HOUSE OF REPRESENTATIVES—*Tuesday, July 13, 1971*

The House met at 12 o'clock noon.

Rev. J. W. Hunt, Springfield Community Church, Panama City, Fla., offered the following prayer:

Our Father, we thank Thee for the great country You have given us, for the Almighty power by which we are kept, and for the love You have bestowed upon us. We also thank You for those, past and present, whom You have given us to guide our Nation into the manifold blessings that we have received. We ask Thee here and now to bless the undertakings of each one present today. Keep Thy hand upon them and direct each individual so that what they do will be in unity, and will please Him who made us all in His image and likeness. These things we ask in the name of Jesus Christ our Lord. 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.

REV. J. W. HUNT DELIVERED THE PRAYER FOR THE HOUSE OF REPRESENTATIVES TODAY

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

Mr. SIKES. Mr. Speaker, the prayer today was delivered by my close personal friend, Rev. J. W. Hunt, of Panama City, Fla. He is outstanding among church leaders in my State and his responsibilities include supervision of more than 300 churches extending from Florida to foreign nations. I have long admired and appreciated Reverend Hunt for his important contributions to a better way of life and I feel that we in the House are fortunate that he could be with us today to deliver a very fine opening prayer.

CALL OF THE HOUSE

Mr. GROVER. 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. 186]

Ashley	Devine	Green, Pa.
Baring	Donohue	Hanna
Byron	Edwards, La.	Hansen, Wash.
Clark	Eilberg	Harsha
Clay	Ford,	Hébert
Conyers	William D.	Hogan
Daniels, N.J.	Fulton, Tenn.	Jarman
Danielson	Green, Oreg.	Karth
Landgrebe	Pepper	Stratton
Lent	Purcell	Stuckey
Long, La.	Rangel	Udall
McCulloch	Rees	Van Deerlin
Murphy, N.Y.	Ryan	Ware
Nelsen	Scheuer	Zwach

The SPEAKER. On this rollcall 392 Members have answered to their names, a quorum.

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

MESSAGE FROM THE SENATE

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

H.R. 19. An act to provide for a coordinated national boating safety program.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PROVIDING AN ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE UNITED STATES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 515

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. 8699) to provide an Administrative Assistant to the Chief Justice of the United States. 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 the Judiciary, 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.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

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

Mr. Speaker, the resolution before us makes in order a bill providing for an administrative assistant to the Chief Justice. There was no controversy that I am aware of in the committee that offers the legislation, nor was there any controversy in the Committee on Rules concerning this legislation; therefore, I reserve the balance of my time.

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

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Missouri (Mr. BOLLING) House Resolution 515 provides for 1 hour of debate under an open rule for the consideration of the bill, H.R. 8699, providing for an administrative assistant to the Chief Justice of the United States.

The bill provides for the creation of an office of administrative assistant to the Chief Justice to be staffed as follows: One administrative assistant at $40,000; one legal assistant at $22,897; one secretary at $12,669.

There are incidental costs including furniture, equipment and personnel benefits, and they are expected to total about $20,000.

The projected cost of the office is about $95,000 the first year and $86,600 annually thereafter.

Mr. Speaker, as stated by the gentleman from Missouri (Mr. BOLLING), the indications are that there are no objections to this bill. I, for one, happen to object to it. I object to the rule and I object to the bill being here today. I think we are wasting our time here today in considering this particular bill. We have a very distinguished Committee on Appropriations that considered the bill H.R. 9272 on June 24 of this year and it passed the House by a vote of 337 to 10.

H.R. 9272 appropriated money for the Supreme Court. For the Chief Justice, and the eight Justices and office help, and so forth, of the Court—it is $3,482,000.

For printing and binding of opinions of the Supreme Court reports, $317,000.

Miscellaneous expenses to be expended by the Chief Justice, $318,000.

Automobiles for the Chief Justice of the United States, $13,400.

Books for the Supreme Court, $49,000.

These are continuing authorizations for this particular agency. They may not include this one specific administrative assistant unless this legislation is passed. However, the subcommittee chaired by the gentleman from New York (Mr. ROONEY) held extensive hearings on this for the Supreme Court and they have given them extra help this year.

I do not think the administrative assistant that they gave will get quite the total amount of money that this bill provides or the legal assistant and the secretary may not get quite the same amount of money. But according to the infor-

mation I have that has been submitted to me, I think they have been treated quite well this year and I do not think it is necessary for us to pass this legislation here today.

We are only talking about a small amount of money, but some place along the line—some place maybe we ought to start saving a little bit of money and put confidence in our Committee on Appropriations that has worked so hard on these bills in trying to provide a fair amount of money. I think they have done so, so far as the Supreme Court is concerned.

So, Mr. Speaker, I am opposed to this whole situation—I am opposed to the rule and to the bill and I intend to vote against them.

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

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

Mr. HALL. Mr. Speaker, I certainly want to associate myself with the remarks and with the mature judgment as portrayed by the gentleman from California now in the well, the ranking minority member of the Committee on Rules.

I happen to be one who has continuously suggested, as an officially elected objector, that this bill be taken off of the Consent Calendar and that it be debated. It was for just such reasons as the gentleman has so succinctly suggested that we did this—plus the fact that it does not meet the criteria for consideration under the unanimous consent calendar, as agreed on by the House during our organizing session at the first of the year.

In addition to this, it seems that this authorization would allow an unusual amount of travel for duties other than that customarily assigned by the Constitution and the legislative body to the judiciary. Such travel, TV appearances, and national speeches, would impinge on time for judicial poundering, duties, and decision. The executive branch of the Government as well as the legislative have suffered too much in decisions of this body by decree, by flat, and by a finding of the judiciary branch, the highest judicial tribunal of our Government. For all these reasons plus the fact that I do not believe we need a traveling body engaged in "politics" all of which is under present consideration of the newly created joint commission of the House and Senate on the continuing congressional operations.

I certainly want to join the gentleman and assure colleagues that I will be against this further "administrative" help.

Finally, Mr. Speaker, if the gentleman will continue to yield, I find that much of the work that is set forth in the committee's report in substantiation of this additional administrative help all the way down the line including officers and secretaries, is taken care of by the Judicial Conference and Administrative Office of the Courts anyway.

I thank the gentleman for yielding.

Mr. SMITH of California. I thank the gentleman.

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

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

Mr. GROSS. I wish to join in commending the gentleman from California for his opposition to this bill. This is one of the first, if not the only bill I have ever seen before the Congress in which an official of this Government is permitted to fix salaries, and in this case apparently a salary of $40,000 a year, for an assistant, since a salary of $40,000 is supposed to conform to level 3 of the Administrative Office of the U.S. Courts.

Then, in addition to an assistant, there is provided an unlimited staff as to numbers and pay.

Already in the Administrative Office of the U.S. Courts they have a $40,000 Director, a $36,000 Deputy Director, one supergrade GS–18, 4 supergrade GS–17's, and one supergrade GS–16.

Mr. Speaker, this bill ought to be defeated out of hand. I agree with the gentleman from California. The rule ought to be defeated; but if not, the bill ought to be defeated.

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

Mr. SMITH of California. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, in giving consideration to this proposal today, if they are short of help over in the Supreme Court, I believe there is something we ought to consider.

I have in my hand a clipping from the Washington Daily News dated July 7. The article is entitled "Nice Work If You Can Get It."

The article states—

> A financial statement for the first six months of 1971 by Justice William O. Douglas shows that his outside earnings—chiefly from speaking and writing—were more than his salary.
>
> This gives Justice Douglas a unique distinction.
>
> He is the first man to have a "moonlighting" job as a Justice of the U.S. Supreme Court.

Specifically, Justice Douglas reported as follows in answering a five-part questionnaire: In answer to part 1, Justice Douglas reported——

> "My financial report for the 6 months ending June 30, 1971," included $37,002.66 for this bracket, broken down as $6,245.20 from lectures he gave and $30,757.66 for royalties.

If they are short of help over there, it seems that the people who have that responsibility could tend to their business instead of moonlighting first. I suggest that we vote this proposal down.

