of the FBI administration, law-enforcement procedures and personnel policies.

At this point I include a copy of the resolution—and ask your support.

RESOLUTION

To provide for an investigation by the Committee on the Judiciary of the administration and operation of the Federal Bureau of Investigation.

Resolved, that the Committee on the Judiciary, acting as a whole or by subcommittee is authorized and directed to conduct a full and complete investigation of the Federal Bureau of Investigation, including but not limited to the following areas:

(a) the quality of the administration of the Federal Bureau of Investigation, including but not limited to investigation of the ability of the Director;

(b) the activities of the agents of the Federal Bureau of Investigation and their supervisors including but not limited to;

(1) the manner of selection of cases with particular attention to the reasons for the FBI's special public emphasis on certain recent criminal conspiracy cases;

(2) the methods used to gather evidence and the reasons for choosing one method rather than another in specific cases;

(3) the uses made of the evidence gathered with particular attention to the F.B.I. practice of maintaining massive dossiers on individual citizens;

(c) the quality, quantity and type of work done plus the accuracy of the statistical reports of such work;

(d) personnel policies and practices.

For the purposes of carrying out this resolution, the committee is authorized to sit and act during the present Congress, subject to clause 31 of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary. Subpoena may be issued under the signature of the Chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress, but not later than forty-two days after the date of the adoption of this resolution, the results of its investigation, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

RECYCLING OF INDUSTRIAL WASTE BY GEORGIA-PACIFIC'S BELLINGHAM PLANT

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

Mr. MEEDS. Mr. Speaker, in this time of justified concern over the pollution of our air, water, and landscapes, it is refreshing to learn of plans for the recycling of industrial wastes.

An example of such recycling are the plans to be carried out by the Georgia-Pacific Corp.'s Bellingham plant.

Expanded recycling of the leftovers from printing paper and facial tissues will soon help to increase the supply of vanilla flavoring, cosmetics, medicine, soil conditioners, adhesive and even the dispersants for strengthening high-test concrete, bricks, and gypsum wallboard.

Construction of expanded facilities to further process spent sulfite liquor, once a pulp and papermill water pollution problem, will start immediately, and the marketing program is already underway. According to John Dudkak, Georgia-Pacific Corp. vice president in charge of the Bellingham operation, the company has allocated $2.5 million in 1971 for the initial expansion phase.

The project, developed by a research team of 35 experts in the forest byproducts field, has been given the encouragement of State of Washington pollution control officials.

Some of the unusual products have been manufactured and marketed, initially on a test basis, since 1945. Improved processing and refining techniques now make a substantial expansion on a full commercial basis feasible.

Most exotic of the new products, currently being manufactured on a small scale from synthetic vanilla, is L-Dopa for treatment of Parkinson's disease and aldimet for heart disease. Need for these drugs is expected to triple in 1971 and the new Georgia-Pacific facility will supply the raw material from which the synthetic vanilla is made. It in turn is the raw material for these drugs produced by pharmaceutical manufacturers.

A distillery, which already produces purified ethyl alcohol from the sugar extracted from spent pulping liquor, also will be expanded. New distillation equipment has been designed to broaden that byproduct's use into "literally hundreds of markets."

The new program at Bellingham also will include a modernized packaging and warehousing department to handle the former pollutants. Dunkak said:

By being able to merchandize what would ordinarily be a pollutant we have created a plus factor which otherwise would be reflected in pollution control costs borne by customers and stockholders.

The Bellingham scientific group is the same team that last year won international credit for developing the successful mercury recycling process for chlor-alkali manufacturing. It required several years of research that included joint experiments with other scientists in England and Scandinavia.

ISRAEL ON HER 23D ANNIVERSARY

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

Mr. RYAN. Mr. Speaker, April 29 marks the 23d anniversary of the creation of the State of Israel. Israel continues to demonstrate, by the intelligence, courage, and initiative of her people, a remarkable example for the world. She is thriving in a barren land, amid hostile neighbors. And she will continue to thrive.

Why is Israel of such strong emotional significance to so many Americans? I think this a relevant question to ask, not only because we are now commemorating her creation, but also because it is a fact that Israel, and the Israeli people, do arouse our empathy and our concern for her well-being.

It seems to me that Israel in many respects embodies those principles and characteristics we so proudly esteem in our national character. She has demonstrated an independent self-reliance we perceive as existing in our own Nation's infancy and youth. She is populated by a brave people, who remind us of what we like to think is a basic attribute of our own national character. She is marked by a commitment to democratic institutions which we share and similarly espouse.

Emotion is no small factor in the politics of nations, and that empathy which binds our two peoples is a powerful element in our relations, as it should be. But, aside from emotion, there are other

legitimate factors, as well, which compel our support for Israel.

Geographically, Israel is very small among the nations of the world. But, her particular location makes her of integral importance. Astride the juncture of two continents, she forms a natural path between Africa and Asia, between the Mediterranean and the Indian Ocean, and between Europe and the East.

Politically, Israel represents fully developed Western democratic institutions. I make no claim that such institutions suit all nations, but insofar we regard these institutions as offering a vehicle for maximizing individual freedom and expression, we look to Israel as embodying those ideals we espouse.

Philosophically, Israel represents an approach to the world which appears to offer the hope of bettering the lot of peoples similarly lacking in natural resources. By demonstrating a determination to reshape their land to make it fertile and productive, the Israelis have exhibited a positivism which is an encouragement to other nations. A certain hard pragmatism, uplifted by idealism, has combined to find solutions to difficult natural adversity.

We cannot look at Israel, however, without recognizing a certain, very special aspect which her people possess. As I said, there is a tie of emotion which binds the United States and Israel. But this bond is broader than just a perception of the similarity of our two nations. This bond is founded, also, on the holocaust of World War II, which took so many millions of lives. The Nazi plan of genocide for the Jews has left an indelible mark, not only upon the survivors of that obscene scenario, but on all civilized men and women. Because Israel became the refuge for Jews, we mark her existence with a special meaning.

Particularly, now, all of these factors combine to emphasize our regard for and concern about Israel. In the Soviet Union, Jews are being subjected to religious and cultural repression. For many of them, Israel is their desired haven. In a very real sense, the perseverance of the Israelis and of Israel is a beacon to these hapless people.

In a more direct sense, the continued fear of war in the Mideast maintains our concern. Almost 4 years have passed since the 6-day war of June 1967. Yet peace still eludes Israel. The constant threat of renewed, full-blown war remains.

Because of this threat, it is essential that U.S. support for Israel be uncompromising. There are numerous reasons why this is so—the emotional bond between our two nations, the continuing friendship of Israel, Israel's strategic importance.

Make no mistake. Just as this year we celebrate Israel's anniversary, so will we next year do the same. And the year after that, and the year after that. Israel will thrive and she will prosper.

THE NEED FOR DEPRECIATION REFORM

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

Mr. HARVEY. Mr. Speaker, I would like to congratulate my good friend, the gentleman from Illinois (Mr. ANDERSON), for bringing to the attention of Members of this House the important matter of the Treasury Department's new guidelines allowing expanded depreciation for equipment and machinery.

The gentleman has provided a distinct service in calling this to our attention during his special order yesterday.

As was pointed out so well yesterday, these new guidelines establish what is called the asset depreciation range, or ADR. This allows depreciation lives of not more than 20 percent shorter or longer than present guideline lives, eliminates the unworkable "reserve ratio test," and allows a full year's depreciation on assets installed before midyear.

Current balance of trade and unemployment difficulties, coupled with small productivity growth, make depreciation reform necessary.

Back in 1962 when President Kennedy announced certain guideline life reductions for some industries, I supported it as a step in the right direction.

This was during my freshman term in the House, and I had, prior to the President's announcement, introduced legislation that would have provided similar tax depreciation revisions.

Unemployment then was near 7 percent, and it was obvious to all that the then-administration's spending program to create more jobs would be unsuccessful.

When the President proposed the reduction in 1962, he had only to look to 1954, when President Eisenhower led a move to cut taxes by some $6 billion. As usual, there were the "doom and gloom experts" who predicted that the country could not stand that kind of a tax revenue loss.

But, the $6-billion loss was more than compensated for by industrial expansion and a large increase in the gross national product.

With the enactment of the Tax Reform Act of 1969, which placed higher taxes on the investment sector of our economy, and the repeal that year of the investment tax credit, there can be little doubt that American industry was placed at a serious disadvantage.

Today, a growing chorus of critics has used the argument that the asset depreciation range is an infringement on congressional tax-levying authority and that it is an unwarranted tax break for business.

But, when we examine the record, we find that it is neither one.

Under section 7805 of the Internal Revenue Code of 1954, as amended, the Treasury is granted the broad authority to promulgate all "needful rules and regulations for the enforcement of this title." It is interesting to note here that the courts have repeatedly upheld Treasury regulations under this section.

The Supreme Court, in the Commissioner against South Texas Lumber Co. case in 1948 ruled:

> This Court has many times declared that Treasury regulations must be sustained unless unreasonable and plainly inconsistent with the revenue statutes . . .

Congress has always expressed in broad language statutory provisions that govern the recovery—through depreciation—of the cost of capital assets. And section 167(a) of the Internal Revenue Code expressly provides that "there shall be a reasonable allowance for the exhaustion, wear and tear of property used in trade or business, or of property held for the production of income."

The very language of this section compels interpretation—and interpretation provides for a delegation of authority.

In 1954, two significant depreciation provisions, sections 167 (b) and (d), were added to the code, both enlarging the foundation upon which depreciation regulations were premised, and authority expressly delegated to the Secretary of the Treasury.

These sections applying to depreciation guidelines and their successor, the asset depreciation guidelines, are consistent with the objectives Congress had in mind when applying them. This legislative authority seems to be completely overlooked by critics.

Precedents exist. In 1934, legislation was introduced which would have reduced depreciation allowances by as much as 25 percent over a 3-year period.

Then-Secretary of the Treasury Henry Morgenthau told the Ways and Means Committee that the legislation was not necessary since the Treasury could obtain the same result under section 23(b) of the 1932 Revenue Act. Congress acquiesced. It did not alter the depreciation statute. Ways and Means agreed, explaining that it believed the plan of the Secretary to be "the best course to pursue."

In 1953, Treasury moved away from the 25-percent statutory reduction in depreciation allowances by stating that a taxpayer's depreciation would not be disturbed in the absence of a clear and convincing basis for a change. This, in essence, provided that IRS could not disturb a depreciation rate as long as the useful life projected by IRS and the taxpayer did not differ by more than 10 percent.

The House, in 1954, amended the Internal Revenue Code to include a provision that would become section 167(e) to provide this, but the Senate Finance Committee deleted the 10-percent leeway, since it concluded that the objective could and would be achieved by administrative action already taken.

Congressional recognition of the validity of administrative action has particular significance in view of the argument used against ADR.

Also to be considered are economic factors which carry a high priority on the domestic scene. Everyone is talking about inflation, for almost everyone has been affected by it in one way or another.

The increased depreciation schedule can help offset the shrinkage in the purchasing power of the dollar. This adjustment will yield a larger amount of deductions over so-called remaining lives than would be obtained from the conventional original-cost writeoff. Resulting tax benefits are a clear gain. The funds made available by earlier tax benefits can be put to work in the taxpayer's business and can earn a return pending their ab-

sorption by additional tax liabilities later on.

A liberalization of depreciation allowances is nothing more than a change in the timing of a tax liability. Such a policy allows a business to reduce tax payments now—at a time when additional purchasing power is needed. Past experience demonstrates that depreciation liberalization will stimulate spending on new plants and equipment.

When this is done the result is more jobs. Only last week this body voted for legislation providing funds to make more jobs available through public works programs in areas of substantially high unemployment.

It is only a matter of logic that tax policy should join with other economic policies to create more jobs.

Accelerated depreciation will bring increased demand for machinery and equipment that will directly provide jobs for workers in plants which make machinery and equipment. Further increased jobs will arise from the opening of new plants and expanding old plants. To some extent the increase in jobs can be immediate as orders are placed for more investment goods and producers start work on these goods.

Jobs will be created for the presently unemployed, as well as young people just joining the labor force.

Furthermore, the ADR system, with its 20 percent optional shortening of the 1962 guideline lives, appropriately reflects the faster pace of economic and technological change which seems to be developing in the 1970's.

The liberalization of depreciation allowances is one of the simplest and least costly means of helping to revive capital spending. Through this program, business will receive a much needed infusion of funds, the Nation's economy can receive a boost, and the unemployed can go back to work.

CONCEPTS OF A STATE "FOUNDATION PLAN"

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

Mr. BETTS. Mr. Speaker, the Ohio State Medical Association has suggested a foundation plan which has been given a great deal of study by that organization. I am enclosing a copy of an article which appeared in the Ohio State Medical Journal recently on this subject and offer it for consideration of my colleagues.

CONCEPTS OF A STATE "FOUNDATION PLAN"—A METHOD OF HEALTH CARE DELIVERY

The medical profession is under attack by many segments of society because of the spiraling costs of health care in this country. The medical profession therefore, has become the "fall guy" for this spiraling cost which could result in the destruction of the health care system as we know it today. We all know the physician has control over some aspects of health care, but for many areas this escalating cost factor is beyond the physician's control. The other major point of criticism which is being hurled at the profession is that of the distribution of health care, with particular reference to the ghetto and rural areas.

We do have the capability of providing solutions to the cost factors and distribution of medical care. Without our guidance and influence, legislators, government leaders, labor leaders, bureaucrats and health and social planners will completely alter the health care system by using these two major factors as an executive for a radical and complete change. Why not treat the "patient" professionally instead of permitting non-professionals to institute a treatment that would be worse than the disease itself.

Therefore, it is imperative that the medical profession clearly recognize the problems that exist today and come up with a program that will resolve both the short term problems and the long term needs of the profession and the people that it serves. Dr. Richard Fulton, OSMA President, and the OSMA Council determined the need for an evaluation and for recommendations to solve the short and long range problems in the Financing and Delivery of Medical Care. They have established an Ad Hoc Committee on Health Care Delivery Systems. This is a report of that committee.

When you review the proposals and concepts that are offered by all of the "experts" in this field you must recognize several common denominators. These are that the service must be available to everyone and that it must be at a reasonable cost. It is essential that medical care be provided at a high quality level to all and the physician should be responsible for the quality care in all segments of the health care field. We agree that the costs must be reasonable but that this cost factor should apply not only to the physicians but to facilities and the other elements of the health care industry. It is only reasonable that the profession should manage such a system of care in that they are in the best position to evaluate the efficiency and the productivity of the delivery system.

Considerable discussion is going on throughout the country regarding the formation of health care foundations. The foundation concept was initiated by Henry Kaiser in the construction of the Grand Coulee Dam in 1938 for comprehensive medical care on a capitation basis and founded by Dr. Sidney Garfield. This Kaiser Foundation concept was expanded during World War II in the Kaiser shipyard facilities. It is now a large program covering two million people in several of our states with over twenty hospital facilities and many outpatients clinics. The Kaiser plan is a prepaid full coverage capitation plan with a limitation of the choice of physician and of facility to those within the plan. The physicians are salaried and the patient's choice limited. As a counter measure to the closed panel pre-payment Kaiser system, particularly in California, local "foundation" plans have been established. Most of these were created by county medical societies to offer a competitive system. These latter medical care foundations offer free choice of physician, of those physicians participating in the program (90% to 95%), and on a usual, customary and reasonable basis. One of the first of these was the San Joaquin Valley program and now over thirty of these exist in the State of California. A study of these local foundation plans reveals many alternate approaches to the problem; but there is a definite control of the program by the physician members. Several of our sister states are currently formulating plans for similar foundations or "modified foundation programs." There are variations, of course, to these proposals but the primary objective of all is quality care and reasonable cost.

Your OSMA committee, in evaluating these varied programs and in contemplating the future of health care, believes that the Ohio State Medical Association should be the catalyst to the formation of a state-wide "foundation" concept. It would be necessary to establish a parallel organization to the OSMA in order to carry out such a function. We view the role of this foundation as one which would serve as the agent for the physician membership of the organization and in so doing would assure any third party, whether it be governmental, labor, management, insurance carriers, patient groups, individual patients, etc., that quality medical care would be delivered. This agency would also assure the third parties and its provider members that this care would be delivered on a usual customary and reasonable fee basis. The foundation would process all claims and payment hopefully through contracts with established carriers, assure prompt reasonable payment and make this payment of both facilities and providers on the principal of the usual, customary and reasonable basis. The foundation would carry out utilization review within both the facilities and providers areas and it would also carry out peer review of the providers.

The criteria for both utilization review and peer review should be established by another physician group. If the Bennett Amendment that was formulated by the Senate Finance Committee in the late 1970 is finally enacted by the present Congress, a State PSRO (professional Standards Review Organization) could be established by the OSMA to formulate the guidelines for utilization and peer review and also be responsible for the implementation and supervision of these criteria. Each hospital utilization committee would function as of now, but they would be required to perform to the prescribed standards. Peer review committees would be organized on a county or regional basis, and likewise they would be required to function according to the PSRO standards.

Physicians and other providers, as well as facilities, would participate on a voluntary basis and would agree to adhere to the rules and regulations of the foundation. Those not electing membership would receive payment for their services through their patients who would be reimbursed at a limit to be established by the foundation. This brings up the problem of the individual nature of medical practice as it has traditionally existed. It would seem at this time that there are three possibilities available to the profession. One—a national health service as has been advocated by some which would be restrictive, inflexible system. Two—remaining totally independent of all organized systems and excluding one's self from the vast majority of people who will be under either a voluntary health plan or a compulsory nationalized health plan. Three—participation in a physician oriented and organized structure that would inherently have some restrictions but would in general follow the pattern of patients free choice of physician and fee for service on the usual, customary and reasonable basis.

A great advantage to the physician operated foundation could be the establishment of a self-contained professional liability program that would hopefully reduce the liability costs that the provider now is burdened with through the high premiums paid to liability insurance companies. It seems only reasonable that through proper peer review, the "bad risk" provided would either be excluded from such a program of delivery, or if he were a participant he would be under sufficient control to markedly reduce the liability exposure.

Because of the existant health care areas within our state, each area should have its own functioning organization to carry out the everyday mechanics of the program. However, to insure a large base from which to negotiate it seems advisable that there be an overall state organization which establishes basic policies. A large voluntary membership representing the vast majority of practicing physicians within the state would be an effective instrument in representing the physicians' viewpoint.

What does this offer to the patient or an

organization seeking a health care "package" for their members? Primarily, it assures them of the best available care at a quality level and at a reasonable cost. The consumer or his organization would negotiate with the foundation as to the allowable benefits, deductibles, or other criteria to be established that gives the consumer representation in the formulation of their own plan. The implementation of the plan, however, would be carried out by the foundation as professionals, employing the appropriate review techniques.

This agency or foundation would also be in a position of responding to the manpower needs of given areas by the establishment of health care clinics, by establishing mobile health care facilities and other innovative systems that would hopefully be able to answer some of the pressing needs in the area of abnormal distribution.

A unique opportunity is now available to organized medicine in one of our rural counties. The only practitioner is leaving after 25 years of devoted service to the community. The committee recommends that a modified group-type practice be established under the leadership of OSMA to meet the needs of this county. This could be a demonstration project. It would provide many answers to a difficult problem pertaining to the organization and functional status of such a facility.

There are certainly many points of controversy and many areas that represent a radical departure from the past thinking of many members of the profession. But there must be an immediate progressive, realistic approach made to the present and future problems facing the profession if the basic tenets of the care for sick people, as well as for the prevention of disease are to be retained. Great thought must be given to these problems but at the same time there is urgency to the need for action.

The committee recommended to the Council and Officers of the OSMA the formation of a State Foundation of Medical Care. This recommendation is presently under consideration by The Council.

Respectfully submitted,

AD HOC COMMITTEE ON HEALTH CARE DELIVERY SYSTEMS,
ROBERT HOWARD, M.D.,
Chairman.
JAMES GOOD, M.D.
SOL MAGGIED, M.D.
H. WILLIAM PORTERFIELD, M.D.

LET US BE MORE NEIGHBORLY

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

Mr. MONAGAN. Mr. Speaker, in leading the commemoration in the House of Pan-American Day on April 20, I called for a reordering of our foreign policy priorities in regard to our relations with Latin America. Having just returned from a meeting of the Interparliamentary Union held in Caracas, Venezuela, I am particularly aware of the need for improved understanding between the United States and Latin American countries. We have often failed to recognize the legitimate needs and ambitions of these countries as we have sometimes failed to recognize the intensity of their national sensibilities.

In light of the need to improve communication between the United States and Latin American nations, I asked the House to reaffirm its dedication to solving our common hemispheric problems through collective cooperation. I was pleased to find editorial support in the Fifth District of Connecticut for my position. I should like to include at this point in the RECORD a thoughtful and well-reasoned April 23 editorial from the Meriden Morning Record. It is gratifying to find such a prompt and favorable reaction to my suggestion and I am sure that Latinos will be pleased at the editorial response of this respected journal.

The editorial follows:

LET'S BE MORE NEIGHBORLY

Rep. John S. Monagan's reminder that the United States should pay more attention to the Latin-American nations is justified. The Congressman who represents Meriden, Wallingford, and Cheshire, among other towns in the Fifth Congressional District, addressed the House Tuesday on Pan American Day commemorating the 81st anniversary of the founding of the Union of American Republics, now known as the Organization of American States.

For too long the Latin American nations have been either ignored, treated with disdain, or regarded as poor relations by Uncle Sam. Simple self-interest would dictate more considerate treatment, let alone considerations of friendliness and fairness.

No one likes to be taken for granted, neither an individual nor a nation. Yet all too often Uncle Sam has taken for granted his Latin American neighbors until suddenly some crisis erupts—a Soviet missile base in the Caribbean, or the election of a Marxist president in Chile. Then Uncle Sam sits up and takes notice.

Such "crisis government," however, is not in the best interest of either the United States nor Latin America. There should be a continuing give and take at every level—diplomatic, political, economic, scientific, and cultural—among the nations of the Western Hemisphere. All of them, including the United States, recognize this; over the years there have been attempts at establishing such relationships. There was the "Good Neighbor" policy, and the Alliance for Progress, and there is the Organization of American States, all commendable undertakings, but somehow, somewhere, they bog down and the old pattern of indifference sets in—until the next crisis.

Rep. Monagan has done well to point out the folly and the dangers of drifting. Latin America is changing. No longer is it a continent of what has been contemptuously called "banana republics." Today Latin America is bestirring itself, like a giant awaking. The nations south of the border hold great riches; they are also beset with grave problems—a rapidly mounting birth rate, abysmal poverty; a widening gap between rich and poor; restiveness in the Church; political instability, and a vague awareness on the part of the populace that their lives need not be so miserable after all.

Congressman Monagan calls for a recognition of the need for mutual understanding and interdependence among all the nations of the Western Hemisphere. The old order has changed; today the nations and continents are linked by satellite communications and spanned by jet aircraft. The time has come to put aside provincialism and parochialism and think in terms of the common interest, according Latin America the place it deserves as a next door neighbor.