Mr. SMITH of California. Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, in the light of the discussion we have just had, it seems to me I should point out to the Members of the House that this matter is before the House on the basis of a recommendation from the Judicial Conference. It was reported unanimously by the subcommittee that dealt with it and it passed the full committee. The Chief Justice today is a gentleman named Burger, a new appointee. The duties of the Chief Justice over the years have expanded enormously. In addition to his duties as Chief Justice, he is Chairman of the Judicial Conference of the United States and Chairman of the Board of Directors of the Federal Judicial Center.

This is a wholly nonpolitical problem, and it has nothing to do with issues. It is a matter that deals with administrative efficiency.

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

Mr. BOLLING. I am delighted to yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. The Chief Justice of the United States also serves as Chairman of the Board of the National Gallery of Art, and as Chairman of the Board of the Smithsonian Institution. Those two assignments generate substantial correspondence with people all over the country. His present staff is woefully inadequate to take care of all the chores that are piled on him with reference only to those two assignments; the Smithsonian Institution and the National Gallery of Art.

When you consider that he is also Chairman of the Judicial Conference of the United States which serves Federal trial and appellate courts throughout the Nation, and makes legislation recommendations to the Congress, you must realize the degree of his responsibility. He is watchful over all the judges that constitute our Federal judicial system. He attends all functions of many of the circuit judicial conferences. We can see what a staggering task he has. He needs this administrative help. He needs somebody to establish liaison between himself and the various circuit judges and district judges and members of the boards of directors of these various institutions which we, the Congress, by legislation have piled onto him.

He did not ask to become National Chairman of the National Gallery of Art. He did not seek to become Chairman of the Smithsonian Institution. We forced those jobs on the office of Chief Justice. Are we now to be stingy and niggardly in making appropriations so he can carry out those assignments? If we were, we would be woefully lacking in judgment, it seems to me. A man who is stingy is always poor. If we are stingy, we are poor in providing relief to a coordinate branch of our Government and particularly to the Chief Justice thereof.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of California. Mr. Speaker, I would like to say to the distinguished gentleman from New York that if this administrative legal assistant and secretary were supposed to be for the purpose of helping the Chief Justice as far as being Chairman of the Smithsonian and of the National Gallery of Art, there was no such statement as that made before the Rules Committee.

I would like to suggest, Mr. Speaker, and I would offer an amendment for this purpose if it were germane, that

we remove him from these responsibilities as Chairman of the Board of the Smithsonian and the National Gallery. I do not know how they got started in the first place.

I would suggest the Judiciary Committee review those actions and let somebody else have those responsibilities, somebody with whom those responsibilities would be more in keeping than with the Chief Justice of the Supreme Court.

Mr. BOLLING. Mr. Speaker, the case for the rule and the bill rests on the need of the Chief Justice for additional administrative assistance. It seems to me very clear that a good case was made for the need of this assistance. Until it came to the floor, there was virtually no opposition on the matter.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, as the experience we had in the Rules Committee gave us to understand, what was said here this morning was not wholly unanticipated. We recognize that the bill is a perfect vehicle for grave controversy until it is thoroughly understood. It can be thoroughly understood only if we proceed under this rule to an in-depth debate on the issues involved. I urgently request that the House give the committee the opportunity it deserves to illustrate the merit of this bill.

Mr. BOLLING. 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.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8699) to provide an Administrative Assistant to the Chief Justice of the United States.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8699, with Mr. SISK in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. POFF) will be recognized for 30 minutes.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman and members of the committee, in recent years the Chief Justice of the United States has been called upon to perform an expanding volume and variety of administrative duties.

The Judicial Conference of the United States has recommended legislation to the Congress to create the Office of Administrative Assistant to the Chief Justice in order to alleviate this burden. H.R. 8699 results from the recommendation of the Judicial Conference and is sponsored by the members of the House Judiciary Subcommittee who heard testimony on the need to furnish administrative aid to the head of the judicial branch of the Government.

In reply to those who raise the question of expenses or so-called extravagances it is appropriate to call attention to the fact that the size of our Federal budget is $249 billion, while the size of the Federal judiciary budget is only $174 million.

The size of the Federal judiciary budget is only $174 million, or one-fourteenth of 1 percent of the entire Federal budget. That is for a coordinate branch of the Government.

The size of the Supreme Court budget is $5 million, 3 percent of the Judiciary budget, which in turn is only one-fourteenth of 1 percent of the entire Federal budget.

The cost of the Office of Administrative Assistant to the Chief Justice by virtue of this bill would be approximately $94,000 for the first year and about $86,000 for the second and subsequent years; or 2 percent of the Supreme Court budget, which is only 3 percent of the Federal Judiciary budget, which in turn is only one-fourteenth of 1 percent of the entire Federal budget.

I do not see how we can haggle over a few dollars, comparatively, when it comes to giving aid to one of the heads of a coordinate branch of the Government, the Chief Justice of the United States. I believe we ought to accord him dignity and honor by giving him the needed help to carry out officially his functions.

Today the Chief Justice is responsible for presiding over the Supreme Court and the daily operations of the staff and personnel of that tribunal.

In the past 20 years the number of filings in the High Court has more than tripled, from 1,300 in 1950 to over 4,000 filings in 1970.

The Chief Justice also serves as chairman of the Judicial Conference of the United States. The Judicial Conference is composed principally of the chief judges of the 11 circuit courts of appeal and judges of certain Federal district courts. Direction of the Conference is a staggering task in and of itself. There are about 30 different committees involved in that Judicial Conference, and the Chief Justice is the chairman.

The Judicial Conference makes recommendations to the Congress as to law and procedure affecting the judicial system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield myself an additional 4 minutes.

The Chief Justice is also chairman of the board of directors of the Federal Judicial Center, which we established a few years ago by act of Congress. The acts of the Congress which relate to the Administrative Office of the U.S. Courts and the Federal Judicial Center place ultimate responsibility for the direction of these activities on the Chief Justice.

In all of these capacities he receives communications from judges, lawyers, bar associations, law schools, and members of the public on a wide variety of subjects. At the present time the staff of the Chief Justice consists of one senior law clerk who coordinates all cases coming into the office of the Chief Justice; and, comparably to the staff of each of the Associate Justices, three law clerks and two secretaries who process the judicial work. A third secretary, temporarily on loan from the Federal Judicial Center, assists the Chief Justice in processing general correspondence.

The bill before you authorizes the appointment of an administrative assistant to serve at the pleasure of the Chief Justice and to perform such duties as may be assigned to him. Among other duties it is expected that the administrative assistant would maintain communication on the Chief Justice's behalf with the committees of the Judicial Conference, the Administrative Office of the United States Courts, the Federal Judicial Center, and the chief judges of the 11 courts of appeal, and many of the chief judges of the 93 Federal district courts, as well as on other matters appertaining to the National Gallery of Arts and the Smithsonian Institution on each of which the Chief Justice serves as Chairman of the Board.

These communications cover a wide variety of subjects, including temporary intercircuit assignment of judges, the security of courthouses, the improved use of Federal jurors, the assignment of judges to committees of the Judicial Conference, and cooperation with State court judges.

In addition, the administrative assistant would generally act for the Chief Justice on assigned duties of a nonjudicial character.

The bill authorizes the administrative assistant to appoint and fix compensation, with the approval of the Chief Justice, of necessary employees. This authority is comparable to that conferred upon the Director of the Administrative Office of the United States Courts (28 U.S.C. 602). However, it is more circumscribed in that the Chief Justice's approval is a condition precedent to the appointment of employees.

The budgetary requirements relating to this measure are set forth on page 4 of the committee report. They include the cost of compensation of the administrative assistant, one secretary, one legal assistant, as well as personal benefits, travel, miscellaneous expenses, furniture, and equipment.

The total first-year cost is $94,700. The recurring annual cost thereafter is fixed at $86,600.

Mr. Chairman, the 91st Congress authorized each chief judge of the U.S. Court of Appeals to obtain the services of a qualified circuit court executive.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman from New York is recognized for 1 additional minute.

Mr. CELLER. The executive officer was to assist in the discharge of the administrative duties and to bring modern management techniques to bear in the operations of the courts of appeal.

The Congress believed that the provision of such an executive would help judges to perform their judicial function without having to spend significant time on administrative matters.