REGULATION OF TAX RETURN PREPARERS—FORM AND SUBSTANCE

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

Mr. MONAGAN. Mr. Speaker, April 15 has now come and gone. Although the decibel level of taxpayer protest over the level of taxes and the complexity of the forms appeared not to be any higher this year than in previous years, few will disagree that we need improvement on both counts.

With regard to substantive tax reform I stand by my March 1969 proposal to the Ways and Means Committee. I stated then that a broad gage minimum income tax offers an equitable means by which to partially achieve two objectives. First, to assure that all taxpayers regardless of the preferential tax provisions to which they are entitled pay some income tax. I proposed a minimum tax of 20 percent. Unfortunately the Tax Reform Act of 1969 imposed a minimum tax of only 10 percent and even that minor safeguard of tax equity is apparently not sufficient to assure that all citizens pay even a token share of taxes. Recent analyses of the 1969 tax statistics indicate that escape from income taxation has not been foreclosed by the so-called minimum tax. Congress should act to expand and increase the minimum tax to at least 20 percent.

The second objective that a realistic and effective minimum tax would help achieve is a broadening of the tax base. This in turn would enable the Congress to provide a greater tax relief to the middle income taxpayer who continues to carry a disproportionate tax burden.

I intend to introduce appropriate legislation after I have received income and reporting statistics for the 1970 tax year which just passed.

The middle-income taxpayer suffers not only as a result of substantive inequities in the tax laws, but also from the complex forms which he must follow and procedures with which he must comply. As I stated recently, more than half of the 75 million taxpayers who filed returns in 1969 received preparation assistance. The great majority of those who sought assistance had adjusted gross incomes of less than $10,000. We must conclude, then, that a sizable portion of the tax savings that the 1969 act afforded to such a taxpayer is used as payment to persons who assist in tax form preparation.

To provide taxpayers with some relief in the procedural areas of our tax administration, I believe a two-pronged attack is needed. First, the Internal Revenue Service must expand and improve the quality of its taxpayer assistance programs. Currently the IRS expends approximately 10 percent, or $110 million, of its annual budget on programs which are directly related to taxpayer assistance. This includes, among other items, preparation and publication of technical information, answering taxpayer queries at IRS offices and by telephone, and certain audit and collection activities. What this figure does not include is the amount of uncollected revenue which results from the tax deductions allowed for fees paid to persons assisting the taxpayer in tax form preparation.

Second, tax forms and procedures must be simplified. It is an unfortunate fact of life that form is intertwined with substance. As a result, the complexity of our laws is a proximite cause of the complexity of the tax forms. This is not

the only cause, however. I believe that the IRS can and should do more in this regard notwithstanding the complex laws.

To perform this task effectively a single focal point within IRS should be charged with carrying out this function. Currently, a number of constituent units of the IRS are, in varying degrees, involved in work related to form simplification and taxpayer assistance. More effective coordination of the work of these units and greater reliance on taxpayer attitudes and opinions would be two meaningful steps that could lead to a reversal of the unwillingness of taxpayers to prepare their own forms.

So that Congress may more effectively evaluate the efforts of the IRS to provide taxpayer assistance, I have introduced H.R. 7590. This bill amends the Budget and Accounting Procedures Act of 1950 by requiring the Secretary of the Treasury to furnish information on the taxpayer assistance programs of the IRS and on the revenue consequences resulting from itemized tax deductions for fees paid to persons or firms who provide assistance to taxpayers in preparing Federal income tax forms.

The bill also authorizes the Secretary of the Treasury to promulgate regulations governing the recognition of persons who engage in Federal tax return preparation and qualifications, rules of practice, and standards of ethical conduct required of such persons. As I have previously stated, the burgeoning tax return preparation industry is virtually unregulated despite the highly sensitive nature of the work its members perform for the general public. Nor is there a coherent national policy on the role of the Federal Government in promulgating qualification or fee standards for the more than 200,000 tax form preparers currently doing business in the United States.

This bill, which is now before the House Government Operations Committee, seeks to fill that void by defining and clarifying the role of the IRS in assisting taxpayers and by authorizing promulgation of regulations to govern tax preparers.

The House Government Operations Subcommittee on Legal and Monetary Affairs, which I chair, has oversight jurisdiction of the Department of the Treasury including the IRS. For some time it has been concerned with the quality of services provided by these firms and by their qualifications and fees. Following is an editorial from the Bridgeport Post of April 16, 1971, on my proposal to regulate the commercial tax service industry.

MAKE IT SIMPLE

Congressman John S. Monagan of Waterbury has proposed federal legislation to regulate what he calls the multi-million dollar commercial tax service industry.

Congressman Monagan cites statistics that indicate more than half of the 75 million Americans who filed income tax returns in 1969 sought assistance in the preparation of the forms. And the congressman thinks they should have the protection of regulation of the tax firms to which they pay fees.

There is no argument here on the proposal considering the present circumstances.

But a proposal of Senator Charles McC. Mathias of Maryland is nearer and dearer to our heart.

Mr. Mathias wants the official language of the Internal Revenue Service to be "common, everyday American English."

So he is introducing legislation to form a 15-member commission to simplify Internal Revenue Service tax forms for Americans.

Said the senator:

"Although the Internal Revenue Service—contrary to popular belief—does not deliberately make its forms obscure and its instructions baffling, I believe that substantial improvements are badly needed."

His commission would represent all tax brackets, age groups, job categories, and regions of the country. In short, he says, tax forms would be submitted to "a panel of average taxpayers before the materials are printed by the millions and released to the general public."

With the horrendous struggle with Form 1040 over for this year, haggard, worn and weary taxpayers can only wish the senator the best of luck in his quest for simplicity.

AMENDMENT TO THE CONSTITUTION

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

Mr. MIZELL. Mr. Speaker, I rise at this time to offer an amendment to the Constitution, specifying that no public school student shall be assigned to, or required to attend, any particular school on the basis of race, creed, or color.

Offering an amendment to so honored and cherished and complete a document as our Constitution is not a step to be taken lightly, or in haste, or without very good cause.

But I believe that in light of the Supreme Court's recent decision in the case of Swann against Charlotte-Mecklenburg Board of Education, declaring that the forced busing of schoolchildren away from their neighborhoods is an acceptable tool in achieving racial balance, there is no other recourse to be taken.

Regular legislation, such as a bill I introduced in the 91st Congress and again in the 92d, can no longer obtain my desired result, and that is the restoration of reason and the redirection of purpose in American education.

But this desire is not mine alone. Rather, it is shared by millions of people in our cities and towns and rural areas who long for a return to the consideration that once was and still should be paramount in our Nation's schools—and that is to provide an education of high quality for every American child.

And this desire is not limited to the people of the South, or to any region. It is not confined to proponents of any one political or social philosophy; it is shared by all.

The spectre of racism has not inspired this action, nor has it motivated the millions who feel that forced busing—or forced anything—is not consistent with the free society we profess to be.

This strong belief in freedom, the greatest force in this Nation's history, is what is at issue here. This, and the fact that millions genuinely and sincerely believe that the education of their children may be seriously impaired as a result of the Court's decision.

Rising costs plague us all, but they threaten to destroy hundreds of school systems throughout the country. We read of teachers striking for higher pay, of school buildings crumbling in disrepair, and of acute shortages in so many kinds of educational equipment.

When funds for these pressing needs cannot be supplied even now, how shall the cause of quality education be served by imposing overwhelming additional costs for purchasing and maintaining fleets of new buses?

In our admirable desire to provide a quality education for all, will we make it impossible to provide a quality education for any? This need not—it must not—be the case.

The Court has ruled on this matter, and the Court's decision should rightly be considered the law of the land. And the law of the land must always be respected and followed.

But where law is found to be unjust, or destructive of its own ends, it must be changed.

For that reason, I am introducing this constitutional amendment today, and I am pleased and honored to have as a cosponsor my distinguished colleague in the North Carolina delegation, Mr. JONAS.

It is significant that Mr. Jonas should serve as a cosponsor of this measure, because it is in his district that the Court's directive will be immediately effective.

Mr. Jonas believes as I do, and as many millions of Americans do, that this amendment is needed, for the sake of our schools, for the sake of our children, for the sake of our freedom.

I urge its immediate consideration by the appropriate committee, its rapid approval by the Congress, and its final ratification by the States.

The amendment follows:

H.J. RES. 593

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this Joint Resolution:

"ARTICLE —

"SECTION 1. No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation."

SMASHING VICTORY FOR COAL MINERS

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

Mr. HECHLER of West Virginia. Mr. Speaker, earlier today I indicated that the U.S. District Court decision in the Tony Boyle-UMW Welfare and Retirement Fund-National Bank of Washing-

ton conspiracy represented a great victory for the coal miner, widows, and survivors.

In the CONGRESSIONAL RECORD, volume 115, part 17, pages 22623–22638, I included the text of the complaint.

Because of the historic nature of the decision handed down yesterday in the U.S. District Court for the District of Columbia, I include the complete text of the opinion by U.S. District Judge Gerhard A. Gesell. Included following the opinion are two news articles on the decision. The opinion follows:

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

[Civil action No. 2186–69]

WILLIE RAY BLANKENSHIP, ET AL., PLAINTIFFS, v. W. A. (TONY) BOYLE, GEORGE TITLER, EDWARD L. CAREY, THE UNITED MINE WORKERS OF AMERICA, BITUMINOUS COAL OPERATORS' ASSOCIATION, THE UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND OF 1950, THE NATIONAL BANK OF WASHINGTON, C. W. DAVIS, JOSEPHINE ROCHE, GEORGE L. JUDY, HENRY S. SCHMIDT, WILMER J. WALLER, BARNUM L. COLTON, DEFENDANTS.

MEMORANDUM OPINION

This is a derivative class action brought on behalf of coal miners who have a present or future right to benefits as provided by the United Mine Workers of America Welfare and Retirement Fund of 1950. Plaintiffs have qualified under Rule 23.2 of the Federal Rules of Civil Procedure. Jurisdiction is founded on diversity and on the general jurisdiction of this Court, 11 D.C. Code § 521, in effect at the time suit was filed.

Defendants are the Fund and its present and certain past trustees; the United Mine Workers of America; and the National Bank of Washington and a former president of the Bank.[1]

Plaintiffs seek substantial equitable relief and compensatory and punitive damages for various alleged breaches of trust and conspiracy. Defendants oppose these claims on the merits and in addition interpose defenses of laches and the statute of limitations. The issues were specified at pretrial conferences, and after extensive discovery the case was tried to the Court without a jury. Following trial, the case was fully argued and detailed briefs were exchanged. This Opinion constitutes the Court's findings of fact and conclusions of law on the issues of liability and equitable relief.

I. BACKGROUND

A. Organization and purpose of the welfare fund

The Fund was created by the terms of the National Bituminous Coal Wage Agreement of 1950, executed at Washington, D.C., March 5, 1950, between the Union and numerous coal operators. It is an irrevocable trust established pursuant to Section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. § 186(c), and has been continuously in operation with only slight modifications since its creation.

The Fund is administered by three trustees: one designated by the Union, one designated by the coal operators, and the third a "neutral party designated by the other two." The Union representative is named Chairman of the Board of Trustees by the terms of the trust. Each trustee, once selected, serves for the term of the Agreement subject only to resignation, death, or an inability or unwillingness to serve. The original trustees named in the Agreement were Charles A. Owen for the Operators, now deceased; John L. Lewis for the Union, now deceased; and Miss Josephine Roche. The present trustees are W. A. (Tony) Boyle, representing the Union; C. W. Davis, representing the Operators; and Roche, who still serves.[2]

Each coal operator signatory to the Agreement (there are approximately fifty-five operator signatories) is required to pay a royalty (originally thirty cents, and now forty cents per ton of coal mined) into the Fund. These royalty payments represent in excess of ninety-seven percent of the total receipts of the Fund, the remainder being income from investments. In the year ending June 30, 1968, royalty receipts totalled $163.1 million and investment income totalled $4.7 million. Total benefit expenditures amounted to $152 million.

In general, the purpose of the Fund is to pay various benefits, "from principal or income or both," to employees of coal operators, their families and dependents. These benefits cover medical and hospital care, pensions, compensation for work-related injuries or illness, death or disability, wage losses, etc. The trustees have considerable discretion to determine the types and levels of benefits that will be required. While prior or present membership in the Union is not a prerequisite to receiving welfare payments, more than ninety-five percent of the beneficiaries were or are Union members.

The Fund has maintained a large staff based mainly in Washington, D.C., which carries out the day-to-day work under policies set by the trustees. Roche, the neutral trustee, is also Administrator of the Fund serving at an additional salary in this full-time position. Thomas Ryan, the Fund's Comptroller, is the senior staff member next in line.

The trustees hold irregular meetings, usually at the Fund's offices. Formal minutes are prepared and circulated for approval. In the past, a more detailed and revealing record of discussions among the trustees has been prepared and maintained in the files of the Fund by the Fund's counsel, who attended all meetings. The Fund is regularly audited, and a printed annual report summarizing the audit and other developments was published and widely disseminated to beneficiaries, Union representatives, and coal operators, as well as to interested persons in public life.

From the outset the trustees contemplated that the Fund would operate on a "pay-as-you-go" basis—that is, that the various benefits would be paid out largely from royalty receipts rather than solely from income earned on accumulated capital. Always extremely liquid, the Fund invested some of its growing funds in United States Government securities and purchased certificates of deposit. It also purchased a few public utility common stocks, and in very recent years invested some amounts in tax-free municipal securities. The chart attached as Appendix A reflects in a general way the growth of the Fund's assets and its investment history until June 30, 1969.

From its creation in 1950, the Fund has done all of its banking business with the National Bank of Washington. In fact, for more than twenty years it has been the Bank's largest customer. When this lawsuit was brought, the Fund had about $28 million in checking accounts and $50 million in time deposits in the Bank. The Bank was at all times owned and controlled by the Union which presently holds 74 percent of the voting stock. Several Union officials serve on the Board of Directors of the Bank, and the Union and many of its locals also carry substantial accounts there. Boyle, President of the Union, is also Chairman of the Board of Trustees of the Fund and until recently was a Director of the Bank.[3] Representatives of the Fund have also served as Directors of the Bank, including the Fund's house counsel and its Comptroller. The Fund occupies office space rented from the Union for a nominal amount, located in close proximity to the Union's offices.

B. The responsibilities of the trustees

The precise duties and obligations of the trustees are not specified in any of the operative documents creating the Fund and are only suggested by the designation of the Fund as an "irrevocable trust." There appears to have been an initial recognition by the trustees of the implications of this term. Lewis, who was by far the dominant factor in the development and administration of the Fund, stated at Board meetings that neither the Union's nor the Operators' representative was responsible to any special interest except that of the beneficiaries. He declared that each trustee should act solely in the best interests of the Fund, that the day-to-day affairs of the Fund were to be kept confidential by the trustees, that minutes were not to be circulated outside the Fund, and that the Fund should be soundly and conservatively managed with the long-term best interests of the beneficiaries as the exclusive objective. While he ignored these strictures on a number of occasions, as will appear, his view is still accepted by counsel for the Fund in this action, who took the position at oral argument that the duties of the trustees are equivalent to the duties of a trustee under a testamentary trust. Counsel stated, "You can't be just a little bit loyal. Once you are a trustee, you are a trustee, and you cannot consider what is good for the Union, what is good for the operators, what is good for the Bank, anybody but the trust." (Tr. 2590.)

This view, which corresponds with plaintiffs' position, is not accepted by all parties. While acknowledging that a trustee must be "punctilious," counsel for some of the parties urge that trustees as representatives of labor or management may properly operate the Fund so as to give their special interests collateral advantages (e.g., managing trust funds so as to increase tonnage of Union-mined coal), and that this is not inconsistent with fiduciary responsibility since such actions ultimately assist beneficiaries by raising royalty income. But there is nothing in the Labor-Management Relations Act or other federal statutes or in their legislative history which can be said to alleviate the otherwise strict common-law fiduciary responsibilities of trustees appointed for employee welfare or pension funds developed by collective bargaining. Indeed, the statute under which the 1950 Fund is organized was designed expressly to isolate such welfare funds from labor-management politics. In *Lewis* v. *Seanor Coal Co.*, 382 F.2d 437, 442 (3d Cir. 1967), the court indicated that Congress was motivated by the example of the UMWA's pre-1950 Fund:

"This provision was written into the statute because of the special concern of Congress over the welfare fund of the United Mine Workers of America, which already was in existence and which Senator Taft described as administered without restriction by the union so that 'practically the fund became a war chest . . . for the union.'"

See also United States v. *Ryan*, 350 U.S. 299, 304–05 (1956).

It is true that trustees are allowed considerable discretion in administering a trust as large and complex as the Fund. In determining the nature and levels of benefits that will be paid by a welfare fund and the rules governing eligibility for benefits, the trustees must make decisions of major importance to the coal industry as well as to the beneficiaries, and their actions are valid unless arbitrary or capricious. *E.g., Roark* v. *Lewis*,

Footnotes at end of article.

130 U.S. App. D.C. 360, 401 F.2d 425, 426 (1968); *Kosty* v. *Lewis*, 115 U.S. App. D.C. 343, 319 F.2d 744, 747 (1963). On these matters, trustee representatives of the Union and the Operators may have honest differences in judgment as to what is best for the beneficiaries. Congress anticipated such differences in enacting § 302(c) of the Labor-Management Relations Act, and sought to temper them by the anticipated neutrality of the third trustee. The congressional scheme was thus designed not to alter, but to reinforce "the most fundamental duty owed by the trustee": the duty of undivided loyalty to the beneficiaries. 2 *Scott on Trusts* § 170 (3d ed. 1967). This is the duty to which defendant trustees in this case must be held.

C. Conduct of the trustees

Before dealing in detail with the specific breaches of trust alleged, a general comment concerning the conduct of the trustees is appropriate to place the instances of alleged misfeasance into proper context. It has already been noted that the trustees did not hold regular meetings but only met subject to the call of the Chairman. There was, accordingly, no set pattern for deciding policy questions, and often matters of considerable import were resolved between meetings by Roche and Lewis without even consulting the Operator trustee.

The Fund's affairs were dominated by Lewis until his death in 1969. Roche never once disagreed with him. Over a period of years, primarily at Lewis' urging, the Fund became entangled with Union policies and practices in ways that undermined the independence of the trustees. This resulted in working arrangements between the Fund and the Union that served the Union to the disadvantage of the beneficiaries. Conflicts of interest were openly tolerated and their implications generally ignored.[4] Not only was all the money of the Fund placed in the Union's Bank without any consideration of alternative banking services and facilities that might be available, but Lewis felt no scruple in recommending that the Fund invest in securities in which the Union and Lewis, as trustee for the Union's investments, had an interest. Personnel of the Fund went on the Bank's board without hindrance, thus affiliating themselves with a Union business venture. In short, the Fund proceeded without any clear understanding of the trustees' exclusive duty to the beneficiaries, and its affairs were so loosely controlled that abuses, mistakes and inattention to detail occurred.

II. ACCUMULATION OF EXCESSIVE CASH

A. The breach of trust

The major breach of trust of which plaintiffs complain is the Fund's accumulation of excessive amounts of cash. A basic duty of trustees is to invest trust funds so that they will be productive of income. *E.g., Barney* v. *Saunders*, 57 U.S. (16 How.) 535, 542 (1853); *Spruill* v. *Ballard*, 36 F. Supp. 729, 730 (D.D.C. 1941); *In re Hubbell's Will*, 302 N.Y. 246, 97 N.E. 2d 888, 892 (1951); 2 *Scott on Trusts* § 181 (3d ed. 1967). It is contended that the trustees failed to invest cash that was available to generate income for the beneficiaries, and in total disregard of their duty allowed large sums to remain in checking accounts at the Bank without interest. It is further claimed that this breach of trust was carried out pursuant to a conspiracy among certain trustees, the Union, and the Bank through its President, and that all these parties are jointly liable for the Fund's loss of income resulting from the failure to invest.

That enormous cash balances were accumulated and held at the Bank over the 20-year period is not disputed. The following figures are representative.

Fiscal year	Amount of cash in demand deposits at end of year	Percentage of cash to the fund's total resources
1951	$29,000,000	29
1956	30,000,000	23
1961	14,000,000	14
1966	50,000,000	34
1967	75,000,000	44
1968	70,000,000	39
1969	32,000,000	18

The significance of these huge sums has greater import when two factors are considered.

First, not only did the trustees have a duty to invest but the early minutes of the Fund clearly reflect the trustees' knowledge that income could be earned by investment in Government securities without sacrificing desired liquidity. The safety and practicality of using excess cash in this manner were also fully appreciated. Yet the money remained at the Bank on demand to the Bank's advantage but earning nothing for the Fund. This practice continued in spite of suggestions from successive Operator trustees that the money should be used to earn income for the beneficiaries.

Second, the Fund could easily have met its obligations with only a fraction of the cash maintained in its checking accounts, as the most cursory examination of its accounts clearly shows. The income and outgo were constant and unusual demands on the Fund could in any event always be anticipated sufficiently to liquidate Government securities should this have been unexpectedly necessary. Over the years the Fund paid out monthly approximately $10 million to $14 million for medical and pension benefits and administrative expenses. Against these obligations the Fund has a predictable steady income in the form of monthly royalty payments which, for each month in the years 1967, 1968 and to the date of the complaint in 1969, always totaled from $10 million to $14 million. In addition, there was regular, predictable investment income in the range of $2 million to $3 million per annum. Plaintiffs' Exhibit No. 1627, annexed hereto as Appendix B, charts the cash which was held in the General, Pension and Administrative checking accounts by month from 1953 to June 1969, and reflects the regularity of the Fund's income and outgo. It will be immediately noted that cash balances greatly in excess of the Fund's day-to-day needs were permitted to accumulate from the outset. Even the formula of having two to two-and-one-half times monthly expenditures in cash, a formula urged by the trustees as appropriate but without apparent justification, was ignored in practice.

The beneficiaries were in no way assisted by these cash accumulations, while the Union and the Bank profited; and in view of the fiduciary obligation to maximize the trust income by prudent investment, the burden of justifying the conduct is clearly on the trustees. *Cf. Pepper* v. *Litton*, 308 U.S. 295, 306 (1939).

Three explanations were seriously presented in justification of the cash accumulations: the trustees' general concern as to the future course of labor relations and other developments in the coal industry which might make it necessary to have money readily at hand on short notice; tax factors; and what was characterized as inadvertence or accident. None of these explanations will withstand analysis.

(a) *Uncertainty about the future.* Prior to 1950, strikes and labor disputes had caused mine shutdowns, placing heavy demands on the then-existing welfare programs. Any repetition of these or similar conditions would have shut off royalty payments, perhaps for a considerable period. While this factor could therefore justify the trustees in maintaining a substantial, highly liquid reserve, it affords no justification for the failure of the trustees to put the large accumulations of excess cash to work for the beneficiaries. Roche testified that she favored maintaining an amount equal to several months' expenditures in cash, because "that is the only way you can be sure." Such naiveté by a trustee is unacceptable, particularly in light of the trustees' knowledge that short-term Government securities, which the evidence showed were redeemable on one-half hour notice, for example, were readily available and would have generated substantial income for the Fund while still assuring maximum liquidity.

This reliance on future uncertainty must also be weighed in the light of conditions existing in the coal industry in the latter years of the Fund's history under review. These were succinctly epitomized by a Union economist at the trial. In brief, it appears that beginning around 1960 the industry was profitable and increasingly stable, with encouraging prospects for the future, all of which was reflected in the increasing amount of coal mined and the favorable progress of the Union in its effort to organize increasing numbers of miners for work at the Union scale. Prosperous conditions made any reoccurence of the pre-1950 experience far less likely.

(b) *Tax considerations.* The Fund has from the beginning been competently advised by experienced outside tax counsel. Naturally its return was examined by field audit from time to time. The Fund first sought an exemption from income tax as a charitable trust. This was denied in 1954, after a long delay while the requested ruling was being processed at the Treasury Department. This negative ruling was prospective, and thereafter the Fund understood that it would have to pay taxes on any amount of investment income that exceeded its administrative expenses. In fact, investment income never exceeded administrative expense and indeed was usually well below. In one year the spread was $2.4 million. It was obvious that even if income exceeded expenses and taxes became due on the excess, the Fund would have profited to the extent of its after-tax income.

An additional latent worry was apparently the possibility that royalties would be treated by the Internal Revenue Service as income, which would have been disastrous for the Fund. Tax counsel advised that royalties were not income, and they were so reported. The Internal Revenue Service agents conducting audits seemed interested in the point, but took no action. The Fund never asked for a ruling, preferring to let the Internal Revenue Service make the first move. When the question arose as to another welfare fund, the Anthracite Fund, the IRS eventually ruled that royalties were not income. Significantly, the Fund's representatives, although familiar with the Anthracite Fund's problem, were not sufficiently concerned even to inquire as to the final ruling of the IRS in the matter.

Thus none of these tax considerations can justify the trustees' failure to invest.

(c) *Accident or inadvertence.* There was no proof to support this desperate theory which the Fund itself does not advance and which in any event is in effect an admission of failure to adhere to minimum fiduciary standards of care and skill in administering the trust. 2 *Scott on Trusts* § 174 (3d ed. 1967). The Fund's Comptroller stoutly denies accident or inadvertence, and the proof shows that the trustee well knew at all times that cash was steadily accumulating.

Under the most charitable view, this accident theory can help to account only for the staggering accumulations of cash in the period 1966 to 1968, when Lewis was in failing health and the trustees met infrequently.

Footnotes at end of article.

However, as is clear from the discussion of the conspiracy aspects of this case, *infra*, these accumulations were only an extension of a conscious, longstanding policy of the trustees.

The following testimony by Roche is revealing:

"Mr. Lewis felt very strongly, sir, the necessity of having a good deal beyond what we could invest without raising the taxation problem, keeping it very much in a situation where we could get at it at once. He did not feel enthusiastic for a long time over tax-exempt securities such as municipals.

"I talked to him frequently about it personally, aside from the general discussions we had. And I finally in '67–'68 realized how strongly I probably had been mistaken myself on anything that had to do with minute fiscal things. And I said, you know, Tom Ryan we both have the utmost confidence in, and he feels we ought to get some of this money out, make it earn money. Now let's think again about municipals. And he did. . . . And finally he definitely agreed in '68, he said, Yes, we better go ahead, go ahead.

* * * * *

"So it was really a long-delayed decision which really probably, and I know completely from the point of view of a financial expert, that there is no excuse perhaps for it at all. To us who had felt that need, too, but felt these other things so terribly imminent, it is not the brightest chapter that we have, but we did some other things that perhaps made up for it a little bit.

* * * * *

"[T]he fiscal requirements certainly didn't justify what we had on deposit. I know that perfectly well."

(Transcript pp. 957–60.)

Considering this testimony, and the enormous cash balances which existed in 1966 through 1968, the following excerpt from "A Statement by United Mine Workers of America Welfare and Retirement Fund," printed in the United Mine Workers Journal on May 1, 1969, in answer to growing criticism of the trustees' policies, takes on special significance:

"The criticism: 'Large' bank deposits drawing no interest."

"The record: At most times during our existence, our bank balances were not nearly so high as we would like to have them in relation to our monthly expenditures."

"In January of 1965 the Trustees made substantial improvements in the benefit programs which had the effect of increasing our expenditures by over $45 million annually. As a consequence, as income permitted, our cash balance was allowed to build up somewhat. Our cash balance on June 30, 1968, was actually no greater in relation to our monthly and annual expenditures than it had been at times in the past when expenditures were at a lower level.

"With the conclusion of negotiations for a new three-year contract between the Union and the operators in October, 1968, the potential need for cash reserves has lessened and these balances have been reduced considerably."

This statement was signed by Roche, Ryan, and Welly K. Hopkins, General Counsel of the Fund. It is not only lacking in candor, as was much of Ryan's testimony at trial, but actually misleads.

The trustees well knew that cash deposits at the Bank were unjustified. It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested. It remains to be determined whether the Union, the Bank, or certain individual defendants are also responsible for the breach of trust.

B. The Conspiracy as to Cash Deposits

Plaintiffs contend that the Union and the Bank conspired with the trustees to maintain the excessive cash at the Bank for their respective benefit. On this phase of the case the applicable law is well established and need here only be briefly summarized.

A conspiracy is an agreement between one or more persons to accomplish an unlawful object or to accomplish a lawful object in an unlawful manner. *American Tobacco Co.* v. *United States*, 328 U.S. 781, 809 (1946); *Edwards* v. *James Stewart & Co.*, 82 U.S. App. D.C. 123, 160 F.2d 935, 937 (1947). The gist of a civil conspiracy, however, is not the agreement itself, but the civil wrong alleged to have been done pursuant to the agreement; the allegation of conspiracy bears only upon evidentiary and other formal matters. *Edwards* v. *James Stewart & Co., supra; Ewald* v. *Lane*, 70 App. D.C. 89, 90, 104 F.2d 222, 223 (1939); *Martin* v. *Ebert*, 245 Wis. 341, 13 N.W. 2d 907, 908 (1944).

The civil wrong here is a breach of trust; and it is settled that where a third person "has knowingly assisted the trustee in committing a breach of trust, he is liable for participation in the breach of trust." 4 *Scott on Trusts* § 326 (3d ed. 1967); *see Jackson* v. *Smith*, 254 U.S. 586 (1921). If the third person's participation in or inducement of the breach is pursuant to an agreement with one or more of the trustees, he is liable as a conspirator.

That there was opportunity to conspire as to the cash balances cannot be doubted. There is, however, no direct evidence of an agreement, no unguarded admissions of conscious impropriety. Lewis, the dominant actor in these events, is dead and the named individual defendants contest charges of conspiratorial participation. Plaintiffs rely on documents, circumstantial evidence and inference to support the claim.

Despite the denials, there is clear and convincing proof that there was an agreement among Lewis, Roche, and Colton made contemporaneously with the creation of the Fund and the Union's acquisition of a controlling interest in the Bank, to use the Bank as the sole depository of Fund moneys and to maintain large sums in interest-free accounts at the Bank without regard to the Fund's needs. Late in 1949, Lewis, through an agent, solicited Colton to become president of the Union's newly acquired Bank. At their second meeting, Lewis discussed with Colton the transfer of both the Union and the Fund accounts from previous depositories to the National Bank of Washington. As early as April 30, 1950, the Fund had over $36 million on deposit in checking accounts at the Bank, and the balance remained near or above this level for more than a year thereafter. Over the next twenty years the trustees' decision to leave cash in the Bank without interest greatly benefited the Bank and the Union as the Bank's majority shareholder. At all times these sums well exceeded the immediate cash needs of the Fund, as the previous discussion has shown.

This banking arrangement met strong objection from the Operators' trustee, Owen, who at a trustees' meeting as early as August 1950, demanded that all moneys of the Fund be withdrawn from the National Bank of Washington. He stated:

"It is undoubtedly the law that a trustee should not deposit trust funds in a bank which he controls or in which he has a substantial participation. Amongst other criticism, he may cause the dividends upon his stock to be enhanced by the Bank's use of a large deposit of his trust's funds for loan purposes. Also, conflicting interests may arise; or, losses may occur."

The trustees' minutes through 1950 and 1951 reflect that Lewis and Roche, rather than replying to Owen's repeated complaints on this score, ignored his protests altogether and Lewis even equivocated as to his interest as a trustee holding bank stock for the Union.[5] In March of 1951, Owen included the Fund's relationship with the Bank as one of four matters on which he believed his proposals had been rejected, "utterly without justification," by Lewis and Roche "acting jointly."

The formal minutes of the Fund reflect practically none of this crucial discussion held at trustee meetings. Mitch, the Fund's attorney, attended the meetings, however, and thereafter prepared what he designated a stenographic draft of the proceedings based on copious contemporary notes. The stenographic drafts are in evidence. These were reviewed by Roche and possibly others and a truncated, far less informative formal minute was developed. Roche struck out most of the informative detail. No satisfactory explanation was offered as to why this was done, and the inference is unavoidable that Lewis and Roche had a conscious desire to conceal the actual embarrassing discussions that had taken place.

Lewis and Roche chose, without taking legal advice in the face of strong objection to the legality of their actions, to advance the interests of the Union and the Bank in disregard of the paramount interest of the beneficiaries who were entitled to receive the benefit of prudent investment of their funds.

The Union urges that Lewis kept his own conscience, acted solely as a trustee and after 1960, when he became President Emeritus, an honorary position, was wholly removed from any executive authority in the Union's affairs. Hence, it is claimed, the Union cannot be held responsible for Lewis' actions, neither prior to nor especially after 1960. This position cannot be squared with the facts. Lewis totally dominated the Union both before 1960 and to a large extent thereafter, especially as to financial matters, including the Fund. Other Union officers knew of Lewis' actions with regard to the Fund and the Bank, but uttered not a word of protest. While Boyle, in the period after 1960, often suggested that Lewis raise pensions, which would have had the effect of reducing the Fund's bank balances, neither Boyle nor any other officer sought to break the longstanding practice of retaining Fund moneys in non-interest-bearing checking accounts at the Bank rather than in investments. When the Welfare Fund agreement was renegotiated in 1964, 1966 and 1968, the Union could have designated another representative to act as trustee, had it been unwilling to accept the benefits of the course that Lewis had so obviously set.

The inference is also unavoidable that Lewis made more than a mistake of judgment as a trustee. He acted to benefit the Bank and to enhance its prestige and indirectly the prestige of the Union, not simply to keep money needed by the Fund in a safe place. The minutes show that he knew the large demand deposits were unnecessary for any legitimate purpose of the Fund. Moreover, he was not lacking in financial sophistication. He had been president of a bank himself and the record shows his many financial dealings and the manner in which, as President of the Union, he utilized the considerable financial resources of the Union for the Union's benefit. The conclusion is clear that Lewis, in concert with Roche, used the Fund's resources to benefit the Union's Bank and to enhance the Union's economic power in disregard of the paramount and exclusive needs of the beneficiaries which he was charged as Chairman of the Board of Trustees to protect.

Lewis acted for the Union when he entered into the conspiracy.[6] A conspiracy once formed is presumed to continue; to escape continuing liability, a party must affirmatively withdraw from the conspiracy and seek to avoid its effects. *See Hyde* v. *United States*, 225 U.S. 347, 369 (1912); *South-East Coal Co.* v. *Consolidation Coal Co.*, 434 F.2d 767, 784

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(6th Cir. 1970). The Union did not withdraw from the conspiracy; it had full power to end this breach of trust, yet it knowingly perpetuated the breach and continued to reap the benefits thereof.

Any doubt as to Lewis' motivation is fully dissipated by other evidence showing respects in which the Fund was used to benefit the Union during Lewis' chairmanship, to be discussed later. There is no suggestion that Lewis personally benefited, but he allowed his dedication to the Union's future and penchant for financial manipulation to lead him and through him the Union into conduct that denied the beneficiaries the maximum benefits of the Fund. A finding of conspiracy to maintain excessive cash at the Bank, justifying an award of damages against the Union in favor of the beneficiaries, is required.

The Bank, for its part, contends it played no conscious role in these arrangements and that it merely acted as a responsible banker handling the Fund's business in accordance with sound conservative banking practice. To be sure, the Bank did not overreach in any manner. It treated the Fund fairly. It performed extensive services for the Fund free of charge. There is no showing that the Bank conducted its business on the premise that the cash would not be summarily withdrawn. It was always highly liquid—indeed more liquid than other comparable banking institutions. Moreover, it did not receive any pressure from the Union to increase dividends for the Union's benefit, and dividend levels were in accord with the general parsimony that conservative bankers usually display toward shareholders at dividend time. There is no evidence that the Union or anyone connected with the Fund ever required the Bank to loan money to a friend or associate without adequate security and no such loans were made. Nor did the Bank show any favoritism toward the Union or the Fund contrary to proper banking standards.

While the measure of the benefits the Bank received from this relationship is unclear, and certainly not as monumental as the size of the deposits suggests, the Bank was in a position to make money on the Fund's large demand deposits and in fact did just that. The deposits enhanced the Bank's earnings and its prestige and position in the banking community.

It is likely that the initial agreement among the Union (acting through Lewis), Roche, and the Bank (acting through Colton), to maintain trust accounts in a bank substantially owned by a Union whose president was a trustee, and the losses of income to the beneficiaries caused thereby, are sufficient without more to hold the Bank liable in conspiracy for damages under the special circumstances of this case.[7] This was not the theory on which plaintiffs proceeded, however, and the Court need not make such a finding.

The Bank recognizes, as does the Court, that the above facts, plus a showing of actual knowledge on its part that the funds maintained by the trustees in non-interest-bearing accounts were substantially in excess of the Fund's need for cash, will render it liable. The Bank vigorously denies that any such actual knowledge may be inferred from the facts established at trial. A review of those facts leads the Court to a contrary conclusion.

The Bank knew, from the time of the 1950 meeting between Lewis and Colton, that the accounts came to the Bank without solicitation at the initiative of the Chairman of the Board of Trustees of the Fund who was also President of the controlling shareholder of the Bank. The Bank knew that these were trust accounts, and from its own extensive experience in acting as trustee knew of the high standards governing the conduct of trustees. The Bank knew the actual dollar amounts in the Fund's various interest-free accounts, and the percentage of the Fund's total assets that these accounts represented. The offices of the Bank, the Union, and the Fund were in close physical proximity. There were a number of interlocking relationships among the Union, the Bank, and the Fund throughout the twenty-year period.[8] Colton, the President of the Bank, was well aware of the propensity of the Union to use the Bank for Union objectives, as witnessed by his remarkable personal financial dealings with the Union, the Bank's loans to coal operators backed by Union collateral, and the unusual financial relationships between the Union and Cyrus Eaton, which the Bank aided.

The Bank strongly urges that it was ignorant of the terms of the trust agreement, the needs of the Fund for liquidity, or the possible tax consequences of enlarging the Fund's investment income, and hence that it had no way of knowing whether or not the obvious failure of the trustees to invest constituted a breach of trust.[9] Any inquiry into these matters would, of course, have revealed their total irrelevance to the startling size of the cash deposits continuously maintained by the trustees over almost twenty years. In the face of its full knowledge as to the size of the deposits and the relationship between the Union and the Fund, the Bank could hardly have assumed that the deposits were justified by any such possibilities. Its lack of inquiry into these suspicious matters is only further evidence of the Bank's awareness of the real reason for the deposit benefits it was receiving year after year.

Never in this entire period, Colton testified, did he ever discuss the Fund's accounts with anyone, inquire as to the Fund's needs or plans, or question the propriety of what was taking place. Not even casual inquiries were addressed to the interlocking directors and the nature or future prospects of the account were never mentioned at a single Board meeting. Since the Fund's business with the Bank accounted for over twenty percent of the Bank's time deposits and grew to over thirty percent of its demand deposits, this disinterest in the Bank's principal account is indeed more than remarkable. Perhaps this may be accounted for by incompetence, but Colton did not exhibit this characteristic on the stand. His explanations are unacceptable. In the light of all the facts and circumstances this silence and disinterest buttress the sole inference permissible on the totality of all the facts: that the Bank knowingly accepted and participated in a continuing breach of trust that redounded substantially to its own benefit.

This conclusion draws strong support from the cases which hold that where a bank enters into a transaction with a trustee, with actual or construction knowledge that the transaction is in breach of the trustee's fiduciary duty, the bank may be held liable for the resulting loss to the trustee. *See, e.g., Union Stock Yards Bank* v. *Gillespie,* 137 U.S. 411, 416 (1890); *Anacostia Bank* v. *United States Fidelity & Guaranty Co.,* 73 U.S. App. D.C. 388, 119 F.2d 455 (1941); *American Surety Co.* v. *First National Bank,* 141 F.2d 411 (4th Cir. 1944); *Restatement of Restitution* § 138 (1937); 4 *Scott on Trusts* §§ 324 et seq. (3d ed. 1967). It is true, as the Bank suggests, that the Uniform Fiduciaries Act, 21 D.C. Code § 1701 et seq., modifies the law in this jurisdiction to limit a bank's liability for transactions with a trustee to cases in which the bank has actual knowledge of a breach of trust or knowledge of such facts that its action amounts to bad faith. In *Colby* v. *Riggs National Bank,* 67 U.S. App. D.C. 259, 92 F.2d 183 (1937), the Act was construed to require "actual knowledge of misappropriation," and misappropriation was taken to mean "wrong appropriation, or the use of a fund to a different purpose from that for which it was created; but not necessarily a dishonest purpose." 67 App. D.C. 259, 270. As the foregoing discussion demonstrates, the Bank knew that the money deposited in the Fund's checking accounts was being used for an improper purpose over a twenty-year period.

The Bank and the Union seek support from *United States* v. *Falcone,* 311 U.S. 205 (1940), and *Direct Sales Co.* v. *United States,* 319 U.S. 703 (1943). Both those cases dealt with the sufficiency of the evidence to support an inference of conspiracy. The decisions stand, at the most, for the proposition that the act of selling morphine in large quantities to a doctor known to be selling drugs illegally is sufficient to support a finding of conspiracy to violate the narcotics acts; while the act of selling sugar in large quantities to a known bootlegger is not necessarily sufficient to support a finding of conspiracy to violate the alcoholic beverages acts. This distinction, which counsel for the Union correctly labeled "a question of how bad the fish smell," is irrelevant in this case; for it is not only the nature and size of the deposits involved, but also the close and interlocking relationships among the Fund, the Union, and the Bank, the evidence of the original understanding between Lewis and Colton, and the long course of dealing to mutual advantage that irresistibly support a clear inference of conspiracy here.[10]

To summarize this aspect of the case, the Court finds: an agreement among Lewis, Colton and Roche to maintain on deposit at the Bank substantial sums in interest-free accounts, without relation to the real needs of the Fund for liquidity or otherwise, for the benefit of the Union and the Bank and in disregard of the best interests of the beneficiaries; knowing participation in the breach of trust by the Union and the Bank, beginning in 1950 and continuing at least until this lawsuit was filed; and resulting injury to the beneficiaries measured by the loss of income on funds wrongfully maintained in interest-free accounts.

III.—OTHER BREACHES OF TRUST

Plaintiffs specified at pretrial six categories of conduct, in addition to the excessive cash balances, allegedly constituting breaches of trust and claimed that as to each the Union, the Bank, and the individual defendants conspired. Some of these claims were abandoned in whole or in part as proof developed in the course of the trial, and only those fiduciary issues remaining at the end of trial need to be considered in this opinion. The Court is satisfied that plaintiffs have by clear and convincing evidence established conduct which violates the trustees' fiduciary duty to the beneficiaries in all respects still urged, except with regard to the claim that the trustees failed to collect or properly to determine delinquent royalty payments. The Bank and Colton are not shown to have conspired as to any of these breaches, and no participation by the Union was proved except as hereinafter indicated.

A. Withholding health cards

The proof on this issue reflects a serious impropriety by the then-trustees of the Fund which has now apparently been rectified. Coal miners entitled to benefits are issued health cards which are used to obtain appropriate medical and hospital services directly from local physicians. When certain marginal coal operators in some sections of the country failed to account properly for royalties, and hence were in flagrant violation, the health cards of miners employed by those operators were revoked by the trustees, apparently on the theory that this action would lead the operators to pay up to avoid wildcat strikes. This practice was highly improper, for the benefits owed the miners as qualified beneficiaries could not, under the terms of the Fund, we cancelled solely because their

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particular employer was in default on his royalty payments. This policy was of limited duration. Initiated in 1962, it was terminated by 1966 and affected some 7,000 card holders. It was arbitrary and capricious, and hence constituted a breach of trust. There is no proof, however, that this action was taken by the trustees to assist the Union in the conduct of labor disputes, nor is there any other proof of conspiracy on this aspect of the case.

B. Use of misleading application forms

The proof showed that the Fund called on Union locals to assist beneficiaries and potential beneficiaries of the Fund in preparing pension applications, and to carry out other administrative functions. It should be understood that the Fund as a practical matter is required to work through the locals in processing applications. The expense of establishing field offices exclusively for the Fund would be enormous, and in any event information from Union records may be required as a cross-check on the applicant's representations. This arrangement, however, has been seriously abused, and the trustees must be held at least partially responsible.

The trustees sponsored an application form which incorrectly implies that Union membership and Union approval is necessary before an application will be processed. The Application for Pension, for example, carries at its foot a space for certification by the local and by the district that the applicant "is currently a member of Local Union No. —" and "is a member of District No. —." There is ample documentary and testimonial evidence that applicants were improperly led by this form and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as "back dues" to reinstate their Union membership. The full extent of illegal collection of back dues by the Union through this device is unknown.

There is no proof that the trustees had actual knowledge of these improper practices by Union locals. In delegating certain functions to the Union local and district offices, however, they should have recognized the potential for abuse of the benefit application process where non-Union member beneficiaries were concerned. In continuing to use patently misleading forms which encouraged applicants to believe that a paid-up Union membership was a prerequisite to receiving benefits, the trustees were grossly negligent, to an extent that constitutes breach of trust. The trustees have apparently not acted decisively even to this date to terminate use of these misleading forms.

No cause of action was pleaded against the Union for fraud in collecting back dues from individual beneficiaries. Although the Union knowingly used the trustees' neglect to its own advantage, damages are recoverable only by individual beneficiaries who were defrauded, not by the trust itself. Since this action is only derivative, relief on this aspect of the case will be limited to an injunction to terminate the improper use of application forms in the future.