The administrative assistant as reported in the pending bill represents a counterpart to the Circuit Court executive.

The Committee on the Judiciary is convinced that an administrative assistant at the head of the judicial branch is essential. The bill now pending before us provides an effective, but yet modest, proposal.

Mr. Chairman, I urge support of the bill.

Mr. POFF. Mr. Chairman, I yield myself 5 minutes.

Mr. POFF. Mr. Chairman, H.R. 8699 is a modest proposal. It is necessary. It will, in my opinion, effectively promote the administration of justice.

The bill provides an administrative assistant for the Chief Justice of the U.S. Supreme Court. At present the Chief Justice has none, he has four law clerks and two secretaries assisting with his legal work. A third secretary, temporarily "on loan" from the Federal Judicial Center, assists with general correspondence.

The administrative, nonjudicial duties of the Chief Justice are important and time consuming. As the Chief Justice, he must oversee 11 circuit courts and 93 district courts. He is the head of the Judicial Conference. He is also an ex officio member of the board of several public institutions.

That is the need. There is precedent for meeting that need. Congress has already authorized administrative assistance to each of the 11 chief judges of the circuit courts. The Chief Justice is the only chief judge of an appellate court that has not been favored with administrative assistance by the Congress. Yet, his duties are so much greater and far-reaching.

The administrative assistant authorized in H.R. 8699 would perform only nonjudicial duties assigned to him by the Chief Justice. With the approval of the Chief Justice, the administrative assistant could appoint necessary employees and fix their compensation. This power is analogous to the power of the director of the Administrative Office of the U.S. Courts which is granted in sections 602 and 603 of title 28, United States Code.

Section 602 states the following:

> The director, subject to the Civil Service laws, may appoint necessary employees of the administrative office.

Section 603, in pertinent part, states the following:

> The Director shall fix the compensation of administrative office employees according to the Classification Act of 1949.

The provision in this bill does not give to the administrative assistant an unchecked power, for Congress must each year approve the Supreme Court's budget. The number of necessary employees is not large. It is currently estimated to be two, including one secretary and one legal assistant.

The cause of speedy justice requires that the head of one of the three branches of the U.S. Government should have an administrative assistant.

As the committee report indicates, H.R. 8699 translates into legislative form the recommendation of the Judicial Conference of the United States, as first proposed in H.R. 6953. H.R. 6953 was the subject of committee hearings in company with H.R. 7377. H.R. 7377 reflected the further recommendation of the Judicial Conference that judges be authorized to serve, without further compensation, in the new post of administrative assistant to the Chief Justice.

H.R. 8699, the clean bill drafted by the committee, does not address the question of the second recommendation of the Judicial Conference. This should not be interpreted as an intent to disapprove the recommendation. Both Mr. Justice Potter Stewart and Mr. Justice Tom Clark testified in support of the second recommendation. Their testimony was altogether persuasive. A judge, either active or retired, would be the ideal administrative assistant to the Chief Justice. This is not to say that others could not fill the post with great distinction. However, a judge would have the stature and prestige which would command the respect and cooperation of his colleagues on the bench with whom the administrative assistant would be in continuing contact. His knowledge of the functional aspects and administrative complexities of the court system and his familiarity with the rules, the procedures and the substance of the law would equip him to perform the sometimes sensitive duties of the administrative office with special skill and tact.

Mr. CELLER. Mr. Chairman, I have no requests for time at this moment.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I rise in support of this bill. What it calls for is that the Chief Justice of the United States shall be permitted to appoint an administrative assistant. Now, I have an administrative assistant, and I dare say that most of the Members of the House of Representatives have an administrative assistant heading up their staffs. Therefore it is hard for me at the outset to understand why there should be any real objection to the Chief Justice of the United States having an administrative assistant.

Further, I learned from the hearings that the Chief Justice has four law clerks and two secretaries. That kind of a staff does not exceed in size the staff of the ordinary Member of Congress, but I will confess that the Chief Justice of the United States, standing at the pinnacle of the judicial system in this country, has infinitely greater responsibilities as a single individual than a single Member of the Congress has. Under those circumstances I cannot understand why there should be any objection to permitting the Chief Justice to have an administrative assistant.

During the hearings I sought to ascertain why it was so necessary that the Chief Justice have any so-called nonjudicial functions anyway, and as to why he should be the Chancellor of the Smithsonian Institution. Well, the answer is that he has been the Chancellor of the Smithsonian Institution for years and years. He was appointed in that capacity originally back in the days when the Supreme Court of the United States was not quite such a busy place, and the whole function of the Court was admittedly much more leisurely.

But he has that function, together with other functions, which custom and statute have placed upon him and they are nonjudicial.

Further, it must be conceded that the number of cases in the Supreme Court has grown immensely in recent years, and after all his function as Justice of the Supreme Court and as Chief Justice of the United States is primarily to decide cases, and anything that Congress can do to relieve him of his nonjudicial functions so that he may be able to devote his entire time to the decision of cases, I think we are all for—at least I am.

I must say that sometimes the decisions of the Supreme Court of the United States have so greatly disturbed me that I think they very desperately do need more help up there. So I feel this certainly is no waste of public money to permit the Chief Justice to have an administrative assistant.

The fact of the matter is that an administrative assistant of the caliber which a salary of $38,000 to $40,000 envisions would be an individual who is well qualified to improve the efficiency of the workings of the court.

My recollection is that when we passed the State, Justice appropriations bill 2 or 3 weeks ago in the committee report there was a statement to the effect that the appropriations included—contemplated that there should be an administrative assistant to the Chief Justice, and I think the figures set forth in the committee report was $38,000. If there is only $38,000 appropriated, that of course is all that the man is going to get—or the woman as the case may be. That is all that the official is going to receive. This material in the committee report here about what this thing is going to cost year by year—$86,000—that is merely illustrative. What it actually costs will be entirely dependent upon the Committee on Appropriations or Mr. ROONEY'S subcommittee, and I submit from my observation around here that that particular subcommittee on appropriations is pretty careful with the taxpayers' money.

So, Mr. Chairman, I ask that this bill be supported.

Mr. CELLER. Mr. Chairman, I yield

5 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I am not favorably persuaded by the vague provisions of the bill, H.R. 8699, "to provide an administrative assistant to the Chief Justice of the United States." Veiled behind innocuous language is the real thrust of this bill, its real purpose—to authorize an executive judicial officer to the Supreme Court to direct the various Federal programs in the pipeline, including federalizing the State judicial systems through the imposition of a national uniform Federal code of laws and procedures.

The hearings indicate the bill was, in fact, introduced at the request of the Judicial Conference of the United States, an organization which is already on record as planning further programs designed to coordinate a federalized State judiciary. We have already been advised of the establishment of a national center for State courts in Washington, D.C., patterned after the Federal Conference on the Judiciary.

This bill contains no provision for the qualifications for the position of administrative assistant and declares that he will "serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice."

We can reasonably assume, then, that he will also be an advocate of world peace through law and the myriad other programs designed to subordinate the United States to a world order. This seems to be the inescapable conclusion in light of reported plans by the Chief Justice to step into Earl Warren's "junketeer" shoes by attending and participating with the Chief Justice of the Soviet Union in the festivities at the World Peace Through Law Conference to be held in Belgrade, Yugoslavia, July 21 of this year. President Nixon has, by Executive Order, published in the Federal Register, proclaimed this "World Law Day" and has urged the American people to support it.

Perhaps the most offensive part of the bill is the primary reason advanced for its consideration—that an administrative assistant would free the Chief Justice to concentrate on judicial matters. Yet, and this is most revealing, Mr. Justice Burger did not even deign to testify at the committee hearings. This must be either an indication of his indifference to Congress or his disinterest in the bill itself. Furthermore, many of the recent activities and interests of the Chief Justice are not judicial.

One would find it hard to argue that his proposed trip to the World Peace through Law Conference is judicial in nature, at least under the U.S. Constitution.