C. Investment in utility stocks

This issue relates to the Fund's purchases of stock of certain electric utility companies, principally Cleveland Electric Illuminating Company and Kansas Ctiy Power & Light Company. While these stocks are on the list approved for trustees, the propriety of these investments is challenged on the ground that they were made primarily for the purpose of benefiting the Union and the operators, and assisting them in their efforts to force public utilities to burn Union-mined coal. The investments have declined in value and are said to have been in violation of the trustees' duty of undivided loyalty to the beneficiaries.

In the late 1950's and early 1960's, the Union was engaged in a vigorous campaign to force public utility companies to purchase Union-mined coal. Public relations and organizational campaigns to this end were pressed vigorously in several cities. Lewis, then a trustee, worked closely with Cyrus S. Eaton, a Cleveland businessman. It is undisputed that between February and April 1955 the Fund purchased 30,000 shares of Cleveland Electric, and in March of that year the Union loaned Eaton money to enable him to buy an additional 20,000 shares. Eaton then went on the Board of Directors of Cleveland Electric. Similarly, between January and March 1955 the Fund purchased 55,000 shares of Kansas City Power & Light, and in June of the same year the Union loaned Eaton money to buy an additional 27,000 shares. In each of the years from 1955 to 1965 the Fund gave a general proxy for all of its shares in Cleveland Electric and Kansas City Power & Light to Eaton. The Union and Eaton were pressing the managements of each company to force them to buy Union-mined coal. The Fund purchased both Cleveland Electric and Kansas City Power & Light stock on the recommendation of Lewis, who was then fully familiar with the Union's activities affecting these companies and proxies were given to the Union by the Fund at Lewis' request.

Schmidt, who became a trustee of the Fund in 1958, was president of the principal coal operator standing to benefit from Cleveland Electric's additional purchases of Union-mined coal. He was acquainted with the activities of the Fund and of the Union with respect to Cleveland Electric, and actively encouraged them. When the Union's campaign to push Union-mined coal focused on Cleveland Electric in 1962 and 1963, the Fund purchased an additional 90.000 shares, with the hearty approval of Schmidt.

Further indication that these particular challenged stock purchases were made primarily for the collateral benefits they gave the Union is found in a general course of conduct. Lewis and Widman, the Union man spearheading the efforts to force utilities to buy Union-mined coal, discussed some seventeen utility companies on the Fund's investment list, looking toward the possibility of obtaining proxies from fifteen. Proxies were in fact given the Union by the Fund not only on Cleveland Electric and Kansas City Power & Light, but on the shares the Fund held in Union Electric, Ohio Edison, West Penn Electric, Southern Company and Consolidated Edison. The intimate relationship between the Union's financial and organizing activities and the utility investment activities of the trustees demonstrates that the Fund was acting primarily for the collateral benefit of the Union and the signatory operators in making most of its utility stock acquisitions. These activities present a clear case of self-dealing on the part of trustees Lewis and Schmidt, and constituted a breach of trust. Roche knowingly consented to the investments, and must also be held liable. The Union is likewise liable for conspiring to effectuate and benefit by this breach of trust.

D. Collection of royalties

The Fund followed a set routine to make sure royalties were current and fully paid. Reports filed by operators with state and federal authorities were carefully checked and correlated with any information available from the Union. Delinquency notices were sent to any operator in arrears, and if payments were not brought into line the matter was referred to counsel. Numerous suits were filed when the controversies could not be resolved by negotiation. Collection techniques were vigorous and persistent.

It was inevitable over a twenty-year period that some operators would fail to pay royalties on time. This was particularly likely in the case of marginal operators confronting financial difficulties of one kind or another, but occasionally larger operators were also in default. Some delinquencies reflected honest differences as to the amount owing. There was never a time, however, when overdue royalty payments represented more than a small fraction of the operators' royalty obligations. Royalties were delinquent in amounts ranging from $5 million to a high of $9 million per annum. These figures contrast with annual royalty receipts in the range of $170 million to $185 million. Moreover, collection efforts were in progress on many of these delinquencies.

Two specific situations were highlighted by the proof. Plaintiffs leveled particular criticism at arrangements made by the trustees to collect royalties from some small operators by dealing with associations representing those operators, and also at the Fund's failure promptly to collect royalties from West Kentucky Coal Co., a large operator controlled by the Union in conjunction with Cyrus Eaton and defendant Colton, then President of the Bank. Admittedly the trustees had to make difficult business judgments in each of these situations, but the evidence of breach of trust is not clear. In the first instance the actions of certain locals[11] and the inadequacy of available records of coal mined made effective collection impractical. The cost of pursuing some of these small operators would undoubtedly have exceeded the royalty sums, if any, that would by legal or other means ultimately have been collected.

In the instance of West Kentucky, a substantial dollar delinquency, as high as $700,000 in 1961, was tolerated over a period of time. This company, a large but marginal operator, in 1963 eventually made its royalty payments current with aid of an ear-marked loan from the Union, and its royalty payments to the Fund eventually exceeded $40 million. Difficult judgments had to be made by the Fund's representatives during the period of deficiency, but these were made honestly and the decision temporarily to tolerate substantial non-payment ultimately redounded to the benefit of the Fund.

The Union's heavy stock interest in West Kentucky (acquired as early as 1954) should have disqualified Lewis from any participation as a trustee in decisions involving royalty collections from that company. He wholly ignored the conflict of interest. The Fund was placed in an indefensible position of having to deal with a Union-controlled operator. The royalties were eventually paid, however, and no substantial dispensations were granted West Kentucky which were not granted other flagrantly delinquent operators. Thus the West Kentucky episode reflects the loose standards of fiduciary responsibility which governed Lewis' conduct rather than a breach of trust by any other trustee.

E. Pension increase

One of the principal subjects of inquiry at the trial involved the circumstances under which monthly pensions were raised from $115 to $150 on June 24, 1969. This $35 increase was not without consequences, since it involved an additional annual disbursement from the Fund of approximately $30 million. Plaintiffs do not seek a rollback of the pension increase, but assert that the motives for which it was made, and the manner in which it was made, are grounds for removal of Boyle as a trustee, and for monetary relief from Boyle, Judy, and the Union for any injuries the Fund may suffer as a result of the action. A full discussion of the incident is required.

Roche broke her hip early in June, 1969, and for most of that month was recuperating at the Washington Hospital Center. She was

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nonetheless in frequent contact with her office by telephone and although immobile was otherwise fully functional. Lewis, still a trustee, was at home in Alexandria where he had remained more or less continuously for many months. He was alert but his health was failing. No trustee meeting had been held since February, 1969. Schmidt, the Operator trustee, had resigned on that date and a vacancy existed. On June 4, 1969, defendant Judy was installed as Schmidt's successor at a brief semi-social meeting held at Lewis' home. Roche, already hospitalized, knew of the meeting and approved of Judy's designation, but could not attend.

Lewis died on June 11, 1969, and Boyle, who had been president of the Union since 1963, was designated as the Union's trustee representative, and hence Chairman of the Board of Trustees of the Fund, at a meeting of Union officials on June 23. Boyle had received some general information concerning the Fund's operations which led him to feel that a sizable pension increase could be financed. As an energetic Union leader, he was confident that if additional money were needed, the operators could be forced to increase their royalty payments when the next collective bargaining agreement was negotiated. He felt the unexpended balance of the Fund was far too large, and that a pension increase was long overdue. Indeed, at Union meetings and elsewhere he had promised that if he ever had anything to do with the matter he would increase pensions at the earliest possible opportunity Boyle had urged Lewis to raise the amount of the pension but Lewis had refused to act.

When Lewis died and Boyle was named trustee, an election contest for presidency of the Union was looming.[12] Boyle undoubtedly recognized that if he delivered on his pension promises to the rank and file, his position would be strengthened in the campaign. These election considerations account for the timing of his actions, but they were not the primary factor motivating Boyle. He genuinely believed that a pension increase should be made in the interests of the miner beneficiaries. Boyle knew that Roche was opposed to a persion increase, but with her hospitalized he was in a position to force the issue with Operator trustee Judy, and undoubtedly felt that the end—that is, the increase in pensions—justified the means. Even if Judy refused to go along, the Union's position in subsequent bargaining would be strengthened. Thus, Boyle decided to see if he could bully it through. As soon as he was designated trustee, Boyle called a meeting of the trustees for the next day at his offices at the Union.

Judy approved the increase in a private session with Boyle immediately before the formal meeting, under circumstances which will be mentioned later. The increase was formally approved a few minutes later and an announcement was thereafter sent out over Boyle's name to all pensioners and potential beneficiaries.

This action was taken in unnecessary haste. The trustees did not adequately consider the implications of their action, and while the increase was not wholly irresponsible it was not approached with adequate regard for the trustees' fiduciary obligations. Roche was not consulted or even advised of the action in advance, and in fact continued vigorously to oppose the pension increase. No detailed projections of the Fund's long-term ability to pay were made, nor were possible alternative changes in benefit payments considered.[13] The trustees took no contemporaneous steps partially to offset the added payout by eliminating unnecessary administrative expenses or by investing cash in income-producing securities. In short, the increase was handled as an arrangement between labor and management with little recognition of its fiscal and fiduciary aspects.

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Prior to June 24, Judy had never attended a meeting of the trustees except for the pro forma session at Lewis' home earlier that month. He was president of the BCOA and well familiar with the negative attitudes of some operators towards higher benefits. He had some general knowledge of the Fund's fiscal position. Before he entered the meeting he had been warned by the Association's lawyer that matters of substance might be raised by Mr. Boyle, and it had been suggested he not act without further consultation. He failed to call Roche for her views or to question Boyle as to his representations, and after making some hasty mental calculations proceeded on the basis of his own generally favorable attitude. At the trial he took the position that money to support a pension increase was available, that the miners deserved the increase, and that he approved of it on the merits. He testified that he had no obligation to consult the operators, pointing out that his predecessor had never consulted them.

After the action had been taken, however, he was called on the carpet by the operators, some of whom violently opposed the pension increase. He made little, if any, effort to justify his action on the merits. He rather argued that he had simply been placed in an impossible position at the meeting because Boyle had advised him that he, Boyle, had Roche's proxy and that the neutral trustee was in Boyle's pocket.

Thus two explanations are suggested for Judy's conduct: that he voted to increase pensions because he believed it was the correct thing to do, and that he voted for the increase because he was led to believe Boyle and Roche were for it.

While Judy undoubtedly felt that the miners needed a pension increase and that there was money available to pay it, this was not solely why he acted. Judy would not have voted for the increased pensions at the June 24 meeting on the spur of the moment, without advance warning, against the advice of counsel, knowing that the royalty payments of the coal operators might be affected, if he had not been falsely led to believe by Boyle that Boyle had Roche's proxy. It was a serious error of judgment for Judy to have accepted Boyle's representations and for Judy not to have checked with Roche, at least by telephone. While Judy was forced to resign under pressure a few days later when the operators learned that Boyle did not have Roche's proxy, and while he was but a passing participant, his conduct fell below the standard of care and skill required of a trustee. He acted hastily and without taking the normal precautions requisite for responsible fiduciary actions.

Boyle of course also proceeded without regard to his fiduciary obligations in pushing through the pension increase. He failed even to notify the neutral trustee of the meeting or of the contemplated pension increase which was itself in neglect of the duty of a co-trustee. *See Wilmington Trust Co.* v. *Coulter*, 41 Del. Ch. 548, 200 A.2d 441, 451 (1964); Bogert, *Trusts & Trustees* § 554 (2d ed. 1960). He brought about the action by a hasty power play, fortifying his position by falsely indicating that Roche supported his proposal. Unlike Judy, Boyle remains a trustee. It has been shown by testimony and by Boyle's demeanor at the trial that he considers the Fund in effect the property of the Union to be used in whatever manner the immediate and long-term objectives of the Union warrant. As Boyle's conduct in this instance demonstrates, such compulsions of militant Union leadership are inconsistent with the dictates of prudent trusteeship.

The most revealing document in this entire episode is the full text of the press release which the Fund's public relations man issued on the day of the pension increase. It reads as follows:

"Washington, D.C.—W. A. "Tony" Boyle, President of the United Mine Workers of America, succeeded John L. Lewis today as the Chief Executive Officer and Trustee of the Union's Welfare and Retirement Fund, and immediately boosted the pension of retired soft coal miners from $115 to $150 monthly.

"The new pension rate will be effective August 1. It was voted at the first session of the Trustees attended by the Union chief. He was chosen trustee at a meeting of the International Executive Board yesterday, and as chief executive officer of the Fund, as set forth under the UMWA contract with the bituminous coal industry, called a meeting of the trustees, and the pension boost was adopted. Other trustees are George Judy, for the coal operators, and Josephine Roche, also director of the Fund, as the neutral.

"Pensions now are going to approximately 70,000 retired soft coal miners. Last year, the Fund paid out $96 million in this benefit alone. Other benefits are complete hospital care for miners and their families, and death benefits to widows and survivors.

"Chairman Boyle also called for an immediate in-depth study of all benefits of the 23 year-old fund, with complete analysis of the entire program for miners, their widows and families. He has received scores of suggestions for possibly improving the benefits at a series of rallies in the coal fields of West Virginia, Pennsylvania, and Illinois in recent months.

"The new chief executive of the Fund, like his predecessor, will accept no pay for serving as Trustee."

Nothing could more blatantly expose the realities of what had occurred in this instance and had been occurring for some time. However correct or incorrect the pension increase decision may have been, it reflected the Union's influence over Fund policy and the loss of independence that the Fund's continuous deferences to the Union's self-interest had by this time achieved.

IV.—THE INDIVIDUAL DEFENDANTS

Before considering the involvement of each of the named individual defendants, a brief statement of the applicable legal standards is required. The elements of conspiracy or participation in breach of trust discussed earlier with respect to the Union and the Bank are equally applicable to the individual defendants. An officer of a corporation or other entity found to have participated in a breach of trust is not liable simply by reason of his officership, but an officer is liable if he personally knows of the breach of trust and participates therein or fails to take action to correct it. *See Strauss* v. *United States Fidelity & Guaranty Co.*, 63 F. 2d 174 (4th Cir. 1933); 4 *Scott on Trusts* § 326.3 (3d ed. 1967). It is not necessary to prove that the individual personally profited from the transaction. And one who knowingly joins a conspiracy "even at a later date takes the conspiracy as he finds it, with or without knowledge of what has gone on before." *Myzel* v. *Fields*, 386 F. 2d 718, 738 n. 12 (8th Cir. 1967), *cert. denied*, 390 U.S. 951 (1968).

Josephine Roche. Roche had a distinguished public career before joining the Fund, and she has played a unique role in the affairs of the Fund since its inception. She has been both the neutral trustee and the Administrator, a full-time salaried position. While she has had a long interest and commitment to the welfare objectives of the Fund and has contributed substantially to many of its unique welfare successes, her business experience was more limited. She did not profit personally in any way by any of the actions taken. She idolized John L. Lewis and felt entirely confident to follow his leadership in financial matters, apparently without independent inquiry. She was an active participant in each breach of trust except the pension increase. Indeed, without her affirmative approval they probably would not have occurred. She accepted without question the accumulations of excessive cash at the Union's Bank even when the propriety of

depositing these balances was raised at trustee meetings, and in the face of advice that the cash could be invested without impairing the liquidity of the Fund. Perhaps she failed wholly to recognize the full implications of her actions, but naivete and inattention cannot excuse her conduct. She violated her duty as trustee in all the respects previously discussed, and she must be said to have knowingly furthered the conspiracies as to the cash and the utility company investments.

W. A. (Tony) Boyle: Boyle was not a party to the original conspiracy, and never adopted its ends. He was not responsible for the accumulation of excessive cash at the Bank, although he knew about it. From the moment he became President of the Union in 1963, and indeed earlier, he sought to persuade Lewis to have the Fund pay out larger benefits, which would have had the effect of reducing cash balances. Boyle also insisted that various loans and other financial involvements engineered on behalf of the Union by Lewis in cooperation with the Fund and the Bank be terminated, and this was done. This did not disentangle the Union from the conspiracy as to the cash balances, but it is action inconsistent with individual participation by Boyle in any conspiracy. The failure of the Union to supplant Lewis after Boyle became president cannot, on the evidence before the Court, be considered sufficient to hold Boyle as an individual conspirator although the agreement was renegotiated after 1963 and Lewis could have been removed.

Boyle, however, violated his duty as trustee in several particulars. His actions in forcing through the pension increase, partly by misrepresentation, in haste and without consulting the neutral trustee, reflect an insensitivity to fiduciary standards. In addition, he continued to serve as director of the Bank and member of its Executive Committee after becoming trustee, a relationship which conflicted with that degree of independence required of a trustee under the circumstances of this case. He took only limited action to modify the inappropriate application forms that encouraged improper cash levies by the Union on applicants as a condition precedent to receiving pension benefits.

George L. Judy: Judy is guilty of poor judgment but not of conduct that violated his duty as trustee. He should have consulted the independent trustee before acting hastily at Boyle's insistence and without adequate information in approving a pension increase which had substantial effect upon the long-term operations of the Fund. No relief is required as to Judy, since he is no longer a trustee and there is no likelihood he will be one in the future. He was a trustee for only six weeks, and did not participate in any conspiracy. The case as to him is dismissed.

Barnum L. Colton: Colton was a party to the original conspiratorial agreement to place excessive cash in the Bank, and as the chief executive of the Bank he participated in carrying out that breach of trust. His collaboration with the Union was far more than that which followed merely from his office.

C. W. Davis: Davis, the trustee representative of the Operators, is a nominal defendant named to assure proper implementation of any equitable relief against the Fund. He is not shown to have engaged in any improper conduct. All the events here reviewed occurred prior to his designation as trustee.

V.—RELIEF

All defendants contend that the doctrine of laches bars any relief for the claimed breaches of trust, and alternatively that the statute of limitations bars any claim for damages by reason of events occurring more than three years prior to the filing of this suit. Plaintiffs assert that laches, not the statute of limitations, is applicable to all causes of action herein, and urge that they have not been guilty of any unreasonable delay which would bar relief.

It is clear that an action to redress a breach of trust sounds in equity, and that the statute of limitations is applicable to such a suit in the District of Columbia. *See Naselli* v. *Millholland,* 88 App. D.C. 237, 188 F. 2d 1005 (1951); *Haliday* v. *Haliday,* 56 App. D.C. 179, 11 F. 2d 565, 569 (1926); *Nedd* v. *Thomas,* 316 F. Supp. 74, 77 (M.D. Pa. 1970); 3 *Scott on Trusts* § 219 (3d ed. 1967). Nor is the statute of limitations strictly applicable to the cause of action against the Union or the Bank, for it is the breach of trust they conspired to carry out, not the conspiracy itself, which is the gist of the action. See cases cited page *supra; Restatement of Trusts* 2d § 327 (a), Comment k. It is true that courts customarily follow the statute of limitations even in equity cases where essentially legal relief, such as damages or an accounting, is sought. *Columbian University* v. *Taylor,* 25 App. D.C. 124, 131 (1905). This rule, however, is not strictly followed in this jurisdiction. *Haliday* v. *Haliday, supra,* 56 App. D.C. 179, 11 F. 2d 565, 569 (1926). The guiding principle is that "laches is not like limitation, a mere matter of time; but principally a question of the inequity of permitting the claim to be enforced. . . ." *Holmberg* v. *Armbrecht,* 327 U.S. 392, 396 (1946).

The Court is mindful of several factors which bear upon the equity of awarding damages for the excessive cash accumulations at the Bank going back to 1950. The actual size of the deposits was never concealed, but was regularly reported in the annual reports of the Fund which were widely distributed. The relationships of the Union and the Fund with the Bank were mentioned on numerous occasions in the Mine Workers Journal and elsewhere. Certainly by reasonable diligence most, though not all, of the relevant facts as to the cash deposits could have been readily ascertained. The delay has prejudiced the defendants in that some of the major participants in these events are now dead, and if damages were assessed for the Fund's loss of investment income over the full twenty years, both the Union and the Bank, whose resources will necessarily feel the major impact of the judgment, would be seriously injured. In assessing the reasonableness of the delay, however, the Court must consider the impecunious nature of the beneficiaries, the obstacles of Union discipline which could well have intervened, the fact that the class of beneficiaries was continually changing, and the fact that as late as May, 1969, the Fund through a statement in the Union newspaper disingenuously represented that the large cash balances were necessary for the operation of the Fund. Thus the delay is not inexcusable, but it must be taken into account in determining the period for which damages will be assessed.

Moreover, the Court notes that while the beneficiaries have suffered as a result of the Fund's loss of investment income, they have benefited to some extent from the Union's activities over the past twenty years. In the longer view of matters, the Union's strength protects the interests of the beneficiaries, past and prospective; the Union should not be weakened to a point where its stance at the bargaining table will be substantially impaired.

Balancing these factors, and recognizing the similarity between this action in equity and one at law for damages, the Court will adopt the three-year limitation provided by 12 D.C. Code § 301(8) as to the damages aspect of this case.

No considerations of equity intervene to bar prospective remedies for mismanagement of the Fund by its trustees. The Fund has been seriously compromised. It has failed to develop a coherent investment policy geared to immediate or long-term goals. It has collaborated with the Union contrary to the trustees' fiduciary duties, and has left excessive sums of money on deposit with the Union's Bank in order to assist the Union. In their day-to-day decisions, the trustees have overlooked their exclusive obligation to the beneficiaries by improperly aiding the Union to collect back dues and by cutting off certain beneficiaries unfairly.

Alongside these serious deficiencies must be placed the pioneer role of the Fund, which by constant effort has led in the development of a broad program of welfare benefits for a distressed segment of the working population. The many beneficial and well-motivated actions cannot, however, excuse the serious lapses which have resulted in obvious detriments to many beneficiaries. There is an urgent need for reformation of policies and practices which only changes in the composition of the Board of Trustees, an adjustment of its banking relationship, and other equitable relief can accomplish.

Further proceedings must be conducted on the measure of damages, but as the Court indicated before trial it is desirable at this stage to establish the nature of equitable relief which must be taken for the protection of the beneficiaries. Equitable relief shall take the following form.

Neither Boyle nor Roche shall continue to serve as a trustee. Each shall be replaced by June 30, 1971, under the following procedures. A new trustee must first be named by the Union. Consonant with the provisions of the Agreement, the new Union trustee and the existing trustee representing the Operators shall then select a new neutral trustee. The neutral trustee shall be designated on or before June 15, 1971, and the designation will then be submitted for approval by this Court before the new trustee takes office on June 30.

The newly constituted Board of Trustees selected as required by the decree shall then immediately determine whether or not Roche shall continue as Administrator of the Fund. No trustee shall serve as Administrator after June 30, 1971.

Upon the selection of a replacement for Boyle and the neutral trustee, the newly constituted Board of Trustees shall be required to obtain independent professional advice to assist them in developing an investment policy for creating maximum income consistent with the prudent investment of the Fund's assets, and such a program shall be promptly put into effect.