Furthermore, the bill calls for an open-ended authorization for additional clerks, another "ongoing project," designed to strengthen the Federal bureaucracy from time to time by authorizing "necessary employees" at the discretion of the administrative assistant. I speak for my people when I say that the Chief Justices' recent proposals in Williamsburg, Va., and in New York to renovate the entire judicial system of our Nation with such innovations as the elimination of juries and the threatened usurpation of the legislative processes with court-made laws exploiting our Federal judges as super school boards and schoolbus supervisors, go far beyond the purview and duties of the Chief Justice under the Constitution. In fact, if unchecked and allowed to develop, these proposals will destroy the judicial system as we know it today and as it has existed throughout the centuries, our proud heritage of the English system of common law and the rock and very foundation of Western culture—freedom under law through separation of powers.

The people of my district in Louisiana feel that if the Federal judges were allowed to spend more time doing what they are supposed to do, sitting on the bench and interpreting the Constitution, and less time at conventions and bar association meetings learning how to further enlarge Federal questions for more control over citizens' lives, their property, and children, we would be much better off. We might even return to the situation where the individual citizen would feel justified in taking matters into court to be settled legally, rather than demonstrating in the streets because the courts are too slow.

The major deterrent to street activity today is that the streets are becoming more unsafe because of the extension of Federal questions that have allowed the Federal judges to permit misfits and malcontents to appeal any conceivable court decision by street demonstrations that inevitably lead to violence.

I intend to cast my people's vote against H.R. 8699, a bill that can only further Federal programs designed to federalize State judicial systems under the innocuous guise of authorizing an administrative assistant, a man servant, a valet, so to speak, to the Chief Justice of the United States.

I oppose this bill to further subsidize judicial empire-building and image promotion of the U.S. Supreme Court.

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

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of this legislation. As one of those who heard the testimony presented to the subcommittee, it seems to me that this is a most important improvement to the U.S. Supreme Court.

I might say that we have had a change in the Supreme Court. We have now what we call the "Burger Court" and, in my view, though I found fault with a great many of the decisions of the "Warren Court," I have been heartened by the "Burger Court" and the trend of the decisions which has occurred since the appointment of the new Chief Justice. I have also been encouraged by the fact that both last year and this year the Chief Justice undertook to deliver what he calls a state of the judiciary message. He delivered these at the annual meetings of the American Bar Association. It has been my position that we should provide by legislation for a joint session of the Congress at which the Chief Justice might deliver a state of the judiciary message.

I feel that the Chief Justice has many valid ideas which are constructive with regard to legislation which we might enact in order to improve the administration of justice. The Chief Justice in undertaking this role, in my opinion, reflects, in part, the new philosophy of the court and he certainly does need the assistance which is provided in this legislation.

It is true that the Chief Justice did not individually come before the committee, but one of his fellow Justices, Justice Potter Stewart, for whom I have the most profound respect and who is most knowledgeable of the duties of the Chief Justice, did come before the committee and he provided us with a very persuasive statement which encouraged members of the subcommittee from both sides of the political aisle and representing various political philosophies, gave unanimous approval to this measure. Later, the bill received the support of the full committee.

It is true the Chief Justice is head of the Judicial Conference which makes recommendations to our Judiciary Committee, and in this office also he has additional duties.

Mr. Chairman, as a cosponsor of this legislation and as a member of the Judiciary Subcommittee which heard the testimony on this bill, I rise in strong support of this measure to provide an administrative assistant for the Chief Justice. In my view the cost of this legislation is a very small price to pay for the benefits which will accrue to the Federal judiciary and ultimately to the Nation.

There was nothing in the testimony and nothing in our understanding of the propose and effect of this measure which involves any federalization of the State judicial systems or any of the other of these far-out suggestions leveled against this legislation by the gentleman from Louisiana (Mr. RARICK). Indeed, it occurs to me that by relieving the Chief Justice of much of the pressure of his administrative duties, we will be acting in a very dollar-wise manner, for the time of the Chief Justice is most obviously best spent on the substantive matters pertaining to the work of the Court.

Mr. Chairman, I am hopeful we can have an overwhelming vote in support of this legislation to authorize an administrative assistant for the Chief Justice of our U.S. Supreme Court.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this is really a very simple measure we are considering this afternoon. All it does is provide the Chief Justice of the United States with an administrative assistant to help him discharge his numerous nonjudicial functions.

Almost every State Court Appellate Judge today is beginning to have an administrative assistant to help him with that sort of thing. Members of the U.S. Courts of Appeal have administrative assistants to help them with that sort of thing. As my colleague, the gentleman from Michigan (Mr. HUTCHINSON) has pointed out, every Member of this House has an administrative assistant. It is rather hard to understand why anybody should complain about giving an administrative assistant to the Chief Justice of the United States—and that is really all we are doing, and all that we are discussing in this bill.

The Court has sometimes been bitterly criticized—and I may say that I have had my share of that criticism at times, criticism, at least, not of the Court as an institution, but as to some of its decisions. If however we quarrel with any of the actions of the Court, there are serious-minded ways in which to address ourselves to that; not included among them is an attack on a simple housekeeping administrative procedure to make the functioning of the Court more efficient.

The Chief Justice has the duty more or less to supervise, in an administrative capacity, the whole Federal judicial system. He presides over the Judicial Conference of the United States, an organization of the Federal judges, which proposes improvements in laws and in procedures, such as taking action in recommending legislation to the Judiciary Committee of this body.

The Chief Justice presides over those meetings. He participates in those discussions. He advocates and works for some of those reforms. This is a measure to give him an assistant to help him in the work which grows out of that connection and other similar nonjudicial duties which have been imposed upon him.

The only effect this bill can have is to give him more time to devote to his judicial functions and hence to do a better job as Chief Justice of the United States.

I submit that, regardless of our political point of view, or of our economic or social point of view, every Member here would wish the Chief Justice to have that opportunity and to devote himself to those judicial duties. Therefore, I urge support of this bill.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. MCKEVITT).

Mr. MCKEVITT. Mr. Chairman, the matter of court reform is an urgent one and what better place to begin the job than in the U.S. Supreme Court, the Nation's supreme tribunal.

The controversy over whether the Chief Justice of the U.S. Supreme Court should have an administrative aide overlooks this point. He would, in effect, be a court administrator. He would act for the Chief Justice in administrative and other nonjudicial matters thereby helping reduce the burden on the Chief Justice insofar as administration is concerned.

The need for court administrators—which is exactly what an administrative assistant to the Chief Justice would be—is evident. All over the Nation we see the judicial process slowed because judges have to devote too much time to administrative matters.

This need, indeed demand, has resulted in the establishment of the Institute for Court Management at the University of Denver Law School in Denver. The institute already has graduated one class of court administrators whose sole function is to relieve judges of these duties. Indications are that the University of Denver's program is a major success. This should be good news to all of us who are concerned about meaningful court reform and overcoming the problem of bringing cases to trial quickly and speeding up the appeals process.

I believe there is ample justification for this proposal. It has the endorsement of the American Bar Association and others involved in our court system.

Mr. Chairman, I can only reiterate that if we truly support court reform, then we will approve the office of administrative assistant for the Chief Justice of the Supreme Court of the United States. Each of us has an administrative assistant. The Chief Justice certainly deserves no less.

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 8699, which would create the Office of Administrative Assistant to the Chief Justice of the United States. the last Congress acted to pass legislation which I cosponsored, enabling each circuit court in its discretion to appoint a circuit court executive. That law, Public Law 91–607, will soon prove its worth in enabling circuit court justices to delegate administrative chores to these circuit court executives and to concentrate their own energies upon the cases before the courts.

The present bill similarily is intended to relieve the Chief Justice of the United States of such nonjudicial duties as he may decide to assign to the administrative assistant, a counterpart to the circuit executive but with even broader responsibilities. It is an essential reform, effective yet modest. I urge my colleagues to support its approval.

Mr. KEATING. Mr. Chairman, we are asked today to vote on a bill to provide an Administrative Assistant to the Chief Justice of the Supreme Court.

Associate Justice Potter Stewart and retired Justice Tom C. Clark both testified before the Judiciary Committee that the Chief Justice simply did not have adequate staff personnel to help him carry out his official duties. This legislation will provide the Chief Justice with the needed staff.

Congress has given executive officers to the 11 chief judges who sit on the Federal circuit courts of appeal. Surely with the increased responsibilities of the Chief Justice of the U.S. Supreme Court it is not an extravagance to provide him with the necessary administrative personnel.