The Fund shall by June 30, 1971, cease maintaining banking accounts with or doing any further business of any kind with the National Bank of Washington. Following termination of this relationship, the Fund shall not have any account in a bank in which either the Union, any coal operator or any trustee has controlling or substantial stock interest. No employee, representative or trustee of the Fund shall have any official connection with the bank or banks used by the Fund after June 30, 1971. The Fund shall not maintain non-interest-bearing accounts in any bank or other depository which are in excess of the amount reasonably necessary to cover immediate administrative expenses and to pay required taxes and benefits on a current basis.

A general injunction shall be framed enjoining the trustees from the practices here found to be breaches of trust and generally prohibiting the trustees from operating the Fund in a manner designed in whole or in part to afford collateral advantages to the Union or the operators.

Counsel are directed to confer and prepare a proposed form of decree carrying out the equitable relief here specified. This proposed decree shall be presented to the Court and any disagreements as to form settled on May 13, 1971, at 4:00 p.m. On May 21, 1971, plaintiffs shall furnish the Court and defendants with a precise statement of the amounts of compensatory damages and attorneys' fees and expenses claimed in light

of this Opinion, a statement of the method used to compute the claims, and a list of witnesses to be called at the damages phase of this proceeding. No punitive damages will be awarded. A hearing as to compensatory damages is set for June 21, 1971, at 9:30 a.m.

GERHARD A. GESELL,
U.S. District Judge.

APRIL 28, 1971

FOOTNOTES

[1] The Bituminous Coal Operators Association and two Individuals named defendants, Carey and Titler, were dismissed at the close of plaintiffs' case for lack of proof.

[2] Lewis and Boyle have been the only Union trustees. There has been a succession of Operator trustees. Owen served until 1957, followed in sequence by Henry Schmidt, George Judy, Guy Farmer and C. W. Davis.

[3] Boyle resigned from the Bank board after the record in this case was closed and following his indictment for other alleged misconduct.

[4] In one instance, Roche was momentarily troubled by Ryan's going on the Bank board but when she took this up hesitantly with Lewis he "just smiled," and Roche let the matter drop.

[5] The stock of the Bank owned by the Union was held by the three Union officers named trustees for the Union. Lewis and later Boyle were each a trustee during their respective service as President of the Union.

[6] The Union claims that it cannot be held liable for the acts of Lewis except upon "clear proof" that the membership of the Union actually participated in, authorized, or ratified his actions. This position is based upon Section 6 of the Norris-LaGuardia Act, 29 U.S.C. § 106. Section 6, however, applies only to actions taken in the course of a labor dispute. By no view of the facts in this case can the management of the Welfare Fund by its trustees be termed a "labor dispute" as that phrase is defined in 29 U.S.C. § 113(c). See Columbia River Packers Ass'n v. Hinton, 315 U.S. 143, 146–47 (1942).

[7] This theory of the case would present the question whether it was a breach of trust for the trustees to deposit any money whatsoever in the Union's bank. There is a conflict among the cases as to whether a trustee may under any circumstances deposit trust funds in a bank in which he has a substantial interest. See the full discussion in 2 Scott on Trusts §§ 170.18, 170.19 (3d ed. 1967); *compare* Caldwell v. Hicks, 15 F. Supp. 46 (S.D. Ga. 1946) (deposit improper), with In re Sexton, 61 Misc. 569, 115 N.Y.S. 973 (1908) (deposit proper). It is universally held, however, that any such deposits will be subjected to the closest scrutiny for signs of self-dealing or negligence where the bank fails or the funds are left on deposit uninvested for an excessive period of time. *See, e.g.,* In re Culhane's Estate, 269 Mich. 68, 256 N.W. 807, 811 (1934). And where the bank has notice that the trustee is acting in breach of trust in allowing such deposits to be made, it is liable along with the trustee for losses to the trust. *See* Olin Cemetery Ass'n v. Citizens Savings Bank, 222 Iowa 1053, 270 N.W. 455, 459 (1936). Where the initial deposits are upwards of thirty million dollars and form a substantial percentage of the bank's business, as in the case of the Fund, it would be an extreme principle which would absolve the bank from any responsibility for resulting losses to the trust.

[8] In considering the interlocks between the Bank and the Fund, two individuals involved occupied positions of special significance. Ryan, the Fund's comptroller, knew full well that the cash deposits were excessive and, in effect, at one stage had so advised the trustees. He was named to the Advisory Board at the Bank in 1963, and became a director in 1965. He was also an honorary member of the Union. Hopkins, initially inside general counsel of the Union and later inside general counsel of the Fund, was a director of the Bank and of course fully familiar with the provisions of the Trust and the legal responsibilities of the trustees. He attended trustee and Bank meetings. The knowledge of Ryan and Hopkins, insofar as it arose from their duties at the Fund, is not strictly imputable to the Bank. See Arlington Brewing Co. v. Bluethenthal & Bickart, 36 App. D.C. 209 (1916); 3 Fletcher, Cyclopedia of Corporations §§ 793, 808 (Rev. ed. 1965). Their knowledge was, however, continuously available to the Bank throughout the period.

[9] The only reference in the testimony to any communication on these matters between Lewis and the Bank is the following from the cross-examination of Colton:

Q: Did Mr. Lewis ever tell you anything about the need of substantial balances in the fund accounts?

A: It seems to me that in the early '50s they had some difficulties and Mr. Lewis made the statement to me in one of our meetings that he would like to feel that the fund always had sufficient funds on hand to protect several monthly payments to miners so they shouldn't be in the position of being short of money. [Transcript p. 197.]

[10] The finding of an agreement between Lewis and Colton in 1950 is not an essential element of the cause of action against the Bank and Colton as to the later years of the period under review. For whatever the nature of the understanding at the time the account was opened, the continuous maintenance of huge sums of money in demand deposits over the years was more than sufficient to convey to Colton and the Bank knowledge that the Bank was benefiting from a breach of trust.

[11] In the period 1959–1964, the trustees were hobbled in collecting royalties from some 16 to 18 small operators because Union organizers had told the mines they didn't have to pay full royalties. This practice by the Union organizers was improper, but the evidence failed to show complicity by the trustees of the Fund.

[12] Joseph Yablonski had announced his candidacy on May 29, 1969. Boyle had relieved him of his position with the Union's Nonpartisan League on June 9.

[13] The range of alternative increases in benefits was indicated by Ryan in a report to the Union's Executive Board on March 14, 1968. Besides a pension hike, Ryan noted that the following changes were among those being urged on the trustees: broadening eligibility for pensions to include totally disabled miners with ten years' service, regardless of age; making miners' widows eligible for medical care benefits until the age of 65; providing additional medical benefits for incapacitated children of miners; paying Medicare premium for beneficiaries over the age of 65; extending benefits for unemployed or disabled miners; and increasing widows' and survivors' benefits. According to Ryan's estimates, the additional cost of these modifications would eventually amount to over $35 million annually.

[From the New York Times, Apr. 29, 1971]

MINE UNION FOUND LIABLE IN CIVIL SUIT OVER FUNDS

(By Ben A. Franklin)

WASHINGTON.—A Federal district judge today held the United Mine Workers of America, its multimillion-dollar welfare and retirement fund and the union-owned National Bank of Washington jointly liable for millions of dollars in damages.

The judge Gerhard A. Gesell ruled that the damages, the exact amount to be determined later, were payable to rank-and-file coal miners and miners' widows. Judge Gesell upheld the plaintiffs' assertions that the defendants participated in a 20-year conspiracy to enrich the union and the bank at the miners' expense.

In a 45-page opinion, the judge agreed with virtually every contention of wrongdoing alleged in a $75-million breach-of-trust suit filed here in 1969 by a group of miners and widows.

He also ruled that W. A. Boyle, the 66-year-old president of the mine union, must retire by June 30 as a trustee of the U.M.W. Welfare and Retirement Fund, Inc.

The month-long trial of the suit, without a jury, ended last Feb. 26.

Judge Gesell agreed today with the plaintiff's lawyers that, in a sense, it was John L. Lewis, who died on June 11, 1969, who had chiefly been on trial.

The judge found that Mr. Lewis, the union's president for 40 years until his nominal retirement in 1960, had been repeatedly guilty of "more than a mistake of judgment," of "a clear case of self-dealing" and of initiating a conspiracy for which others must now pay heavy penalties.

Judge Gesell delayed fixing the exact amount of damages to be assessed against the union, the bank and possibly some of their individual officers until a penalty hearing June 21.

His opinion said that because the culpability of the defendants was so great, "both the union and the bank, whose resources will necessarily feel the major impact of the judgment, would be seriously injured" if the damages were assessed for 20 years of misconduct without some arbitrary limit.

Accordingly, Judge Gesell said that, although he was denying the defendants' contention that they were protected by the statute of limitations from liability for wrongs committed as long ago as 1950, he would adopt a three-year rule in assessing cash damages.

FOR FUND'S BENEFICIARIES

Lawyers said the damages still would "run into the millions." The final award, minus court costs and lawyers' fees, is to be paid to the welfare fund treasury for the benefit of the fund's 70,000 beneficiaries.

The basic conspiracy of which Judge Gesell found all the main defendants guilty involved the "excessive accumulation" over 20 years of large cash deposits, paying no interest, by the $160-million-a-year welfare fund in the union-owned bank, to the benefit of the bank and thus of the union.

He held that the effect was operation of the welfare fund by union and bank officers "so as to give their special interests collateral advantages" while at the same time denying the fund's beneficiaries the millions of dollars in increased payments that could have flowed to them from more profitable investments.

Of the National Bank of Washington, this city's third largest, the judge said it "knowingly participated in a continuing breach of trust that has rebounded substantially to its own benefit."

WILL LOSE DEPOSITS

Among the other effects of Judge Gesell's order today will be the complete withdrawal of all mine union and welfare fund deposits from the bank by June 30. In the past, these funds have totaled as much as $75-million, 30 per cent of the bank's deposits.

Judge Gesell said that Mr. Boyle's testimony "and demeanor at the trial" had shown that "he considers the fund, in effect, the property of the union to be used in whatever manner the immediate and long-term objectives of the union warrant."

The opinion specifically held that Mr. Boyle had "violated his duty as a fund trustee" by "bullying through" in a "hasty pow * * *

[From the Washington Post, Apr. 29, 1971]

JUDGE SLAPS UMW FUND, OUSTS BOYLE AS TRUSTEE

(By George Lardner Jr.)

A U.S. District Court judge yesterday upheld charges of mismanagement and conspiracy against the United Mine Workers' pension fund and ordered UMW president W. A. (Tony) Boyle to step down as a trustee.

In a toughly worded opinion, U.S. District Judge Gerhard A. Gesell also ordered the fund to take all of its money out of the union-owned National Bank of Washington by June 30.

The UMW's 21-year-old Welfare and Retirement Fund still has some $20 million in non-interest bearing checking accounts at the bank, according to testimony in the recent non-jury trial. In addition, it has long held $50 million in certificates of deposit. The National Bank of Washington's total deposits, including the pension fund money, amount to about $457.1 million.

The fund's long-standing practice of keeping huge cash deposits in the bank, initiated by the late UMW president John L. Lewis, was, the judge ruled, an illegal conspiracy that bilked the union's pensioners and other beneficiaries of investment income that could have been earned.

"The trustees (of the fund) well knew that cash deposits at the bank were unjustified," Gesell said in a 45-page ruling. "It was a continuous and serious violation of the trustees' fiduciary obligation for them to permit these accumulations of cash to remain uninvested."

Boyle came under sharp fire for rushing through a $35-a-month pension increase in June of 1969 at his first meeting as Lewis' successor on the fund's three-member board of trustees.

Judge Gesell called it a "hasty power play" by the UMW leader, which was brought about "partly by misrepresentation."

Starting out on a controversial campaign for reelection as UMW president, Boyle won the increase with the support of George L. Judy, then the coal industry's representative on the board of trustees. The neutral trustee, Josephine Roche, 84, was in the hospital at the time with a broken hip.

Judy claimed that he voted for the increase partly because Boyle told him that he had Miss Roche's proxy in his pocket anyway. Boyle denied this, but Judge Gesell's findings amounted to a terse rejection of the UMW president's protests. Miss Roche, a longtime friend and ally of UMW president-emeritus Lewis, testified at the trial that she would have voted against the higher pensions as precipitous.

Under Gesell's decree, however, Miss Roche, too, will have to step down from the board for her role in the management of the pension fund since 1950.

Although she did not profit personally from any of the improper steps that were taken and although she unquestioningly followed Lewis's lead, the court said, "naivete and inattention cannot excuse her conduct. She violated her duty as a trustee . . . and she must be said to have knowingly furthered the conspiracies . . ."

In ordering a new board of trustees for the pension fund, the court decreed that Boyle and Miss Roche must both step down by June 30. Gesell said the need for reform of fund practices is "urgent."

The ruling stemmed from a $75 million conspiracy damage suit by more than 70 members of coal-mining families in August, 1969, some two months after Lewis' death.

Gesell said he would hold a hearing June 21 on what compensatory damages should be awarded. He ruled out the prospect of any punitive damages and said he would confine any cash award to claims for the three years immediately preceding the filing of the lawsuit by Washington attorney Harry Huge.

He said that while the beneficiaries of the UMW pension fund have suffered from the loss of investment income, "the union should not be weakened to a point where its stance at the bargaining table will be substantially impaired."

In sustaining the conspiracy charges stemming from the non-interest bearing deposits at the National Bank of Washington, Gesell ruled that they were the result of an agreement between the now-dead Lewis, Miss Roche and Barnum L. Colton, who was picked by Lewis to head the bank shortly after the UMW bought control of it in 1950.

Colton retired as the bank's president in 1969, but before that, the court declared, "his collaboration with the union was far more than that which merely followed from his office."

At the trial, Colton said he maintained a complete disinterest in the pension funds accounts at the bank during his tenure. But, the court said, "since the fund's business with the bank accounted for over 20 per cent of the bank's time deposits and grew to over 30 per cent of its demand deposits, . . . his (Colton's) explanation are unacceptable." The bank, Gesell concluded, had a knowing hand in "a continuing breach of trust that redounded substantially to its own benefit."

Gesell also found several of the fund's trustees, including Lewis and Miss Roche, along with the UMW itself, liable for a conspiracy involving investment of pension fund money in several utility companies, such as Cleveland Electric Illuminating.

The court noted that one pension fund purchase of 50,000 shares of stock in CEI in the early 1960s coincided with a UMW campaign to force the utility to buy union-mined coal, which was eventually purchased from a company headed by then pension fund trustee George Schmidt. Gesell called this "a clear case of self-dealing . . ."

THE NEW TIGER CAGES OF CON SON

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

Mr. ANDERSON of Tennessee. Mr. Speaker, the cracks and crevices in our Nation's judgment on morality and justice in Vietnam grow broader and deeper.

On January 7, 1971, the U.S. Navy Contracts Office, Republic of Vietnam, issued to RMK-BRJ—Raymond, Morrison, Knudsen, Brown, Root and Jones—an order to proceed on a $400,000 contract for the construction of three new blocks of isolation cells on the penal island of Con Son—copy to follow.

According to a News Service International report, RMK-BRJ's work will be primarily of a supervisory and materials furnishing nature. Prison labor will be used at pay scales from 55 cents to 72 cents per week.

Mr. Speaker, the question is, Why in Heaven's name is the United States rebuilding "tiger cages" for the political prisoners of South Vietnam?

The distinguished gentleman from California (Mr. HAWKINS) and I recently received a letter from long experienced Vietnam social worker-correspondent Don Luce. Mr. Luce enclosed a copy of a letter to President Nixon from representatives of relatives of prisoners in South Vietnam—copies to follow. From these letters it is quite evident that the system of justice and the treatment of political prisoners by the Thieu government remains barbaric.

We have absolutely no business supporting this government, much less building new political prisons for it.

On receipt of information regarding U.S. participation in this ridiculous construction project my staff made extensive telephone inquiries of the Department of Defense and the U.S. Agency for International Development to determine the reason for the construction and the source of funding. As happens more and more often in congressional dealings with this administration, we got the run around.

Finally, I addressed written inquiries of DOD and AID. The replies were clearly evasive, particularly in regard to the source of money for the new "tiger cages." Reference was made only to "local currency piaster funds," implying that no U.S. funds are involved.

Mr. Speaker, DOD and AID can evade, but they cannot escape these facts:

Except for printing press piasters designed to make up for deficit spending—a prime source of inflation and economic instability in South Vietnam—67 percent, roughly two-thirds of the Saigon government's budget, is U.S. generated.

Mr. Speaker, the two-thirds figure is extremely conservative in that it does not take into account considerable Saigon tax revenues derived from U.S. purchase of local goods and services. We all know U.S. expenditures for these purposes are enormous.

It follows, therefore, Mr. Speaker, that at least two-thirds of $400,000 for the new cells is coming out of the U.S. taxpayers' pockets—a minimum of over $266,000.

I would like to see a national poll on how many hard-pressed American taxpayers would choose to spend over $266,000 for new prison facilities in South Vietnam to hold under barbaric conditions uncharged, untried, unsentenced citizens whose sole offense may have been to protest the war, or who are said to protest the war, or who may not support President Thieu in his bid for reelection.

This is not all, Mr. Speaker. Telephone conversations with DOD officials and the written response from that Department evade the cost to our Government of administering this contract. This is a miracle. If all in Government could find out how to administer contracts without overhead we could save several billions annually.

Mr. Speaker, the cracks and crevices of judgment, morality, and justice—and I add, credibility—grow broader and deeper.

APRIL 21, 1971.

Congressman WILLIAM ANDERSON,
Congressman AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN ANDERSON AND HAWKINS: Last night I received some information about the high school girl that we met in the Tiger Cages at Con Son. According to her mother, both Thieu Thi Tao and her younger sister Thieu Thi Tan are suffering from lung disease (probably TB) and are at the Tan Hiep prison.

Thieu Thi Tao was the girl from Marie Curie high school who spoke excellent English and you talked with for a long time. She was arrested in 1968 and sentenced to three years imprisonment for anti-war work. She was 17 when she was arrested. Her little sister

was 15 when she was arrested at the same time. She was sent to court but did not receive a sentence. However, she has been in prison since 1968.

I am enclosing a letter from her mother to President Richard Nixon. Mrs. Nguyen Thi Binh (*not* the Foreign Minister of the NLF!), her mother, is on the Committee for the Improvement of the Prison System in South Vietnam. She and Mrs. Hoa signed the enclosed letter as representatives of the relatives of those imprisoned in South Viet Nam's jails. Congressmen McCloskey and Waldie were given the letter to give to President Nixon. But because you met her daughter and were influential in getting both her daughters moved back to the mainland, Mrs. Binh asked me to send the letter to both of you (this is how I found out about the condition of her daughters).

As you may know, I have received a letter from the Ministry of Interior telling me that I must get out of Viet Nam before May 15, so I hope that I will be able to see you when I am in Washington in mid-May.

Sincerely,

DON LUCE.

SAIGON, *April 12, 1971.*

President RICHARD MILHOUS NIXON,
The White House,
Washington, D.C.

MR. PRESIDENT: Knowing that you share the responsibility for the severity of the prison regime in South Vietnam, knowing that you are paying special attention to all people deprived of liberty since many times in the past you have asked for the liberty of the Americans imprisoned by the North Vietnamese, we, the relatives of the Vietnamese arrested and incarcerated in detention camps and in prisons throughout South Vitnam, are sending this letter in order to present to you the painful realities of the prison regime in South Vietnam and ask you to take urgent action:

1. Throughout South Vietnam, U.S. intelligence agencies have been participating in the incarceration of the Vietnamese and are using systematically all the refined and scientific methods of torture in order to extract forcefully declarations of guilt and thus encroach upon human dignity and oppose the Declaration of Human Rights. As a result, many Vietnamese have become sick or disabled, died or secretly killed, the facts being hidden to the public through a curtain of secrecy.

2. The interrogation centers belonging to the security system of the Republic of Vietnam government are now incarcerating the suspects, arrested without any proof of guilt or with the only proof of being guilty for "loving their country and fighting for peace in Vietnam." These people are tortured in an utterly savage manner in order to obtain their declaration and constituting their file or false proofs of guilt are devised against them and sent to the tribunal.

3. The prisoners are ill-treated, repressed and brutally beaten throughout South Vietnam. The South Vietnamese administration is using the means provided by the U.S. aid, such as tear gas, tear gas rockets, acid, etc. in order to repress the prisoners. Many prisoners have died or become sick or disabled because of these repressions.

4. Prisons are too narrow, dirty and too crowded, with not enough air for breath. In many prisons, typical of which are the tiger cages in Con Son, the prisoners are shackled day and night so that some of them have become paralysed. Presently your government is helping with money and other means in the construction of new tiger cages in Con Son. This has disturbed and angered us as well as the people of Vietnam.

5. The communication between us and our relatives in prison has been limited to the minimum or forbidden completely. Many of us have been denied to visit our relatives or to receive letters from them. Our demands are ignored by the government, sometimes we have been repressed (for example, the repression occurred on March 19, 1970 in front of the Lower House).

6. The food in prisons is too poor, composed mainly of rotten rice and bitter dry fish. Medicines are lacking. As a consequence, the majority of prisoners have lung disease, mental disease, paralysis or beri beri.

7. Many people have been arrested and incarcerated for months or for years without trial or sentence or continued to be imprisoned under the regime of detention without any valid reason or they may be imprisoned or deported although they are under probation.

8. There are people who are tortured or repressed to death and people who die of sickness in prison without their family being notified.

We have been presenting to you the real happenings in the prisons throughout South Vietnam. From this presentation, you may refer to the prison regime in your country as well as in other civilized countries in the world. You will see what your aid in human and material resources have contributed to the people of Vietnam.

Presently most prisons in South Vietnam have advisors from your country and have received physical aid from U.S.A. If the material aids serve a useful purpose, we will never forget your kindness and humanitarianism in helping us against poverty and backwardness. On the contrary, the prisons in South Vietnam being considered as inhuman, we wonder whether your effort and the effort of your administration provoke in us gratefulness or resentment?

Thus we, the suffering Vietnamese, appeal to your sense of fairness and your sense of responsibility and request you to meet the following demands:

1. Order the employees of your government to end their participation with the government of the Republic of Vietnam in maintaining a prison regime contrary to the conscience and humanitarianism of men and women in the world.

2. Intervene with the government of the Republic of Vietnam in satisfying our following demands:

a. Free all people detained illegally or without evidence for the purpose of terrorizing and repressing the Vietnamese peace-loving patriots. Free the people who are detained without sentence or with expired sentences, the people who are on probation, the people who are old, sick and the small children.

b. Follow a policy of treating the prisoners with humanitarianism, change completely the present erroneous approach as regarding food, living facilities, clothes, medicines, spiritual activities, the methods of repressing, terrorizing and brutalizing the prisoners.

Anxious to safeguard the rights to live of our relatives, with the conviction that the right and the humanitarian will be accomplished, we wish you to accept our sincere thanks.

Respectfully yours,

NGUYEN THI BINH,
HUYNH THI HOA,
The representatives of relatives of prisoners in South Vietnam.

FPO SAN FRANCISCO, *January 7, 1971.*

Refer to: 323A/JNP: tt (4285) S623/70. Ser: 334D–1064.
From: Officer in Charge of Construction, Republic of Vietnam.
To: General Manager, RMK–BRJ, Saigon.
Subject: Project S623/70, Notice to Proceed, NBy 44105, MACCORDS Facilities, Con Son.
Reference: (a) MACCORDS-PS Ltr to OICC, Subject: Project S623/70, Isolation Compound, Con Son, Dated 1 Jan 71. (Not held by RMK-BRJ).
Enclosure: (1) Scope of Work for Project S623/70.

1. In accordance with the changes article of the contract, the Contractor is directed to proceed immediately with the construction of the project authorized by reference (a), as described below:

Project No.	Catdress	Description	Scope	Funds	Seq.	Funds package
S623/70	47300088	Corr fac conson	LS	$VN27,688,858 ($234,651.33)	10	$755–007
S623/70	47300089	do	LS	$VN14,611,589 ($123,827.02)	20	B741–002
S623/70	47300090	do	LS	$VN 4,899,553 ($41,521.63)	30	C739–403

2. The Contractor is directed to prepare an estimate for Change-Order Negotiations.

3. Construction shall be in accordance with enclosure (1) and instructions from the ROICC Phu Quoc.

4. The net effect of this letter increases the Contractor's obligational and expenditure authority in Bureau Project A755–007 by $VN27,688,858 ($234,651.33), B741–002 by $VN14,611,589 ($123,827.02); and C739–403 by $VN4,899,553 ($41,521.63). Obligations and expenditures of these funds will not be exceeded and are chargeable to: A755–007 (FY 68 PG U31) MACCORDS AIK CY68 OC 25B. MACCORDS'S–NLD MIPR 64–68. B741–002 (FY 69 PG U31) MACCORDS AIK CY69 OC 25B. MACCORD'S–NLD MIPR 24–69. C739–403 (FY 70 PG U31) MACCORDS CY69 OC 25B. MACCORDS MIPR 63A–69.

Receipt acknowledged:

J. B. KIRKPATRICK,
General Manager, RMK BRJ, Saigon.
By Direction:

L. M. CAVENDISH.

SCOPE OF WORK FOR PROJECT S623/70

Sponsor: MACCORDS.
Local: Con Son.
Contact: Mr. William Secor, MACCORDS–PS. Telephone: USAID 4291.

The scope of work is the completion of three cellblocks, each partitioned into 96 isolation cells, an outer compound wall of concrete block; a barbed wire perimeter fence with security gates; kitchen and dispensary.

Construction is to be similar to isolation cell currently under construction as a self-help project, however, contractors' suggestions for changes in materials, construction and details shall be permitted subject to the approval of the ROICC.

Dated: 7 January 1971.

MOTHBALL FLEET—THE NATION'S NAVAL ATTIC

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. PRICE of Illinois. Mr. Speaker, I have just read a very informative article, entitled "Mothball Fleet—The Nation's Naval Attic," written by one of my good friends, Robert J. Boylan. Mr. Boylan is a retired foreign service officer who is now doing free-lance writing. He was

a naval gunnery officer in World War II and is now a retired commander. My friendship with Mr. Boylan goes back many years to the time we were both newspaper men. I highly commend the reading of this article to the Members of the House.

I ask unanimous consent that Mr. Boylan's article be inserted at this point.

[From the Navy Magazine, April 1971]

MOTHBALL FLEET—THE NATION'S NAVAL ATTIC

(By Robert J. Boylan)

They lie silent in the water, waiting for a call that may never come. There are 879 of them, ships and craft of varying sizes and types including the last four battleships the Navy owns—the 45,000 ton World War veterans *Iowa, New Jersey, Wisconsin,* and *Missouri.*

The size of the reserve or "mothball fleet" has grown from 720 in 1969, reflecting the reductions of approximately 30 per cent that have been made in the active fleet. During the same period the active fleet has been cut from a total of 937 ships to a current figure of about 700 and a projected figure of 658 is aimed at by the end of FY '72.

In addition to the ships laid up in the reserve fleet, a total of 71—three attack carriers, five escort carriers, 22 destroyers, 18 destroyer escorts, 13 submarines, four LST's, four heavy cruisers, eight light cruisers, and four seaplane tenders have been stricken from the Navy list either for scrapping, use as targets, or given to our allies, in the past two years.

Among the ships recently stricken from the Navy list are the carriers *Boxer, Princeton* and *Valley Forge* and the heavy cruisers, *Fall River, Macon, Oregon City.*

The expanded mothball fleet is maintained in a state of as close to readiness as possible at seven bases—three on the West Coast, two on the East, one on the Gulf of Mexico, and Pearl Harbor.

A KIND OF INSURANCE

The ships of the reserve fleet have clearly proven their real and potential value as a kind of insurance against the recurring crises and conflicts of the 50's and 60's. The Navy reactivated 60 ships at the time of the Berlin crisis, most of them auxiliaries to start supplies on their way to the airlift and support of the blockaded city. First Korea and then Viet Nam drew on the reserve fleet to great advantage—the NEW JERSEY has only recently returned to inactive status after serving with distinction, bombarding enemy positions. One reason the Navy gives for retaining some ships in the reserve fleet is the time required for building many of the projected new additions. It can take up to seven years to build a nuclear-powered carrier, of which there is only one in the active fleet now. Other building times by classes are: nuclear powered submarines, up to five and one-half years; missile carrying destroyers, four years; faster new auxiliaries, also four years.

The composition of the reserve fleet is under constant review and subject to continuing change. Ships that can no longer prove a potential value are sold for scrap, which returns only a fraction of their original cost. And when a ship of the active fleet is declared surplus to current needs it joins the mothball fleet.

There is no announced decision—and considerable disagreement—within the Navy as to what the future size of the inactive fleet should be. One argument is that with the active fleet so greatly reduced, the number of inactive ships kept as near ready as possible should be maintained at the present levels—well above those of two years ago. Others contend, however, that many of the ships which have been and are being laid up are so worn out and old that they should be scrapped.

FAIRLY CONSTANT LEVEL

One reason why the inactive fleet may remain at a fairly constant level is that actual maintenance expenses are fairly modest—the current budget item is $5,526,000 for a year. Of course, in addition there are the expenses of deactivation—a long, unglamorous task of months for big ships—and of reactivation, another question of months.

Ships have to be sandblasted to remove rust and then treated with a preservative coating before going into mothball status. All removable topside gear has to be stowed below decks and dehumidifying equipment installed for constant rust protection. Steel covers have to be fitted, protection for above decks equipment that cannot feasibly be removed or stowed. Steel replaced the plastic cocoons earlier in use as a more practical, durable covering.

What is the Navy's defense of the inactive fleet?

"Maintaining the fleet reserve is like keeping up your life insurance", observes Rear Admiral Ben B. Pickett, Director of Plans and Programs for Fleet Operations in Naval Operations.

"You may not want it, you may not like to think about it or pay for it, but you have to have it if you are going to be realistic about the uncertainties of the present and the future."

One of the youngest ships in the inactive fleet is the nuclear-powered picket submarine TRITON, which made nautical history by circumnavigating the globe submerged. A pioneering ship, which had carried extensive experimental gear, it was declared surplus to current needs because of lowered need for early warning craft and placed in reserve. High costs render it unlikely to ever see active duty again. Other ships range up to 31 years in age and include a total of 214 destroyers and destroyer escorts from the World War II period of 1940-45.

Fourteen of the World War II heavy cruisers including the *Baltimore, Pittsburgh,* and *Helena,* have been deactivated. Seven of the World War II *Essex* class carriers, a type which formed the nucleus of the fast carrier task forces in the Pacific, are inactive. They include the *Essex* itself, *Randolph, Antietam, Yorktown, Hornet, Bennington,* and *Kearsarge.* The *Bon Homme Richard* is in the process of deactivation and the *Shangri-La* has been designated for the inactive fleet in fiscal year 1972.

Six of the *Essex* class—*Lexington, Hancock, Oriskany, Wasp, Ticonderoga,* and *Intrepid* are still in the active fleet.

Of the other ships in the inactive fleet about 15 per cent are amphibious warfare ships, 15 per cent are auxiliaries and about 10 per cent are mine warfare ships. In a number of instances there is only one ship of a type in reserve.

AGE NOT ONLY FACTOR

Age is not the only deciding factor in deactivation. Three of the *Alaska* class battle cruisers of the World War II period—32,500 tons and equipped with nine 12-inch guns—were scrapped, the *Alaska* and *Guam* in 1961 and the *Hawaii* two years earlier—before it had even been finished. The ships were not considered feasible for retention even in the reserve fleet.

"One reason we have to maintain some ships in the inactive fleet is to have adequate numbers available in some classes", Admiral Pickett said. "You have to keep in the mind the time lag between the appropriation of funds and the date a ship is actually commissioned.

"One other problem with the reserve fleet is that we have to maintain a great diversity of ships", Admiral Pickett said. "Right now, among the ships in reserve, there are many, many different types. Not all ships can be in the glamorous combatant class. We have to have ships of all types and responsibilities, ready for patrol and escort, ready for all kinds of onerous duties, ready for all conceivable kinds of service."

When questioned about the value of retaining the four battleships, after all other battleship types including the *North Carolina* and *South Dakota* had gone, Admiral Pickett replied:

"The battleship is a superb weapons carrier. There are some kinds of attack which it can do with its firepower that no other type of ship can do. And we have to be ready for every possible kind of operation."

What is the history of reserve fleets generally?

For reasons of defense (along with economy, nostalgia, and innate forms of squirreling) navies for centuries have had some forms of ship preservation as they moved from war to peace and then on to other wars. The ingenuity of the preservation methods for the periods of peace matched the initiative, skills and resources of the period—strip ships, maintain hulls as sound as possible, and hope for the best.

Even highly developed countries later realized it was no longer possible and feasible to retain active fleets including ships of all possible classes and types at full war-time strength. Therefore reserve fleets had to be developed.

A reserve fleet, at best, is a kind of compromise—a combination of putting together the strongest first team you can afford to field, inheriting the best available second team from the major league and weeding out the has-been with a minimum of sentiment.

It has been mentioned earlier that the actual maintenance cost of the inactive ships by a force of 1,720 Navy and civilian staff, representing a variety of skills, is a relatively modest budget item. However, a considerable amount of time and talent goes into the continuous research and development of ways and means of more efficient (and ideally) more economical means of preserving ships and shortening, if possible, time required for deactivation and reactivation.

A NEW APPROACH

One of the newest approaches to topside protection has been the development by the Naval Ship Research and Development Center in Annapolis of a design for a plastic cocoon which would envelop a ship from the top of the foremast down to the water-line.

A contract has been awarded to Birdair Structures, Inc. of Buffalo, N.Y. for design and fabrication of the envelope, which is to be installed on the 12,000-ton cargo ship *Betelgeuse* at the Philadelphia Naval Ship Yard this summer. The ship is now at the Yard undergoing preparation for deactivation.

If the experiment is successful, the plastic envelope could greatly simplify the processes of deactivating and re-activating ships. No longer would radio and radar antennae and other topside equipment have to be taken down and stored below decks.

Other recent developments in the constant battle to maintain the readiness of the reserve fleet include a flooding alarm. This was a suggestion by a Navy seaman at the Philadelphia Yard, who received a cash award for his idea from the Navy.

The alarm consists of a styrofoam ball placed in the bilge of a ship. If and when water reaches a certain point a metal tip of the ball closes an electric circuit and sets off an alarm.

In another development, ships are marked on the bow with a white "V" with the bottom part even with the correct water-line. Any change can be immediately spotted.

ELECTRICAL PROTECTION

The latest development in resisting corrosion of the hull is the use of electricity—

only 9/10ths of a volt is required—in surrounding the hull. Presence of this small amount of electricity is sufficient to protect the hull from chemical reactions.

Until recent years an inspection, which is a daily requirement in the maintenance of reserve ships, meant going inside, a time-consuming process. However, now the dehumidifying equipment is housed on the weather deck. In addition there have been improvements in the use of lighted panels and more efficient means of signaling the presence of problems: e.g., a green light indicating excessive humidity (the optimum on steel ships is 35 per cent); red light indicating a flood alarm.

A future step, based on the success of the topside cocoon, is development of a plastic container for protection of the hull. Means of joining the topside and underside cocoons are the subject of further research.

Meantime the maintenance force of 1,720 representing a variety of skills, continues to keep the inactive ships in a feasible state of readiness. Each ship, upon entry into deactivation, has been thoroughly examined to determine the contents of an "activation package"—a list of desirable modifications which should be made in bringing it up to maximum capability.

Time required for preparing ships for return to the active fleet varies with size and the complexity of equipment, and the modernizations recommended in the "activation package." However, in emergencies, reactivation can be greatly accelerated with the use of multiple shifts.

Total numbers of ships at each of the seven bases: Bremerton, 104; Vallejo, 169; San Diego, 130; Pearl Harbor, 54; Philadelphia, 131; Norfolk, 120; and Orange, 171.

In addition to the reserve fleet, the Navy also has the added advantage of the almost immediate availability of many of the 60 ships now assigned to active Naval Reserve units. Nearly half of these are destroyers and destroyer escorts, 18 are minesweepers, and 15 are submarines.

So far, the size and composition of the mothball fleet has been examined, along with some present and proposed maintenance procedures. Comments on its necessity have been recorded and speculations made on the future size of the reserve fleet in the early 70's with the assumption that the size may remain relatively the same until newly authorized ships join the fleet.

But that is the period when the propulsion gap between the ships of the 40's and 50's and the nuclear and gas turbine powered ships, the high speed, smaller ships, the hydro-foil (air cushion) or surface effect ships will be at its greatest. How many of the older, less sophisticated ships will continue to be kept in near readiness?

That is a question which awaits future study, review, and re-examination. As the nation's Naval attic continues into the last third of the century; perhaps not a totally satisfactory operation but one nobody can say for certain is pointless.

H.R. 4207 REINTRODUCED BY REPRESENTATIVE CASEY TO CURB URBAN BLIGHT, CREATE NEW JOBS, NEW MARKETS AND SALES

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

Mr. CASEY of Texas. Mr. Speaker, 106 of my colleagues joined with me as cosponsors in introducing what we believe to be a far-reaching, progressive bill which can curb urban blight, create new jobs, new markets and sales—and at the same time, bring the benefit of tax relief to the overburdened American homeowner.

I refer specifically to H.R. 4207, which I reintroduced yesterday.

Under this bill, homeowners would be permitted to deduct up to $750 annually from their income tax for the cost of repair and maintenance of their residence. Rental property owners would be permitted a fast tax writeoff through rapid amortization over a 5-year period for the cost of such repair or rehabilitation.

At a press conference yesterday morning prior to introduction, I was privileged to have with me our distinguished colleagues: Representative GEORGE W. COLLINS, of Illinois; Representative JIM WRIGHT and Representative CLARK FISHER from my own State; and Representative JAMIE WHITTEN, of Mississippi. They believe, as I do, that this bill can provide the answers to many of the serious problems plaguing our economy and be of direct and immediate benefit to the homeowner.

Because so many of my colleagues have expressed deep interest in this legislation, I am placing in the RECORD at this point, excerpts from the press release I issued along with a list of cosponsors, and statistical data:

WASHINGTON.—A massive bipartisan campaign to fight urban blight and create jobs by permitting a $750 tax deduction for home repair opened in Congress today.

One hundred and six House Members joined as co-sponsors of the bill to accomplish this purpose introduced by U.S. Rep. Bob Casey (D., Texas).

Casey has been a leading advocate for enactment of such legislation for the past 13 years.

He stated that in addition to the co-sponsors, other House Members advised him they will introduce their own companion bill, or otherwise expressed support for his efforts.

More than a score of major national and regional organizations, including labor, contracting and trade associations, have supported Casey's bill in the past.

At a press conference attended by many of the co-sponsors prior to introduction, Casey announced that another longtime advocate, Rep. Seymour Halpern (R., N.Y.) would serve with him as a co-chairman of a coordinating committee to gain additional national and Congressional support for the bill.

Casey outlined the need for such legislation, stating:

"I find it incredible, and pathetic, that in this day of great technological progress—and in spite of the many housing assistance programs enacted by Congress—the 1970 census gives us the grim fact that 4,677,526 housing units lack hot and cold water, flush toilet and bath facilities inside the structure.

"But the full story on the sad state of our housing, how much of it is deteriorating or dilapidated, will not be available for many months. The Census Bureau has not yet compiled those figures," he said.

Under the terms of Casey's bill, a homeowner would be permitted to deduct up to $750 a year for the cost of repair or improvement of his residence. Rental property owners would be permitted rapid amortization over five years for the cost of rehabilitating rental housing. Additions increasing the floor space would not be covered, Casey pointed out.

"I am convinced that this legislation can reach five major goals," the Houston Congressman said.

"It can create thousands of needed jobs in the home repair and allied fields in this period of excessively high unemployment. It can help curb the spread of urban blight in our cities and towns. It can generate vast new markets for the home repair and housing industry. It can bring badly-needed tax relief to our hard-pressed homeowners. And in my judgment, it can generate enough tax revenue through new jobs, new sales and increased profits to more than pay for itself.

"We must have 2.2 million housing units per year to meet our national needs," Casey emphasized. "In the past three years, we have averaged only 1.5 million units.

"It is imperative that if we are to meet the demanding need of good housing for our people—we must conserve, protect and rehabilitate existing housing units," he added. "In fiscal 1970, only 32,000 housing units were rehabilitated under all federal housing programs.

"When you consider the 1960 census showed nearly 11 million units as substandard, and 1.3 million as dilapidated, then it is obvious we are not making enough headway on this critical problem," he said.

"While many substandard units have been bulldozed for freeways and urban renewal projects, others have aged and fallen into disrepair to take their place," Casey said.

Casey pointed out that in 1961, the home repair market expenditures totaled $13.8 billion, of which $6.1 billion was for maintenance or repair. In 1969, it totaled $13.5 billion, with $5.4 billion for repair.

"Inflation, the high cost of labor and materials, means we are buying far less housing repair than is mandatory," Casey said. "Experts state we must have an annual expenditure of about $7 billion for repair and maintenance to conserve existing housing and meet our needs."

"This is not a problem confined to big urban cities," Casey said. "It is just as critical in small towns and in rural areas."

Casey said the tremendous support given by House members in co-sponsoring his bill should insure its consideration by the tax-writing House Ways and Means Committee.

"All we want is an opportunity for us, as sponsors, and for experts in the housing and home repair field, to present the facts and make our case before the Committee," he said. "I believe we can fully justify the need for this progressive legislation."

Casey pointed out that special efforts have been made by the Congress in recent years for rehabilitation of rental housing. He cited Section 115 of the urban renewal statute, whereby federal grants of up to $3,500 may be made to homeowners with incomes of up to $3,000 for housing rehabilitation. Section 312 provides for below market cost loans of three percent to upgrade housing to local standards, with priority going to persons with low or moderate incomes. Under both programs, during fiscal 1969, 11,000 units were rehabilitated.

He pointed out that in addition, the 1969 Tax Reform Act adopted a portion of his bill to provide an incentive for rehabilitation of rental property through a five-year amortization of costs. This provision, however, applied only to rental units housing low and moderate income families.

"All of these programs are fine and helpful," he stated.

"But the huge percentage of our housing is owner-occupied by taxpayers who cannot qualify for federally-subsidized assistance to rehabilitate or upgrade their homes. And it is here that we must begin our effort, if we are to meet our housing needs," he stated.

"As one colleague wrote me: 'This bill sounds so good that it must have something wrong with it,'" Casey related. "If there is—I can't find it, and neither could he, for he agreed to co-sponsor it."

"This bill has the strong support of labor, management, business, industry and the people," Casey said. "The only opposition in the past has been from the Treasury Department, which can see only the initial tax revenue loss—and not what can be generated through new jobs, higher profits and new markets."

"I am writing Treasury Secretary John Connally, asking that he take personal cognizance of our bipartisan effort, and that his Department, in its report on this bill to the Committee, give heavy consideration to the five factors I've outlined.

"I am, at this point, extremely optimistic about our efforts," Casey said.

COSPONSORS OF H.R. 4207

ALABAMA

Tom Bevill (Jasper, Dem.)

ALASKA

Nick Begich (Anchorage, Dem.)

CALIFORNIA

Don H. Clausen (Crescent City, Rep.)
Harold T. Johnson (Roseville, Dem.)
John E. Moss (Sacramento, Dem.)
John J. McFall (Manteca, Dem.)
B. F. Sisk (Fresno, Dem.)
Edward R. Roybal (Los Angeles, Dem.)
Charles H. Wilson (Los Angeles, Dem.)
Richard T. Hanna (Fullerton, Dem.)
Augustus F. Hawkins (Los Angeles, Dem.)
Bob Wilson (San Diego, Rep.)
William S. Mailliard (San Francisco, Rep.)
H. Allen Smith (Glendale, Rep.)

FLORIDA

Robert L. F. Sikes (Crestview, Dem.)
Bill Chappell, Jr. (Ocala, Dem.)
Paul G. Rogers (W. Palm Beach, Dem.)
Claude Pepper (Miami, Dem.)

GEORGIA

Ben B. Blackburn (Atlanta, Rep.)

HAWAII

Spark M. Matsunaga (Honolulu, Dem.)

IDAHO

Orval Hansen (Idaho Falls, Rep.)

ILLINOIS

Edward J. Derwinski (So. Holland, Rep.)
George W. Collins (Chicago, Dem.)
Paul Findley (Pittsfield, Rep.)
Kenneth J. Gray (West Frankfort, Dem.)

INDIANA

Ray J. Madden (Gary, Dem.)

IOWA

Fred Schwengel (Davenport, Rep.)

KENTUCKY

Romano L. Mazzoli (Louisville, Dem.)

LOUISIANA

Joe D. Waggoner, Jr. (Plain Dealing, Dem.)
Edwin W. Edwards (Crowley, Dem.)

MARYLAND

Lawrence J. Hogan (Hyattsville, Rep.)

MASSACHUSETTS

Silvio O. Conte (Pittsfield, Rep.)
Robert F. Drinan (Newton, Dem.)
Harold D. Donohue (Worcester, Dem.)
Torbert H. Macdonald (Malden, Dem.)
Louise Day Hicks (Boston, Dem.)
James A. Burke (Milton, Dem.)

MICHIGAN

James Harvey (Saginaw, Rep.)

MINNESOTA

Joseph E. Karth (St. Paul, Dem.)
John A. Blatnik (Chisholm, Dem.)

MISSISSIPPI

Jamie L. Whitten (Charleston, Dem.)
Charles H. Griffin (Utica, Dem.)

MISSOURI

James W. Symington (Clayton, Dem.)
W. R. Hull, Jr. (Weston, Dem.)

MONTANA

John Melcher (Forsyth, Dem.)

NEVADA

Walter S. Baring (Reno, Dem.)

NEW HAMPSHIRE

James C. Cleveland (New London, Rep.)