Opponents of the bill have stated that it gives too much authority in the appointment and paying of the staff. This of course is balanced by the regular Congressional appropriations process.

Mr. Chairman, I urge adoption of the bill and hopefully it will provide a more efficient and expeditious performance of the numerous and important tasks which have been assigned by law to the Chief Justice of the United States.

Mr. RAILSBACK. Mr. Chairman, I do not agree with every decision that has been handed down by the Supreme Court of the United States. In fact, I think it is fair to say that no Justice of the Supreme Court agrees with every decision that has been handed down by that Court. Whether the Members of the House agree or disagree with this or that decision of the Court is not in issue today. The question is rather whether the Congress will authorize the necessary personnel so that a coordinate branch of Government can function effectively.

It is very often true, as it is at present, that the majority party in the Congress does not hold the White House, but I had never heard it seriously advanced that a request for necessary personnel by the executive branch should be turned down simply because of the party affiliation of the President. Likewise, I believe it equally foolish for the Congress to be unsympathetic to the plaintive request of the Chief Justice for additional personnel. On January 5, 1971, through Public Law 91–647, the Congress authorized additional administrative personnel for inferior appellate courts. It would seem anomalous to refuse a similar request of the Chief Justice where the need is demonstrably greater. Therefore I urge the adoption of H.R. 8699.

Mr. COUGHLIN. Mr. Chairman, I rise in support of H.R. 8699. I believe that the hearings held before the House Committee on the Judiciary unequivocally demonstrate the necessity for this legislation. The purpose of this legislation is to create an office equal in stature and rank with that of the Director of the Administrative Office of U.S. Courts. The salary and retirement provisions are identical. The difference between the two offices, however, is that whereas the function of the Director of the Administrative Office of U.S. Courts is to perform the many varied duties relating to the operation of the Federal judiciary assigned to him by 28 U.S.C. 604, the function of the Administrative Assistant is to be the personal aid to the Chief Justice in his many nonjudicial duties only some of which are administrative.

Opponents have found fault with the drafting of this legislation insofar as the Administrative Assistant would be allowed to appoint "necessary employees." However, an equal authority has already been granted to the Director of the Administrative Office of U.S. Courts by sections 602 and 603 of title 28, United States Code. Moreover, a similar delegation of authority has been given to the circuit executive of each Federal circuit as well as to the Director of the Federal Judicial Center. It would seem that if the purpose is to make the new office of the

Administrative Assistant equal in rank, it must also be made equal in authority.

Mr. FISH. Mr. Chairman, the need to provide an Administrative Assistant to the Chief Justice of the United States is of the utmost importance. Not only must the Chief Justice superintend the judicial business of his own court, which has trebled in the last two decades, he must also supervise the functioning of the 93 district courts and 11 courts of appeals within the Federal judicial system. When we consider that, on top of these responsibilities, the Chief Justice serves by law as Chairman of the Judicial Conference of the United States, Chairman of the Board of Directors of the Federal Judicial Center, Chairman of the Board of the Smithsonian Institution, and Chairman of the Board of the National Gallery of Art, it is apparent that he requires a significant degree of administrative assistance to enable him to discharge effectively the various tasks he must perform.

At present the Chief Justice has the assistance of only four law clerks and two permanent secretaries, whose principal function is with respect to the answering of general correspondence and the preparation of legal memoranda regarding the cases filed in the Supreme Court. This is in strong contrast to the situation in the Federal courts of appeals, where under a recent act of Congress, Public Law 91-647, the chief judge of each judicial circuit is presently authorized to obtain the services of an executive officer to help in the discharge of duties of those less elevated tribunals.

The respect due the highest judicial tribunal in the land and to a coordinate branch of our Government demands that we honor the request of the Chief Justice tendered to the House through the testimony of Associate Justice Potter Stewart in the hearings before the House Committee on the Judiciary for a much needed Administrative Assistant.

I, therefore, urge that the House vote to adopt H.R. 8699.

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

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

That chapter 45 of title 28, United States Code, is amended by adding a new section providing as follows:

"§ 677. Administrative Assistant to the Chief Justice

"(a) The Chief Justice of the United States may appoint an Administrative Assistant who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Administrative Assistant shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Administrative Assistant may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

"(b) The Administrative Assistant, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Administrative Assistant and his employees shall be deemed employees of the Supreme Court."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, the gentleman from Indiana (Mr. DENNIS) was never more right when he said that this is a simple little old bill. We get those from the Judiciary Committee.

This bill is just so simple that for the first time in my memory we are delegating to an official of this Government the right to fix the salary of a top-flight employee—something we do not do, so far as I know, for any other official of the Government—plus the fact, which is not emphasized this afternoon, that a high-priced staff goes with this administrative assistant. No one is prepared, apparently, to tell us the extent of this new staff, the pay levels, or any other details.

Yes, this is a nice, simple little bill.

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

Mr. GROSS. I yield to the gentleman.

Mr. HALL. I submit to the members of the committee that this is a staff that is going to work "overtime," because in a footnote to the report, at the bottom of page 4, it says "An additional compensation of 10 percent in lieu of overtime." This is not a regular rate of overtime as declared by the Judicial Conference or certainly the Committee on Post Office and Civil Service, but it is presumptive overtime with a built-in wage scale.

I ask the gentleman does this meet any public law or legislative statute for determining personnel situations?

Mr. GROSS. I am not acquainted with any such law, and I do not know why they would be working overtime. We might have further information on that from the gentleman from Virginia as to why they are going to need so much overtime.

Mr. POFF. If the gentleman will yield, I will try to respond to the questions he asked.

Mr. GROSS. I yield to the gentleman.

Mr. POFF. First the gentleman inquired as to whether there was a precedent for granting to an official of the Government the power to fix salaries. He said in his experience there was no such precedent, and the gentleman has had very extensive experience on the committee.

Mr. GROSS. Go ahead and tell me about it. I do not need any inverse plaudits about being so well acquainted with the law. I am relying on you lawyers to tell me about the law. Tell me where I was wrong.

Mr. POFF. I was not applauding the gentleman but rather calling his attention to an authority of which I assumed he should have been aware.

Mr. GROSS. That is what I mean. Go ahead.

Mr. POFF. I quote from the law now in section 603 of title 28 of the United States Code, which language reads as follows:

The director shall fix the compensation of administrative office employees according to the Classification Act of 1949.

In section 602 it says the Director may appoint "necessary employees" of the administrative office.

I can cite the gentleman two other precedents if he cares for me to do so.

Mr. GROSS. Please do not take quite all my time.

Mr. POFF. Do you want me to cite the rest of them?

Mr. GROSS. That will be enough.

Let me task the gentleman this question: How many clerks does each justice of the Supreme Court now have? How many lawyers do they already have advising them?

Mr. POFF. The Chief Justice of the United States—and let me add parenthetically that he is not the Chief Justice of the Supreme Court—has four clerks and two secretaries assisting him with his legal work.

Mr. GROSS. How many?

Mr. POFF. Four clerks and two secretaries assisting with his work. In addition to that, at the moment he has on loan from the Federal Judicial Center an additional secretary.

Mr. GROSS. Is it not true the Congress in the last 3 years increased—beefed up the staff of lawyers in the Supreme Court to the tune of three a year for the last 3 years or a total of nine more lawyers and this year the Chief Justice was given a senior law clerk whom he could very well convert into an administrative assistant?

Mr. POFF. It is true, as the gentleman said, that additional clerk hiring was authorized. It is not true, however, that the Chief Justice can spare one of these professional clerks from his assigned duties. On the contrary, it will require the full time and attention of a man who will be devoting his energies to nothing but the job of administrative functions that is now so burdening the Chief Justice.

The CHAIRMAN. The time of the gentleman has expired.

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

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

Mr. GROSS. Yes.

Mr. POFF. The gentleman will find that, typically, the law clerks are young in age and experience.

Mr. GROSS. Is there any rule that requires them to be young and requires that they be young and inexperienced?

Mr. POFF. Will the gentleman let me conclude my answer? I know the gentleman would not want to entrust a completely inexperienced person in that category in carrying out these responsible duties.

Mr. GROSS. Why, if they are young and inexperienced do they hire them? And please do not tell me it is because of inadequate pay.

Mr. POFF. Mr. Chairman, if the gentleman will yield further, law clerks are hired young, because older lawyers of similar legal expertise would demand

a considerably higher salary. They are hired for their legal knowledge, not for their experience in judicial administration. That is why an administrative assistant is needed, one trained professionally for judicial administration.

Mr. GROSS. What is the function of the Administrative Office of the Courts and the Federal Judicial Center? Was it not the tired old argument that the Administrative Office of the Courts would speed justice and do all of the things we have heard so much about this afternoon in justification of this bill?

Was not that the sales pitch you gave us, you and others, when the Administrative Office was created?

Mr. POFF. It was. The gentleman is correct, and it would perform and it does perform a function in the administrative area for the entire Federal judicial system. But that is not the equivalent of the nonjudicial duties that the Chief Justice is called upon himself to discharge. Those duties are largely personal. They require a different type of service than the Administrative Office of the United States is capable of performing. The administrative assistant would be the personal aid of the Chief Justice.

Mr. GROSS. All of these things—the Federal Judicial Center and the Administrative Office of the Courts—all of these new setups were to solve the problems of the Federal courts, according to the gentleman from New York (Mr. CELLER) and the gentleman from Virginia (Mr. POFF), but here we are confronted with a further beefing up—a nice beefing up of the Supreme Court—with the salaries of the administration to be fixed by the Chief Justice of the Supreme Court, plus a staff and no one knows the extent of that staff or the pay, because that will be fixed by the administrator.

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

Mr. GROSS. Yes, I yield to the gentleman from North Carolina, a member of the Appropriations Committee which only this year rejected requests from the Supreme Court for additional employees.

Mr. JONAS. I think the gentleman in the well is correct, if I read the bill correctly, because it does not limit the number of employees.

Mr. GROSS. There is no limitation at all.

Mr. JONAS. The bill says the administrative assistant with the approval of the Chief Justice may appoint and fix the compensation of the necessary employees.

Does the gentleman find any limiting language in the number of employees?

Mr. GROSS. Of course the gentleman is correct. There is no limiting language. That is the point I have been trying to make. Moreover, I do not know where they are going to locate this expanded Supreme Court staff. Where are the office accommodations for all of these high-salaried people you are going to put on the Court payroll?

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

Mr. GROSS. Yes, I yield further to the gentleman from Virginia.

Mr. POFF. It would appear that my distinguished friend, the gentleman from North Carolina (Mr. JONAS), may have an answer to his question in the language which I quoted earlier. The gentleman will find that the language reads as follows:

> The Director, subject to the Civil Service laws, may appoint necessary employees of the Administrative Office.
>
> The Director shall fix the compensation of Administrative Office employees according to the Classification Act of 1949.

The same is a similar delegation with reference to the Judicial Center and with reference to circuit executives created this year for each judicial circuit.

Mr. JONAS. The answer, then, is that there is no limitation in the law?

Mr. POFF. The gentleman is correct.

Mr. JONAS. He can appoint as many assistants as he may desire?

Mr. POFF. The gentleman is correct.

Mr. JONAS. He can appoint as many assistants as he may desire?

Mr. GROSS. There is no limitation and they can all be supergrades insofar as we are concerned here today. Other officials of the Government must come to the Manpower Subcommittee of the Committee on Post Office and Civil Service in order to get supergrade positions, unless they are surplus in the governmentwide pools. But here today you say they can have all the supergrades they want. What in the world goes on here in this day and hour when we are in such financial trouble in this Government?

Mr. POFF. Mr. Chairman, if the gentleman will yield further, the gentleman recognizes that the Chief Justice of the United States, if he is provided an administrative assistant, is not going to approve a hoard of unnecessary employees. Further, he would have to justify his request before the Committee on Appropriations of which the distinguished gentleman from North Carolina is an important member.

Mr. GROSS. He now has four or five legal assistants, plus, as the gentleman said, three or four secretaries.

How many more assistants does he need?

Mr. POFF. He needs an administrative assistant even as the gentleman from Iowa needs an administrative assistant.

Mr. GROSS. I am not aware that Members of the House have administrative assistants as a matter of law, and certainly our top employee is not paid $40,000 a year.

Mr. Chairman, already this year the House Appropriations Committee has taken a dim view of the efforts of the Supreme Court to expand its spending. It rejected requests from the Court for additional personnel. It rejected a request for automobiles for the Justices, and it rejected a request for an entertainment fund. And this request ought to be rejected.

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

The Clerk will read.

The Clerk read as follows:

> SEC. 2. The section analysis of chapter 45—Supreme Court, of title 28, United States Code, is amended by adding at the end thereof a new section reference as follows:
> "677. Administrative Assistant to the Chief Justice."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NATCHER) having assumed the chair, Mr. SISK, 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. 8699) to provide an Administrative Assistant to the Chief Justice of the United States, pursuant to House Resolution 515, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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 pro tempore. The question is on the passage of the bill.

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

Mr. RARICK. 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 pro tempore. 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 263, nays 139, not voting 31, as follows:

[Roll No. 187]

YEAS—263

Abourezk	Cabell	Fish
Abzug	Caffery	Flood
Adams	Camp	Foley
Addabbo	Carey, N.Y.	Ford, Gerald R.
Alexander	Carney	Forsythe
Anderson, Ill.	Carter	Fountain
Anderson, Tenn.	Casey, Tex.	Fraser
Annunzio	Celler	Frelinghuysen
Archer	Chamberlain	Frenzel
Arends	Clancy	Frey
Ashbrook	Cleveland	Fulton, Pa.
Ashley	Collier	Gallagher
Aspin	Collins, Ill.	Giaimo
Aspinall	Conte	Gibbons
Badillo	Corman	Goldwater
Baker	Cotter	Gonzalez
Begich	Coughlin	Grasso
Belcher	Crane	Green, Pa.
Bell	Culver	Griffiths
Bergland	Davis, Ga.	Grover
Betts	Davis, Wis.	Gubser
Biester	Dellenback	Gude
Bingham	Dellums	Hamilton
Blackburn	Denholm	Hammer-schmidt
Blatnik	Dennis	Hanley
Boggs	Derwinski	Hansen, Idaho
Boland	Diggs	Harrington
Bolling	Dorn	Harsha
Brademas	Dow	Harvey
Bray	Drinan	Hathaway
Brooks	du Pont	Hébert
Brotzman	Dwyer	Hechler, W. Va.
Brown, Mich.	Edmondson	Heckler, Mass.
Brown, Ohio	Edwards, Ala.	Helstoski
Broyhill, N.C.	Edwards, Calif.	Hicks, Mass.
Broyhill, Va.	Erlenborn	Hicks, Wash.
Burke, Mass.	Esch	Hillis
Burton	Eshleman	Holifield
Byrnes, Wis.	Evans, Colo.	Horton
Byron	Fascell	Hosmer
	Findley	

Howard	Miller, Calif.	Saylor
Hungate	Mills, Ark.	Scheuer
Hutchinson	Minish	Schneebeli
Jacobs	Mink	Schwengel
Johnson, Calif.	Mitchell	Sebelius
Johnson, Pa.	Monagan	Seiberling
Jones, Ala.	Moorhead	Shriver
Karth	Morgan	Sisk
Kastenmeier	Mosher	Smith, Iowa
Kazen	Moss	Smith, N.Y.
Keating	Nedzi	Springer
Kee	Obey	Stafford
Kluczynski	O'Hara	Staggers
Koch	O'Neill	Stanton,
Kuykendall	Patman	J. William
Kyl	Patten	Stanton,
Kyros	Pelly	James V.
Latta	Perkins	Steed
Leggett	Pettis	Steele
Lennon	Peyser	Steiger, Wis.
Lent	Pickle	Stokes
Link	Pike	Symington
Lloyd	Poage	Terry
Lujan	Podell	Thompson, N.J.
McClory	Poff	Thone
McCloskey	Preyer, N.C.	Tiernan
McClure	Price, Ill.	Ullman
McCollister	Pryor, Ark.	Vander Jagt
McCormack	Pucinski	Vanik
McDade	Quie	Waldie
McDonald,	Railsback	Wampler
Mich.	Rangel	Ware
McFall	Rees	Whalen
McKay	Reid, N.Y.	Whalley
McKevitt	Reuss	White
McKinney	Rhodes	Whitehurst
Macdonald,	Robison, N.Y.	Wiggins
Mass.	Rodino	Williams
Mahon	Roe	Wilson, Bob
Mailliard	Roncalio	Winn
Martin	Rosenthal	Wolff
Mathias, Calif.	Rostenkowski	Wright
Matsunaga	Roush	Wyatt
Mayne	Roy	Wydler
Mazzoli	Roybal	Wyman
Meeds	Ryan	Yates
Melcher	St Germain	Young, Tex.
Metcalfe	Sandman	Zablocki
Mikva	Sarbanes	