NEW JERSEY

John E. Hunt (Pitman, Rep.)
Robert A. Roe (Wayne, Dem.)
Charles W. Sandman, Jr. (Cape May, Rep.)

NEW YORK

Joseph P. Addabbo (Ozone Park, Dem.)
Shirley Chisholm (Brooklyn, Dem.)
John M. Murphy (Staten Island, Dem.)
James M. Hanley (Syracuse, Dem.)
James F. Hastings (Allegany, Rep.)
Mario Biaggi (Bronx, Dem.)
John G. Dow (Grand View, Dem.)
Thaddeus J. Dulski (Buffalo, Dem.)
Bertram L. Podell (Brooklyn, Dem.)

NORTH CAROLINA

Walter B. Jones (Farmville, Dem.)
L. H. Fountain (Tarboro, Dem.)
Alton Lennon (Wilmington, Dem.)

OHIO

Delbert L. Latta (Bowling Green, Rep.)
Frank T. Bow (Canton, Rep.)
Wayne L. Hays (Flushing, Dem.)
William E. Minshall (Lakewood, Rep.)
Thomas L. Ashley (Waterville, Dem.)

OKLAHOMA

Tom Steed (Shawnee, Dem.)

OREGON

Wendell Wyatt (Astoria, Rep.)
Edith Green (Portland, Dem.)

PENNSYLVANIA

James A. Byrne (Philadelphia, Dem.)
Edwin D. Eshleman (Lancaster, Rep.)
John P. Saylor (Johnstown, Rep.)
Albert W. Johnson (Smethport, Rep.)
James G. Fulton (Pittsburgh, Rep.)
Daniel J. Flood (Wilkes-Barre, Dem.)
John H. Dent (Jeannette, Dem.)

RHODE ISLAND

Fernand J. St Germain (Woonsocket, Dem.)

SOUTH CAROLINA

John L. McMillan (Florence, Dem.)
James R. Mann (Greenville, Dem.)

SOUTH DAKOTA

James Abourezk (Rapid City, Dem.)

TENNESSEE

James H. Quillen (Kingsport, Rep.)
John J. Duncan (Knoxville, Rep.)
LeMar Baker (Chattanooga, Rep.)
William R. Anderson (Waverly, Dem.)

TEXAS

Wright Patman (Texarkana, Dem.)
Ray Roberts (McKinney, Dem.)
Earle Cabell (Dallas, Dem.)
Olin E. Teague (College Station, Dem.)
W. R. Archer (Houston, Rep.)
J. J. (Jake) Pickle (Austin, Dem.)
James C. Wright, Jr. (Fort Worth, Dem.)
Henry B. Gonzales (San Antonio, Dem.)
O. C. Fisher (San Angelo, Dem.)
Bob Casey (Houston, Dem.)
James M. Collins (Dallas, Rep.)
John Dowdy (Athens, Dem.)

VIRGINIA

G. William Whitehurst (Norfolk, Rep.)
Watkins M. Abbitt (Appomattox, Dem.)
W. C. (Dan) Daniel (Danville, Dem.)
William L. Scott (Fairfax, Rep.)

WASHINGTON

Julia Butler Hansen (Cathlamet, Dem.)
Floyd V. Hicks (Tacoma, Dem.)

WEST VIRGINIA

Harley O. Staggers (Keyser, Dem.)
John M. Slack, Jr. (Charleston, Dem.)
James Kee (Bluefield, Dem.)

WISCONSIN

Les Aspin (Racine, Dem.)

ORGANIZATIONS WHICH SUPPORTED CASEY HOME REPAIR BILL

1. National Paint, Varnish and Lacquer Association.
2. Building and Construction Trades Council, AFL–CIO.
3. Painting and Decorating Contractors of America.
4. Brotherhood of Painters, Decorators and Paperhangers.
5. Plumbing, Heating and Cooling Contractors Association.
6. Contracting Plasterers and Latherers International Association.
7. National Association of Home Builders.
8. National Electrical Contractors Association.
9. National Federation of Independent Business.
10. Paint and Wallpaper Association of America.
11. Southern Paint and Wallcovering Association.
12. National Lumber and Building Material Dealers Association.
13. Tile Contractors Association.
14. National Forest Products Association.
15. National Bureau for Lathing and Plastering.
16. Structural Clay Products Institute.
17. National Home Improvement Council.
18. Bricklayers and Plasterers International Union.
19. The National Remodelers Association.
20. National Association of Wholesalers, and others.

SUBSTANDARD HOUSING

Census Bureau cannot give current figures for substandard housing, however, this is from the 1960 report]

	Housing units	Percent dilapidated, lacking 1 or more plumbing facility
New England:		
Maine	364,617	32.1
New Hampshire	224,440	19.3
Vermont	136,307	21.8
Massachusetts	1,690,745	11.7
Rhode Island	286,757	15.5
Connecticut	818,544	9.2
Middle Atlantic:		
New York	5,695,431	10.3
New Jersey	1,998,796	8.5
Pennsylvania	3,581,642	13.5
East North Central:		
Ohio	3,040,915	14.7
Indiana	1,503,180	19.2
Illinois	3,275,566	15.3
Michigan	2,548,363	13.7
Wisconsin	1,288,318	18.7
West North Central:		
Minnesota	1,119,271	23.8
Iowa	905,295	21.9
Missouri	1,491,169	27.7
North Dakota	194,597	35.1
South Dakota	216,449	31.7
Nebraska	472,950	19.5
Kansas	740,343	18.3
South Atlantic:		
Delaware	143,725	13.7
Maryland	934,554	12.5
District of Columbia	262,641	9.8
Virginia	1,170,515	28.9
West Virginia	574,357	35.0
North Carolina	1,322,957	37.2
South Carolina	678,379	39.9
Georgia	1,170,001	35.2
Florida	1,776,591	16.5
East South Central:		
Kentucky	925,572	41.2
Tennessee	1,084,365	36.5
Alabama	967,595	39.8
Mississippi	628,945	49.2
West South Central:		
Arkansas	586,552	44.9
Louisiana	978,452	31.4
Oklahoma	815,685	23.4
Texas	3,152,657	22.3
Mountain:		
Montana	233,310	23.1
Idaho	223,533	17.4
Wyoming	113,096	18.8
Colorado	594,527	16.2
New Mexico	281,976	23.1
Arizona	415,834	15.9
Utah	262,670	8.5
Nevada	101,623	11.9
Pacific:		
Washington	1,009,519	12.3
Oregon	622,861	12.9
California	5,464,786	7.2
Alaska	67,193	33.9
Hawaii	165,506	20.6

THE MONDALE-FRASER HOME IMPROVEMENT ACT

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

Mr. FRASER. Mr. Speaker, today I am introducing H.R. 7882, a bill to establish a new home improvement loan program. Joining with me as a Senate sponsor of this legislation is my colleague from Minnesota, WALTER MONDALE.

Our bill will enable homeowner-occupants to obtain federally subsidized, FHA-insured loans of up to $15,000 for home improvements and the installation of basic appliances included in a general improvement program.

The interest rate for the borrower would be set at 6 percent. A subsidy to the lender would be provided which equals the difference between this rate and the standard FHA rate established by the Secretary of Housing and Urban Development. As an aid to the borrower, we would prohibit the lender from charging a special discount—or points. A special subsidy of 0.375 percent would be provided to the lender, however, to compensate for the elimination of points.

No income limits would be imposed on the borrower. Instead, we would limit the loans to those homes whose values do not exceed $30,000 after improvements are made. In this way luxury housing would be excluded from the program.

The main purpose of this new loan program is to conserve probably our country's most important housing resource—the older, owner-occupied home. According to the 1970 census, 45 percent of all housing in the United States is more than 30 years old and 40 percent of the homes in this age category are owner-occupied.

The following table, based on U.S. census data, provide a useful profile of the age and value of owner-occupied housing, nationally as well as in Minnesota:

TABLE I.—SELECTED CHARACTERISTICS OF OCCUPIED HOUSING UNITS—1970

[In percent]

Year built	Total	Owner occupied
1960 or later	21	22
1950 to 1959	19	24
1940 to 1949	15	15
1939 or earlier	45	40
Total	100	100

TABLE 2.—VALUE OF OWNER-OCCUPIED HOUSING UNITS (FROM 1970 CENSUS OF HOUSING, ADVANCE REPORT, FEBRUARY 1971)

	Minneapolis		Minneapolis-St. Paul SMSA		Minnesota		Total United States	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	68,211		324,793		617,253		31,867,883	
Less than $5,000	81	0.1	750	0.2	26,120	4.2	1,935,883	6.1
$5,000 to $9,999	2,599	3.8	9,215	2.8	79,217	12.8	4,964,570	15.6
$10,000 to $14,999	16,801	24.6	44,003	13.5	118,416	19.2	6,398,130	20.1
$15,000 to $19,999	24,463	35.9	84,828	26.1	143,052	23.2	6,430,245	20.2
$20,000 to $24,999	13,378	19.6	79,610	24.5	113,624	18.4	4,670,003	14.7
$25,000 to $34,999	8,002	11.7	69,263	21.3	91,144	14.7	4,431,780	13.9
$35,000 to $49,999	2,188	3.2	26,705	8.2	33,193	5.4	2,042,545	6.4
$50,000 or more	699	1.0	10,419	3.2	12,487	2.0	995,052	3.1
Median	18,000		21,500		18,000		17,000	

Many of our central cities, particularly in the midwest, are filled with modest but well-built one- and two-family homes that are beginning to show signs of age. New improvement efforts on a broad scale can do much to preserve this important housing stock.

There are, of course, a number of housing programs now on the books that are intended to deal with this problem. Unfortunately, the current programs are caught up in excessive redtape and are not making the impact we had hoped they might.

Our bill attempts to remedy the deficiencies in the earlier programs by streamlining home loan procedures and eliminating many of the restrictions that are built into so many Government-financed efforts.

Some may question the lack of income restrictions in our loan program in view of the fact that a small Federal subsidy is provided. We feel strongly, however, that the 6-percent loans should be available to all homeowners regardless of their income as long as luxury housing is excluded. If provision of good housing for all Americans is an important national goal, we should be willing to provide a small subsidy to a broad group of middle income families to help us achieve this goal. The subsidy principle is already well established in agriculture, transportation and other areas of national life.

A relatively small investment of Federal subsidy funds in this program, about $25 million the first year, could generate close to a $1 billion in home improvement construction activity.

HEALTH AND AID

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

Mr. BUCHANAN. Mr. Speaker, recently, a brief article in the University of Iowa Spectator quoted a graduate of the university's hospital and health administration program on the necessity of health programs in our foreign assistance efforts. James W. Hendley, of Nashville, Tenn., wrote in his doctoral thesis:

> One of the major impediments to progress in the lesser-developed nations is widespread preventable and curable diseases among their populations.

This is quite true. The question of health is basic to development. Progress—whether it be political, economic, or social—is difficult, if not impossible, if the people involved suffer from disease and malnutrition, and lack the necessary energy.

This is not to say that we lack encouraging achievements:

More than 900 million people in developing countries have been protected against malaria in the past 20 years.

More than 105 million people in central and west Africa have been vaccinated against smallpox.

Seventeen million children have been vaccinated against measles in Africa, where the disease kills 10 percent of the children infected.

More than 7,000 doctors and 4,000 nurses have been trained since foreign assistance became a part of U.S. relations with the developing countries.

These are impressive statistics, but much more must be done. Ponder these statistics:

Fifteen million children, who might be saved, die each year.

Millions more are permanently maimed, both physically and mentally, by malnutrition.

Ninety percent of the people in developing countries, mainly rural, have no convenient access to modern health services of any kind, permitting diseases, for which science has already found cures and relief, to kill and debilitate.

Of those who survive, life expectancy is 20 years shorter than in developed countries.

It is ironic that the very countries that need healthy, energetic people to carry on the development process are the ones that cannot afford the necessary health and nutrition programs.

That is why there is still a need for assistance. In this decade of the 1970's we have a chance to speed this work. The proposals for making our aid programs more effective can do this. The multilateral approach proposed by the President is particularly applicable to health programs.

We have the opportunity through our new assistance programs to improve the quality of millions of peoples' lives; to directly affect the welfare of children; to give hope to families—and ultimately to provide the environment for attaining the goals of world peace.

50 YEARS OF WORK IN BIRMINGHAM

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

Mr. BUCHANAN. Mr. Speaker, it is my pleasure to join in the recognition of one of my constituents, Dr. A. G. Gaston, this year's winner of the Birmingham Bar Association's Liberty Bell Award. Dr Gaston was nominated for this honor by the Birmingham Urban League which cited him for his 50 years work and service in behalf of Birmingham, particularly in more recent years when his calm, clear voice in the midst of many stormy conditions urging obedience of law, helped bring about change in a lawful and orderly manner.

Recently, this distinguished black businessman authored a book entitled, "Green Power," an endorsement of our free enterprise system which gave him the opportunity to become one of our leading citizens. In addition to his presidency of the Citizens Federal Savings and Loan Association, Dr. Gaston operates the Booker T. Washington Insurance Co., and the Booker T. Washington Business College.

He has also had a personal hand in the formation and development of the A. G. Gaston Boys Club, named in his honor, which is now a strong factor in reducing juvenile crime in the Birmingham area.

Through his efforts, scholarship funds have been established at the University of Alabama School of Law in Tuscaloosa and Cumberland School of Law at Samford University in Birmingham to help deserving students, particularly blacks, obtain a legal education.

This years Liberty Bell Award could not have been presented to a more deserving American who embodies all the award symbolizes.

ISRAEL'S 23D BIRTHDAY

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

Mr. BINGHAM. Mr. Speaker, as the State of Israel enters upon its 24th year, it is no longer a frail infant, no longer a gangling adolescent, but a sturdy adult nation.

The Israelis themselves are courageously cool in their assessment of the current ambiguous situation. They hope that fighting will not erupt again between them and their Arab neighbors, but they are prepared to face it if it comes. They are quite properly insisting that a permanent peace can be arrived at only by negotiation between those directly concerned, and cannot be imposed from outside. They are prepared to ease tensions by entering into a partial agreement which would permit the Egyptians to reopen the Suez Canal and the Russians, among others, to use it. Meanwhile they are going about the business of constantly strengthening their own defense capabilities and their own economy, and of demonstrating through their administration of Gaza and West Jordan that Arabs and Jews can live and work side by side, not only in peace but in growing prosperity.

The Israelis are not in a panic about the lack of a peace settlement in the Middle East. They are properly concerned about the obvious intent of the Soviet Union to increase its influence in the eastern Mediterranean and the Middle East, but they do not believe the Soviet Union or any one else wants a major war in the area.

Would that the Nixon administration would show the same degree of cool courage as the Israelis. As I have said time and again in the past, the main fault I have to find with our State Department on this issue is that it is overeager to achieve a settlement, without enough regard for the underlying conditions that would make a settlement viable in the long run.

But basically I am optimistic about the future of Israel, for I believe the Israelis have not only the capacity to build a great future for themselves and, if permitted, for the whole Middle East, but also the wisdom and the patience not to let themselves get pressured into any settlement, total or partial, that would be fraught with peril.

And so I say "Happy Birthday" to this gallant and inspiring democracy, and many happy returns.

DR. HERMAN P. MANTELL IS DEAD

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

Mr. RYAN. Mr. Speaker, Dr. Herman P. Mantell, president of the Council of Jewish Organizations in Civil Service, passed away on April 14. Dr. Mantell was a dedicated public servant—a former public school principal and special deputy controller of New York City. His contributions to his community were manifold.

Throughout his career he led many organizations which were concerned with the public welfare. He served as a governor of the Foundation for Child Mental Welfare and was a member of the New York City Coordinating Committee of Religious Leaders.

He also served at one time or another during his distinguished career as president of the Beacon Civic League, president of the Council of Civic Leagues of New York City, and as president of the Interfaith Movement, Inc., which honored him with its Gold Medal Award in 1963, 1964, and 1965.

Dr. Mantell was a tireless and dedicated citizen who will be greatly missed. I extend my deepest sympathy to Mrs. Mantell and his two sisters.

I include in the RECORD an article from the New York Times of April 15, 1971, describing the life and accomplishments of Dr. Mantell.

[From the New York Times, Apr. 15, 1971]

DR. HERMAN P. MANTELL IS DEAD; LED JEWISH CIVIL SERVICE GROUP

Dr. Herman P. Mantell, president of the Council of Jewish Organizations in Civil Service and for many years a school principal here, died of cancer yesterday in Mount Sinai Hospital. He was 66 years old and lived at 246 West End Avenue.

Dr. Mantell also was chairman of the Civil Service-Independents Party, which in 1969 endorsed Controller Mario A. Procaccino, a Democrat, for mayor and obtained a second line on the ballot for him.

Last August the party obtained approval for a second line on the ballot for Governor Rockefeller and Lieut. Gov. Malcolm A. Wilson, Republicans.

IN SCHOOLS DISPUTE

At a hearing on school decentralization in 1966—marked by a dramatic walkout by Superintendent of Schools Bernard E. Donovan—Dr. Mantell, speaking as president of the Jewish Teachers Association, touched off a demonstration when he remarked that a woman outside the building was distributing anti-Semitic literature.

Angry shouts, jeers and derisive handclapping caused Dr. Mantell to cut short his remarks, commenting, "I can't get a fair hearing here."

In 1962, Dr. Mantell was appointed special deputy controller and assistant finance director under Controller Abraham D. Beame. He took office April 30, 1962. He also served as head of the Bureau of Excise Taxes.

To take the city post he left a position as principal of Public School 87 in Manhattan, where he had served for 13 years.

He was a lawyer as well as an educator and administrator. He also was vice chancellor of Philathea College, London, Ontario.

Dr. Mantell received a B. S. in social science at City College, an M.A. in education and a Ph.D. from New York University and a J.D., a doctor of humane letters and a doctor of laws from New York Law School.

He also was a governor of the Foundation for Child Mental Welfare and a member of the education committee of the New York City Coordinating Committee of Religious Leaders.

Dr. Mantell was president of the Beacon Civic League and of the Council of Civic Leagues of the City of New York and president of the Interfaith Movement, Inc., which gave him its gold medal award for 1963, 1964 and 1965.

Dr. Mantell helped to organize the Federation of Negro Civil Service Organizations, and was given a scroll naming him an honorary member of the Sentinel Society, which is made up of Negro officers and civil service agents of the Customs Service.

Dr. Mantell was a Knight of Malta and received the Pope Paul Merit Award in 1968.

He leaves his wife, the former Pauline Schwartz, and two sisters, Mrs. Pauline Brandfonbrener and Mrs. Frances Lampbel.

A funeral service will be held at the Riverside, Amsterdam Avenue at 76th Street, on Sunday at noon.

COMPULSORY BUSING OF SCHOOLCHILDREN BY SUPREME COURT DECISION COMES AS QUITE A SURPRISE

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

Mr. ARCHER. Mr. Speaker, the recent Supreme Court ruling that compulsory busing of schoolchildren is constitutional came to me as quite a surprise. Arguing with an incredible logic, the Court said that neighborhood schools are preferable for some areas of the country, but that busing to achieve a racial balance is necessary, and constitutionally justified, in others.

I think we all recognize the inherent

wrong of forced segregation; we must undertake every effort to eliminate the last vestiges of it. But busing is not the answer.

Transporting young children across town just for the purpose of meeting some racial quota can serve no useful purpose. It will not, as some persons think, force an upgrading of inner city schools. To the contrary, where busing has been used, it has led to the deterioration of schools and the aggravation of racial tension and incidents.

I firmly believe that the taxpayers' money could more wisely be spent in programs to improve all schools and the quality of education itself, than in busing schoolchildren. But the Supreme Court has taken this out of our hands. Through some mystical interpretation of the Constitution, they have upheld lower court directives to bus.

Frankly, I can find no provision in the 14th amendment or any other part of the Constitution that permits or justifies forced busing. But the Supreme Court does, and that leaves the people and their lawmakers with no recourse short of an amendment to the Constitution. Therefore, I am introducing today a resolution calling for a constitutional amendment to prevent assignment of any child to a particular school because of his race, color, or creed.

In this way, we can guarantee the rights of all citizens, regardless of race.

PROPOSAL TO DISMANTLE THE DEPARTMENT OF AGRICULTURE

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

Mr. RANDALL. Mr. Speaker, in a recent mail I received a copy of a resolution adopted by the 32-member board of directors of the Midcontinent Farmers Association which had been unanimously adopted on April 7, 1971.

In a subsequent telephone conversation with the president of that association, Mr. Fred V. Heinkel, I asked his permission and consent that this statement of position be made a part of the CONGRESSIONAL RECORD. He gave his consent. Let me add that it has been my observation in the 12 years I have been a Member of Congress that Mr. Heinkel is one of the most knowledgeable persons in America on farm problems and particularly the family farm.

A careful analysis of this resolution shows that to propose to scatter out the Department of Agriculture is not only ridiculous but becomes a matter of concern not only to farmers but to all the people.

Mr. Heinkel also sent along in the same mail a resolution concerning revenue sharing which he indicated in his opinion would not only downgrade, but do injury to the American farmer. It was interesting that he pointed out that at the present time farm programs are directed by local people such as the county extension programs and the county ASCS committees.

A careful reading of the resolutions adopted by the Midcontinent Farmers Association, in my judgment, will provide food for thought for all Members of Congress:

PROPOSAL TO DISMANTLE DEPARTMENT OF AGRICULTURE

The proposal to split up and scatter out the U.S. Department of Agriculture is on the face of it ridiculous, and when the facts are considered the proposal becomes a serious threat not only to farmers but to all the people.

When the Department of Agriculture was established, there were 31 million people in the United States. Today the population is in excess of 206 million.

Farmers with the assistance of research and information provided by and through the Department of Agriculture with the assistance of the Land Grant Colleges and Experiment Stations have developed the most efficient and productive agriculture to be found anywhere in the world. Nobody needs to go hungry because of a shortage of food. Farmers have always produced plenty.

New and developing nations invariably establish as one of the first functions of government a department of Food and Agriculture.

Contrast this action with the proposal to dismantle our Department of Agriculture.

If the Department is split up into four pieces and scattered out in four big departments, then we lose the right of one strong voice for farmers at Cabinet level.

As if this was not enough to downgrade and discredit farmers, we also need to take a look at:

REVENUE SHARING

Much effort is being put forth by White House people to foist a "revenue sharing" proposal on farmers and other rural people. But it has a "sleeper" in it.

While $1.1 billion is being offered to be split up among the fifty states—more than fourth-fifths of this amount would be taken away from existing programs most of wich are directly related to farmers and rural communities.

This major portion of the proposed revenue sharing funds to come from existing programs would be dumped into the "hopper" with a little new money, and then let farmers see if they can get these funds back. Assuming we could get these funds back, which is very doubtful, it would be a case of "robbing Peter to pay Paul."

One pitch being made to sell the proposal is: "You people at the local level can do a better job with these funds than the bureaucrats in Washington."