NAYS—139

Abbitt	Galifianakis	Randall
Abernethy	Garmatz	Rarick
Anderson,	Gaydos	Reid, Ill.
Calif.	Gettys	Riegle
Andrews, Ala.	Goodling	Roberts
Andrews,	Griffin	Robinson, Va.
N. Dak.	Gross	Rogers
Barrett	Hagan	Rooney, N.Y.
Bennett	Haley	Rooney, Pa.
Bevill	Hall	Rousselot
Biaggi	Hastings	Runnels
Blanton	Hays	Ruppe
Bow	Henderson	Ruth
Brasco	Hull	Satterfield
Brinkley	Hunt	Scherle
Broomfield	Ichord	Schmitz
Buchanan	Jarman	Scott
Burke, Fla.	Jonas	Shipley
Burleson, Tex.	Jones, N.C.	Shoup
Burlison, Mo.	Jones, Tenn.	Sikes
Byrne, Pa.	Keith	Skubitz
Cederberg	Kemp	Slack
Chappell	King	Smith, Calif.
Clark	Landrum	Snyder
Clausen,	Long, Md.	Spence
Don H.	McEwen	Steiger, Ariz.
Clawson, Del	McMillan	Stephens
Collins, Tex.	Madden	Stubblefield
Colmer	Mann	Stuckey
Conable	Mathis, Ga.	Sullivan
Daniel, Va.	Michel	Talcott
Davis, S.C.	Miller, Ohio	Taylor
de la Garza	Mills, Md.	Teague, Calif.
Delaney	Minshall	Teague, Tex.
Dent	Mizell	Thompson, Ga.
Devine	Mollohan	Thomson, Wis.
Dickinson	Montgomery	Veysey
Dingell	Murphy, Ill.	Vigorito
Dowdy	Myers	Waggonner
Downing	Natcher	Watts
Dulski	Nelsen	Whitten
Duncan	Nix	Wilson,
Evins, Tenn.	O'Konski	Charles H.
Fisher	Passman	Wylie
Flowers	Pirnie	Yatron
Flynt	Powell	Young, Fla.
Fulton, Tenn.	Price, Tex.	Zion
Fuqua	Quillen	

NOT VOTING—31

Baring	Conyers	Donohue
Chisholm	Daniels, N.J.	Eckhardt
Clay	Danielson	Edwards, La.
Eilberg	Hawkins	Pepper
Ford,	Hogan	Purcell
William D.	Landgrebe	Stratton
Gray	Long, La.	Udall
Green, Oreg.	McCulloch	Van Deerlin
Halpern	Morse	Widnall
Hanna	Murphy, N.Y.	Zwach
Hansen, Wash.	Nichols	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Daniels of New Jersey with Mr. Widnall.
Mr. Murphy of New York with Mr. Halpern.
Mr. Nichols with Mr. Landgrebe.
Mr. Eckhardt with Mr. Morse.
Mr. Stratton with Mr. Hogan of Maryland.
Mr. Purcell with Mr. Zwach.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Hanna with Mr. Conyers.
Mr. Danielson with Mr. Long of Louisiana.
Mr. Donohue with Mr. Pepper.
Mr. Edwards of Louisiana with Mr. Udall.
Mr. Eilberg with Mr. Hawkins.
Mr. Gray with Mr. Clay.
Mrs. Green of Oregon with Mr. Baring.
Mr. William D. Ford with Mrs. Hansen of Washington.

Messrs. BYRNE of Pennsylvania and DEVINE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

PROCEEDING AGAINST FRANK STANTON AND COLUMBIA BROADCASTING SYSTEM, INC.

Mr. STAGGERS. Mr. Speaker, I rise to a question of the privilege of the House, and I submit a privileged report (Report No. 92–349).

The Clerk proceeded to read the report.

POINT OF ORDER

Mr. GIBBONS. Mr. Speaker, I want to raise a point of order against the consideration of this matter at this time.

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

Mr. GIBBONS. Mr. Speaker, I rise to object to the consideration of this matter at this time in that I believe that it violates clause 27, subparagraph (d)(4) of rule XI of the Rules of the House of Representatives.

Mr. Speaker, I refer to the language contained on page 381 of the House Rules and Manual, 92d Congress. I would call your attention to the fact that the rule, subparagraph (d)(4), clause 27 of rule XI was adopted last year in the Legislative Reorganization Act, and was readopted earlier this year.

Mr. Speaker, I think it would be best if I read just a portion of the rule, and this rule reads as follows:

A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct) shall not be considered in the House unless the report of that committee upon that measure or matter has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the House.

Now, there is some more to that rule. The next sentence goes on to deal with the hearings of the committee, but then there is an exception to that rule, and it is:

This subparagraph shall not apply to—
(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; and
(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Mr. Speaker, that rule was adopted last year. I have examined the committee report. It is obvious the reasoning for its adoption was to prevent the premature or rapid or precipitous consideration of matters such as this kind, even though they dealt with a matter of privilege. The matter of privileged matters is specifically not excepted from this rule because I think many Members helping to frame these rule changes last year felt that the Congress had not acted wisely on some of these things that have come up pretty fast.

The committee report, which is still classified as a committee print, without any number, was not available until 10:30 this morning. It is 272 pages long. I presume it is well written, I have not had a chance to read it, and I doubt that very many other Members have had a chance to read it in full.

I would hope that the Chair would sustain this point of order. I do not believe there is any grave emergency. I do not believe that the person sought to be cited, or the organization sought to be cited are about to leave the country. I would hope that the House could consider this matter in a more rational manner and after it has had the opportunity to read and examine the report.

Mr. Speaker, I realize that some may say a matter of this sort is a matter of privilege and, therefore, is excepted from the rule. It is my contention, Mr. Speaker, that the matter of privilege was specifically not excluded from the requirement of a 3-day layover for the printing of the report but that the Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct—those being the committees that generally deal with matters of privilege—were set down under specific exception and that it was never intended that citations such as this could be considered in such a preemptive type of procedure as is now about to take place.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. REID of New York. Mr. Speaker, in furtherance of the point that the gentleman is making, if the Chair will look at rule IX, it states in the rule:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings;

I would say, Mr. Speaker, that the 3-day rule is an important principle, uniquely relevant to the Constitutional question. This is the very idea of the 3-day rule and I believe that today to rush through an important question does not comport with an enlightened discharge of our responsibility.

Mr. Speaker, I hope the point of order is upheld.

The SPEAKER. Does the gentleman from West Virginia (Mr. STAGGERS) desire to be heard on the point of order?

Mr. STAGGERS. I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. STAGGERS. Mr. Speaker, rule IX provides that "Question of privilege shall be, first, those affecting the rights of the House collectively"—as the gentleman from New York has just read—"its safety, dignity and the integrity of its proceedings."

Privileges of the House includes questions relating to those powers to punish for contempt witnesses who are summoned to give information.

House Rule 27(d) of rule XI, the so-called 3-day rule, clearly does not apply to questions relating to privileges of the House. The rule applies only to simple measures or matters reported by any committee. It excludes matters arising from the Committee on Appropriations, House Administration, Rules, and Standards of Official Conduct.

It is clear that the terms "measure" or "matter" as used in rule 27(d) do not apply to questions of privilege.

To apply it in such a way would utterly defeat the whole concept of the question of privilege.