The facts are present programs are being directed by local people. ACP funds have been administered by the County ASCS Committees, County Extension programs are guided by a County Extension Council; FHA has County Operating Committees; Soil Districts have a County Board of Supervisors; and REA has a Board of Directors for each Association.

So, we have plenty to lose and nothing to gain from the so-called "revenue sharing" proposal.

Therefore, we the Board of Directors of Midcontinent Farmers Association for the above reasons are opposed to both the Revenue Sharing Proposal and the "dismantling" of the Department of Agriculture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUNNELS (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. KEMP (at the request of Mr. GERALD R. FORD), on account of official business.

Mr. SCHEUER (at the request of Mr. O'NEILL), for today, on account of attending a funeral.

Mr. JONES of Tennessee (at the request of Mr. O'NEILL), 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:

(The following Members (at the request of Mr. PETTIS) and to revise and extend their remarks and include therein extraneous matter:)

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. ANDERSON of Illinois, for 5 minutes, today.

Mr. PRICE of Texas, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. SCHWENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. BOGGS) and to revise and extend their remarks and include therein extraneous matter:)

Mr. HAMILTON, for 15 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. DENT, for 30 minutes, today.

Mr. BIAGGI, for 10 minutes, today.

Mr. RANGEL, for 10 minutes, today.

Mr. RODINO, for 15 minutes, today.

EXTENTION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOLIFIELD (at the request of Mr. THOMPSON of New Jersey) immediately prior to the passage of House Resolution 303 today.

Mr. RANDALL in three instances and to include extraneous matter.

(The following Members (at the request of Mr. PETTIS) and to include extraneous matter:)

Mr. BIESTER.

Mrs. HECKLER of Massachusetts in two instances.

Mr. KEMP.

Mr. GUDE in three instances.

Mr. ROBISON of New York.

Mr. HOSMER in two instances.

Mr. FREY.

Mr. CAMP.

Mr. SCHMITZ in two instances.

Mr. ROUSSELOT.

Mr. MCCLORY.

Mr. DERWINSKI in two instances.

Mr. VANDER JAGT.

Mr. LANDGREBE in two instances.

Mr. COLLINS of Texas.

Mr. MILLER of Ohio in six instances.

Mr. GROVER.

Mr. WYMAN in two instances.

Mr. VEYSEY in two instances.

Mr. FRENZEL.

Mr. BRAY in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. FISH.

Mr. PELLY in two instances.

Mr. WIGGINS.

Mr. GERALD R. FORD.

Mr. BUCHANAN.

Mr. CONTE.
Mr. BAKER.
Mr. ASHBROOK in two instances.
(The following Members (at the request of Mr. BOGGS) and to include extraneous matter:)
Mr. HARRINGTON in two instances.
Mr. BRADEMAS.
Mr. ANNUNZIO in three instances.
Mr. BADILLO in four instances.
Mrs. CHISHOLM.
Mr. FAUNTROY.
Mr. CARNEY.
Mr. DINGELL in five instances.
Mr. MAZZOLI.
Mr. REES.
Mr. BRINKLEY in two instances.
Mr. MATHIS of Georgia in two instances.
Mr. SCHEUER in two instances.
Mr. RODINO in three instances.
Mr. ANDREWS of Alabama in two instances.
Mr. RYAN in four instances.
Mr. CELLER.
Mr. RARICK in three instances.
Mr. WILLIAM D. FORD in two instances.
Mr. GALLAGHER.
Mr. FRASER in three instances.
Mr. KARTH in two instances.
Mr. BENNETT in three instances.
Mr. MURPHY of New York.
Mr. ECKHARDT.
Mr. GONZALEZ in nine instances.
Mr. FASCELL.
Mr. BYRNE of Pennsylvania in two instances.
Mr. CHAPPELL in five instances.
Mr. ROSENTHAL in two instances.
Mr. HANNA in two instances.
Mr. PRICE of Illinois.
Mrs. ABZUG.
Mr. PATTEN in two instances.
Mr. ANDERSON of California in three instances.
Mr. ANDERSON of Tennessee in three instances.
Mr. BIAGGI in 10 instances.
Mr. BEGICH in three instances.
Mr. FOLEY.
Mr. GRIFFIN.
Mr. BOLAND.
Mr. EDMONDSON in two instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 1971 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:

638. A communication from the President of the United States, proposing supplemental appropriations for the fiscal year 1971 and amendments to the request for appropriations transmitted in the budget for fiscal year 1972 (H. Doc. No. 92–101); to the Committee on Appropriations and ordered to be printed.

639. A communication from the President of the United States, transmitting 14 proposals to add to the national wilderness system (H. Doc. No. 92–102); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

640. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting the 25th Report of the Commission, May 1970, pursuant to section 603 of Public Law 402, 80th Congress (H. Doc. No. 92–100); to the Committee on Foreign Affairs and ordered to be printed.

641. A letter from the Special Assistant to the Secretary of Labor for Legislative Affairs, transmitting a report on compliance, enforcement, and reporting in 1970 under the Labor-Management Reporting and Disclosure Act; to the Committee on Education and Labor.

642. A letter from the Chairman, National Labor Relations Board, transmitting lists containing (1) the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, (2) cases heard and/or decided by the Board, and (3) the fiscal statement showing total obligations and expenditures for fiscal year 1970, pursuant to section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

643. A letter from the Secretary of Health, Education, and Welfare, transmitting a preliminary report entitled, "Ten-State Nutrition Survey in the United States, 1968–1970," pursuant to section 14 of Public Law 90–174; to the Committee on Interstate and Foreign Commerce.

644. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 26, 1970 (84 Stat. 884); to the Committee on Merchant Marine and Fisheries.

645. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

646. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy; to the Committee on Post Office and Civil Service.

647. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to designate Interstate Route I–70 from Washington, D.C., to Denver, Colo., Interstate Route I–25 from Denver to Cheyenne, Wyo., and Interstate Route I–80 from Cheyenne to San Francisco, Calif., as the Dwight D. Eisenhower Highway; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

648. A letter from the Comptroller General of the United States, transmitting a report on an evaluation of information from contractors in support of claims and other pricing changes on ship construction contracts with the Department of the Navy; to the Committee on Government Operations.

649. A letter from the Comptroller General of the United States, transmitting a report on the effective conversion of National Guard technician positions to Federal positions in the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 7500. A bill to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general (Rept. No. 92–167). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 7872. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H.R. 7873. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY (by request):

H.R. 7874. A bill National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. BLANTON:

H.R. 7875. A bill to amend the Airport and Airway Development Act of 1970 to extend the time within which the Aviation Advisory Commission must file a final report; to the Committee on Interstate and Foreign Commerce.

By Mr. BRASCO:

H.R. 7876. A bill to provide for the sharing with State and local governments of a portion of the tax revenue of the Federal Government and to authorize Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7877. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost-meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

H.R. 7878. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

H.R. 7879. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 7880. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. DRINAN, Mr. ECKHARDT, Mr. FASCELL, Mr. MURPHY of New York, and Mr. ROY):

H.R. 7881. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 7882. A bill to expand the home improvement loan program under sections 203 (k) and 220(h) of the National Housing Act to include interest subsidy payments on behalf of owners of modest homes, in order to preserve and restore the residential character of neighborhoods in cities, villages, and towns; to the Committee on Banking and Currency.

By Mr. GARMATZ (for himself, Mr. MOSHER, Mr. CLARK, Mr. GROVER, Mr. DOWNING, Mr. KEITH, Mr. MURPHY, of New York, Mr. SNYDER, Mr. LONG of Louisiana, Mr. ANDERSON of Cali-

fornia, Mr. KYROS, and Mr. JAMES V. STANTON):

H.R. 7883. A bill to amend the Merchant Marine Act, 1936, and the Maritime Academy Act of 1958 to enlarge the mission of the U.S. Merchant Marine Academy and to assist in enlarging the mission of the State maritime academies; to the Committee on Merchant Marine and Fisheries.

By Mr. HOGAN:

H.R. 7884. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 7885. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing-rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7886. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH (for himself, Mr. ADAMS, Mrs. GREEN of Oregon, and Mr. DOW):

H.R. 7887. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 7888. A bill to amend section 162 of the Internal Revenue Code of 1954 with respect to the deductibility of expenses for the purpose of procuring employment; to the Committee on Ways and Means.

By Mr. KOCH (for himself and Mr. PEPPER):

H.R. 7889. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 7890. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

H.R. 7891. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 7892. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $120,000; to the Committee on Ways and Means.

H.R. 7893. A bill to repeal provisions of the Tax Reform Act of 1969 which place a limitation on the capital gains treatment in the case of total distributions from qualified pension, etc., plans; to the Committee on Ways and Means.

H.R. 7894. 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. MEEDS (for himself, Mr. DRINAN, Mrs. CHISHOLM, Mr. CLARK, Mr. HECHLER of West Virignia, Mr. REES, Mr. ROONEY of Pennsylvania, Mr. FISH, Mr. KOCH, and Mr. SCHEUER):

H.R. 7895. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 7896. A bill to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. METCALFE:

H.R. 7897. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of all ethnic groups in the Nation; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. WILLIAM D. FORD, Mr. ECKHARDT, Mr. FULTON of Pennsylvania, Mrs. GRASSO, Mrs. HICKS of Massachusetts, Mr. KOCH, and Mr. ROE):

H.R. 7898. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that cosmetics containing mercury or any of its compounds bear labeling stating that fact; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.R. 7899. A bill to amend further the Peace Corps Act (75 Stat. 612), as amended; to the Committee on Foreign Affairs.

By Mr. NATCHER:

H.R. 7900. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 7901. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Virginia:

H.R. 7902. A bill to amend section 209 (a) and (b) of title 37, United States Code, to provide increased subsistence allowances for Senior Reserve Officers' Training Corps members; to the Committee on Armed Forces.

By Mr. ROBISON of New York:

H.R. 7903. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 7904. A bill to amend Public Law 815, 81st Congress, relating to financial assistance for the construction of school facilities in areas affected by Federal activities, with respect to the priorities for applications filed thereunder; to the Committee on Education and Labor.

By Mr. SANDMAN:

H.R. 7905. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. SCHEUER (for himself, Mr. BADILLO, Mr. BLACKBURN, Mr. BURKE of Massachusetts, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. COTTER, Mr. DRINAN, Mr. DULSKI, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HORTON, Mr. METCALFE, Mr. MIKVA, Mr. MORSE and Mr. REES):

H.R. 7906. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. SHOUP (for himself, Mr. HANSEN of Idaho, and Mr. SAYLOR):

H.R. 7907. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 7908. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; to the Committee on Education and Labor.

By Mr. WHITE:

H.R. 7909. A bill to amend the Federal Reserve Act to require member banks to utilize a certain percentage of funds for loans to small businesses; to the Committee on Banking and Currency.

By Mr. WRIGHT:

H.R. 7910. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

H.R. 7911. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

H.R. 7912. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

H.R. 7913. A bill tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 7914. A bill to amend the Social Security Act to permit payment of title 19 recipients for certain medical and dental services; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 7915. A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes; to the Committee on Agriculture.

H.R. 7916. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 7917. A bill to amend title II of the Social Security Act to permit payment of interest on certain delayed payments of benefits and assessment of interest against certain unrefunded overpayments; to the Committee on Ways and Means.

By Mr. BARING (for himself, Mr. RARICK, and Mr. WILLIAMS):

H.R. 7918. A bill to provide that hereafter the Director of the Federal Bureau of Investigation in the Department of Justice shall be appointed by the President, by and with the advice and consent of the Senate, from among career officers or employees of such Bureau; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. ADDABBO, Mr. HAWKINS, Mr. EILBERG, Mr. HARRINGTON, Mr. KING, Mr. DERWINSKI, Mr. ROE, Mr. DOWDY, Mr. LUJAN, Mr. SYMINGTON, Mr. FULTON of Pennsylvania, Mr. RODINO, Mr. BRASCO, Mr. GALLAGHER, Mr. ROYBAL, Mr. BADILLO, Mr. WRIGHT Mr. RANGEL, Mr. GRAY, Mr. ASPIN, Mr. MITCHELL, Mr. HALPERN, Mr. RONCALIO, and Mr. MORSE):

H.R. 7919. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BURKE of Massachusetts, Mr. COLLINS of Illinois, Mr. ROSENTHAL, Mr. YATRON, Mr. NIX, Mr. SCHWENGEL, Mr. METCALFE, Mr. MCCLOSKEY, Mr. REES, Mr. FORSYTHE, Mr. ECKHARDT, Mr. HAYS, Mr. GARMATZ, and Mrs. CHISHOLM):

H.R. 7920. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. ADDABBO, Mr. HAWKINS, Mr. EILBERG, Mr. HARRINGTON, Mr. KING, Mr. DERWINSKI, Mr. ROE, Mr. DOWDY, Mr. LUJAN, Mr. SYMINGTON, Mr. FULTON of Pennsylvania, Mr. RODINO, Mr. BRASCO, Mr. GALLAGHER, Mr. ROYBAL, Mr. BADILLO, Mr. WRIGHT, Mr. RANGEL, Mr. GRAY, Mr. ASPIN, Mr. MITCHELL, Mr. HALPERN, Mr. RONCALIO, and Mr. MORSE):

H.R. 7921. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BURKE of Massachusetts, Mr. COLLINS of Illinois, Mr. ROSENTHAL, Mr. YATRON, Mr. NIX, Mr. METCALFE, Mr. MCCLOSKEY, Mr. REES, Mr. ECKHARDT, Mr. HAYS, Mr. GARMATZ, Mrs. CHISHOLM, Mr. KYROS, and Mr. FORSYTHE):

H.R. 7922. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. ADDABBO, Mr. HAWKINS, Mr. EILBERG, Mr. HARRINGTON, Mr. KING, Mr. DERWINSKI, Mr. ROE, Mr. DOWDY, Mr. LUJAN, Mr. SYMINGTON, Mr. FULTON of Pennsylvania, Mr. RODINO, Mr. BRASCO, Mr. GALLAGHER, Mr. ROYBAL, Mr. BADILLO, Mr. WRIGHT, Mr. RANGEL, Mr. GRAY, Mr. ASPIN, Mr. MITCHELL, Mr. HALPERN, Mr. RONCALIO, and Mr. MORSE):

H.R. 7923. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. BURKE of Massachusetts, Mr. COLLINS of Illinois, Mr. ROSENTHAL, Mr. YATRON, Mr. NIX, Mr. METCALFE, Mr. MCCLOSKEY, Mr. REES, Mr. ECKHARDT, Mr. HAYS, Mr. GARMATZ, Mrs. CHISHOLM, Mr. DANIEL of Virginia, Mr. FORSYTHE, and Mr. SCHWENGEL):

H.R. 7924. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 7925. A bill to provide additional protection for the rights of participants in employee pension and profitsharing-retirement plans, to establish minimum standards for pension and profitsharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 7926. A bill to amend chapter 55 of title 10, United States Code, to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 7927. A bill to authorize the conduct of certain research and development through the Coast Guard in order to develop an effective electronic guidance system; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAPPELL (for himself and Mr. FREY):

H.R. 7928. A bill to establish the Canaveral National Seashore in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLENBACK:

H.R. 7929. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DICKINSON:

H.R. 7930. A bill for the relief of the living descendants of the Creek Nation of 1814; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE (for himself, Mr. JACOBS, Mr. MIKVA, Mr. LINK, Mr. NELSEN, Mr. SMITH of New York, and Mr. BROYHILL of Virginia):

H.R. 7931. A bill to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 7932. A bill to amend title 10 of the United States Code in order to defer or exempt members of the Armed Forces from combat zone duty under certain conditions; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 7933. A bill to amend title VII of the Public Health Service Act to substantially increase Federal assistance to schools in the health professions for the construction, operation, improvement, and expansion of their facilities, to make available increased financial assistance to students, to provide incentives to expand training capacity, and to encourage the establishment of additional schools in health manpower shortage areas, and for other purposes; to the Commission on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself and Mr. PUCINSKI):

H.R. 7934. A bill to extend and amend the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 7935. A bill to establish certain policies with respect to certain leases or permits issued by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL (for himself, Mr. WYDLER, Mr. HOSMER, Mr. GARMATZ, Mr. GALLAGHER, Mr. COLLINS of Illinois, Mrs. ABZUG, Mr. BROWN of Michigan, Mr. GOLDWATER, Mr. GUDE, Mr. GUBSER, Mr. WALDIE, and Mr. ROE):

H.R. 7936. A bill to amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes; to the Committee on Government Operations.

By Mr. ROYBAL:

H.R. 7937. A bill to amend the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H.R. 7938. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. SCOTT (for himself, Mr. GROSS, Mr. HOGAN, Mr. ROUSSELOT, Mr. MCCLURE, Mr. YOUNG of Florida, Mr. POWELL, Mr. CHARLES H. WILSON, Mr. WAMPLER, Mr. BROYHILL of Virginia, Mr. SAYLOR, Mr. SCHMITZ, Mr. ABBITT, Mr. DANIEL of Virginia, Mr. DUNCAN, Mr. WHITEHURST, Mr. SMITH of New York, Mr. WILLIAMS, Mr. NIX, Mr. WHITE, Mr. ROBINSON of Virginia, Mr. WINN, Mr. BRASCO, Mr. PURCELL, and Mr. HUNT):

H.R. 7939. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMITZ:

H.R. 7940. A bill to prohibit preferences on account of race, color, religion, national origin, and sex in connection with certain programs and activities of agencies of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 7941. A bill to amend the act of June 15, 1912 (37 Stat. 134), to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON (for himself and Mr. GUBSER):

H.R. 7942. A bill to amend title 10 of the United States Code to provide more equitable retired pay for servicemen, and for other purposes; to the Committee on Armed Services.

By Mr. ARCHER:

H.J. Res. 587. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools because of race, creed, or color; to the Committee on the Judiciary.

By Mr. ASPIN:

H.J. Res. 588. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 589. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

H.J. Res. 590. Joint resolution proposing an amendment to the Constitution of the United States providing that prayer on a voluntary basis shall be permitted in public schools and educational institutions; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 591. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. KEITH:

H.J. Res. 592. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of individuals to participate in religious services in public schools and buildings; to the Committee on the Judiciary.

By Mr. MIZELL for himself and Mr. JONAS):

H.J. Res. 593. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORGAN (for himself, Mr. BARRETT, Mr. FLOOD, Mr. BYRNE of Pennsylvania, Mr. CLARK, Mr. DENT, Mr. NIX, Mr. MOORHEAD, Mr. GREEN of Pennsylvania, Mr. ROONEY of Pennsylvania, Mr. VIGORITO, Mr. EILBERG, Mr. GAYDOS, and Mr. YATRON):

H.J. Res. 594. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. PURCELL:

H.J. Res. 595. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.J. Res. 596. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the 25th anniversary of the Battle of Bastogne; to the Committee on Post Office and Civil Service.

By Mr. SATTERFIELD:

H.J. Res. 597. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 598. Joint resolution to instruct the President of the United States to release certain appropriated funds; to the Committee on Government Operations.

By Mr. STUCKEY:

H.J. Res. 599. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 600. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. BADILLO, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. MITCHELL, and Mr. SCHEUER):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the Peoples' Peace Treaty; to the Committee on Foreign Affairs.

By Mr. PURCELL (for himself, Mr. ANDREWS of North Dakota, Mr. ABOUREZK, Mr. OBEY, and Mr. MELCHER):

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress that investigations be conducted into existing law regarding the determination of the parity price for commodities and the parity ratio; to the Committee on Rules.

By Mr. PERKINS:

H. Res. 413. Resolution urging the President to summon a national conference on unemployment and inflation; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

146. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to reforestation; to the Committee on Agriculture.

147. Also, memorial of the Legislature of the State of Kansas, relative to the supersonic transport; to the Committee on Appropriations.

148. Also, memorial of the Legislature of the State of Washington, relative to continuation of the employment supplement program; to the Committee on Appropriations.

149. Also, memorial of the Legislature of the State of Nevada, relative to a new multipurpose gymnasium at the Stewart Indian School; to the Committee on Interior and Insular Affairs.

150. Also, memorial of the senate of the State of Oklahoma, relative to driver regulations for trucks used on farms and ranches; to the Committee on Interstate and Foreign Commerce.

151. Also, memorial of the Legislature of the State of Washington, relative to the merger of the El Paso Natural Gas Co. with the Pacific Northwest Pipeline Corp.; to the Committee on the Judiciary.

152. Also, memorial of the Legislature of the State of Oklahoma, relative to declaring southwestern, central, and western Oklahoma a major disaster area; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 7943. A bill for the relief of Loo Bing Sun; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 7944. A bill for the relief of Kwok Hung Fong; to the Committee on the Judiciary.

H.R. 7945. A bill for the relief of Theodora Gouloumis; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 7946. A bill for the relief of Jerry L. Chancellor; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 7947. A bill for the relief of Jean Albertha Service Gordon; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 7948. A bill for the relief of N. H. Winterstein; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

69. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to the U.S. public debt, which was referred to the Committee on Ways and Means.

SENATE—*Thursday, April 29, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our Fathers and our God, watch over this Nation in the agony and turbulence of our times. Keep us close to Thee and mindful of Thy precepts lest we go astray. May our strength rest in the virtue and goodness of the people. Grant to all leaders in the Government a wisdom which transcends their own because they are committed to Thee and to the ways of Thy kingdom. Make plain to their understanding what they ought to do now. Correct past errors. Overrule our mistakes and guide us when we cannot guide ourselves. Guard this Nation from that disobedience to Thy law and that degeneration of character which first corrupts and then destroys a people. Break down all that divides us. By Thy grace unite us firmly in fidelity to Thy divine law and to the higher values of justice, righteousness, and mercy which belong to Thy kingdom.

And to Thee shall be all glory and thanksgiving. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 26, 1971, the following reports of a committee were received on April 29, 1971:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 81. A resolution authorizing supplemental expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 92-82);

S. Res. 88. A resolution authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document (Rept. No. 92-83);

S. Res. 97. A resolution authorizing the printing of additional copies of the "Report of the Joint Economic Committee" (Rept. No. 92-84);

S. Res. 107. A resolution authorizing supplemental expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92-85);

S. Res. 110. A resolution authorizing the printing for the use of the Committee on Public Works of additional copies of House Document 92-70, entitled "Control of Hazardous Polluting Substances" (Rept. No. 92-86); and

S. Res. 111. A resolution to pay a gratuity to Florence H. Loudermilk.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments.

S. Res. 45. A resolution to authorize a study of national fuels and energy policy (Rept. No. 92-87); and

S. Res. 105. A resolution increasing the limit of expenditures for hearings before the Committee on Armed Services (Rept. No. 92-88).

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 26, 1971, the following favorable executive report of a nomination was submitted:

On April 29, 1971:

By Mr. MATHIAS, from the Committee on the Judiciary:

Charles R. Richey, of Maryland, to be a U.S. district judge for the District of Columbia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 26, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore, laid before the Senate messages from the President of the United States submitting sundry nomi-