Too, a privileged motion takes precedence over all other questions except the motion to adjourn.

The fact that the 3-day rule excludes routine matters from the Appropriations, Administration, Rules, and Standards of Official Conduct Committees clearly shows that the 3-day rule does not apply to privileged questions.

If the rule were meant to apply to questions of privilege, it surely would not make exceptions for routine business coming from regular standing committees.

The SPEAKER. The Chair is ready to rule.

The Chair appreciates the fact that the gentleman from Florida has furnished him with a copy of the point of order which he has raised and has given the Chair an opportunity to consider it.

The gentleman from Florida (Mr. GIBBONS) makes a point of order against the consideration of the report from the Committee on Interstate and Foreign Commerce on the grounds that it has not been available to Members for at least 3 days as required by clause 27(d)(4) of rule XI. The Chair had been advised that such a point of order might be raised and has examined the problems involved.

The Chair has studied clause 27(d)(4) of rule XI and the legislative history in connection with its inclusion in the Legislative Reorganization Act of 1970. That clause provides that "a matter shall not be considered in the House unless the report has been available for at least 3 calendar days."

The Chair has also examined rule IX, which provides that:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings * * *; and shall have precedence of all other questions, except motions to adjourn.

Under the precedents, a resolution raising a question of the privileges of the House does not necessarily require a report from a committee. Immediate consideration of a question of privilege of the House is inherent in the whole concept of privilege. When a resolution is presented, the House may then make a determination regarding its disposition.

When a question is raised that a witness before a House committee has been contemptuous, it has always been recognized that the House has the implied power under the Constitution to deal directly with such conduct so far as is necessary to preserve and exercise its legislative authority. However, punishment for contemptuous conduct involving the refusal of a witness to testify or produce documents is now generally governed by law—Title II, United States Code, sections 192–194—which provides that whenever a witness fails or refuses to appear in response to a committee subpena, or fails or refuses to testify or produce documents in response thereto, such fact may be reported to the House. Those reports are of high privilege.

When a resolution raising a question of privilege of the House is submitted by a Member and called up as privileged, that resolution is also subject to immediate disposition as the House shall determine.

The implied power under the Constitution for the House to deal directly with matters necessary to preserve and exercise its legislative authority; the provision in rule IX that questions of privilege of the House shall have precedence of all other questions; and the fact that the report of the committee has been filed by the gentleman from West Virginia as privileged—all refute the argument that the 3-day layover requirement of clause 27(d)(4) applies in this situation.

The Chair holds that the report is of such high privilege under the inherent constitutional powers of the House and under rule IX that the provisions of clause 27(d)(4) of rule XI are not applicable.

Therefore, the Chair overrules the point of order.

The Clerk will continue to read the report.

The Clerk read as follows:

PROCEEDING AGAINST FRANK STANTON AND COLUMBIA BROADCASTING SYSTEM, INC.

REPORT OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES TOGETHER WITH SEPARATE VIEWS (PURSUANT TO HOUSE RESOLUTION 170, 92D CONGRESS)

I. Statement of facts

The Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, authorized by House Resolution 170 of the 92nd Congress, caused to be issued a subpoena to Frank Stanton, President, CBS, Inc., to be and appear before the said Subcommittee on Investigations, of which the Honorable Harley O. Staggers is Chairman, on June 9, 1971, at 10:00 AM in Room 2323, Rayburn House Office Building, Washington, D.C., to testify and to deliver to the Subcommittee various materials set forth and described in the said subpoena. This subpoena was duly served on May 27, 1971. (See Appendix A.) This subpoena was subsequently modified to provide for appearance on June 24, 1971 at 10:00 AM in Room 2125 Rayburn House Office Building.

Pursuant to the above subpoena, Frank Stanton together with Lloyd Cutler, counsel for CBS, appeared before members of the Subcommittee on June 24, 1971; said appearance being for the purpose of testifying and providing the material specified in the Subcommittee's subpoena.

The Chairman of the Subcommittee read a statement to Dr. Stanton fully setting for the authority and legislative purpose behind the Subcommittee's subpoena. (See Appendix B.)

Dr. Stanton, after being duly sworn, then delivered a statement to the Subcommittee which included the following:

"My appearance is in response to the Subcommittee's subpoena dated May 26, 1971.

* * * * *

"Based on the advice of our counsel and our own conviction that a fundamental principle of a free society is at stake, I must respectfully decline, as President of CBS, to produce the materials covered by the subpoena of May 26. For the same reasons, I must respectfully decline, as a witness summoned here by compulsory process, to answer any questions that may be addressed to me relating to the preparation of "The Selling of the Pentagon" or any other particular CBS news or documentary broadcast."

Mr. DINGELL. Mr. Speaker, I make the point of order that the Clerk has just skipped some portions of the document.

The SPEAKER. The Clerk will read the report.

Mr. DINGELL. Mr. Speaker, I will appreciate it if the Clerk will read the entire report, including that portion which he omitted.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

At the conclusion of this statement, Dr. Stanton was asked the following questions and gave the indicated responses:

The CHAIRMAN. Dr. Stanton, did you hear my opening statement in which I summarized our jurisdiction and legislative concerns in this matter?

Dr. STANTON. Yes, I did.

The CHAIRMAN. At the subcommittee meeting held on April 20, 1971, I provided a more detailed statement of our jurisdiction and legislative concerns and the relevancy of the material subpoenaed to those concerns. This statement was read and delivered to Mr. John Appel whom you designated to appear before the subcommittee in your behalf. That statement had references to the sub-

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committee's original subpoena of April 7 but it applies to the present subpoena as well. Are you familiar with that statement?

Dr. STANTON. Yes, I am.

The CHAIRMAN. Have you carefully considered both of these statements?

Dr. STANTON. Yes, I have.

The CHAIRMAN. On May 27, 1971, you were served with a duly authorized subpoena of this subcommittee. Without objection I direct that the full text of the subpoena be inserted into the record at this point together with proof of service.

The CHAIRMAN. Have you brought the materials with you which were called for by the subpoena served on May 27?

Dr. STANTON. No, sir, Mr. Chairman, I have not.

The CHAIRMAN. Since you are the President of CBS, are the materials requested in the subpoena subject to your control so that if you wished you could have brought them here today?

Dr. STANTON. Yes, they are.

The CHAIRMAN. Is there any physical or practical reason why these materials have not been provided?

Dr. STANTON. No, there is not.

The CHAIRMAN. Is your decision not to bring with you these materials made with full knowledge of the possible action that may be taken against you for your refusal?

Dr. STANTON. Yes, they are.

The CHAIRMAN. Do you realize that as a result of your refusal to comply with the subpoena you may be bound to be in contempt of the House of Representatives with all the consequences that flow from such contempt?

Dr. STANTON. Yes, I do.

The CHAIRMAN. Knowing this, do you persist in your refusal to provide the subpeonaed materials?

Dr. STANTON. Yes, I do.

The CHAIRMAN. Does the decision not to provide the subpoenaed materials reflect a decision of the management of CBS?

Dr. STANTON. Yes, it does.

The CHAIRMAN. So that the record may be clear on this point, speaking as the Chairman of this subcommittee I hereby order and direct you to comply with the subcommittee subpoena and to provide forthwith the materials therein described. What is your response?

Dr. STANTON. I respectfully decline.

The CHAIRMAN. At this point, Dr. Stanton, it is my duty to advise you that we are going to take under serious consideration your willful refusal today to honor our subpoena. In my opinion you are now in contempt.

Subsequently, at the conclusion of the hearing, Dr. Stanton was again ordered by the Chairman of the Subcommittee to comply with the Subcommittee's subpoena and he again declined.

The material subpoenaed by the Subcommittee was pertinent to the legislative oversight responsibility of the Special Subcommittee on Investigations, of the House Commerce Committee, and the Congress as a whole. As a result of the refusal of Dr. Stanton, acting as President of CBS, Inc., to provide the subpoenaed evidence, the Subcommittee was prevented from obtaining information relevant to the discharge of its responsibilities and duties. The record of the proceedings before the Subcommittee in this matter is published under separate cover.

On June 29, the Subcommittee with all members present, met in executive session at 10:30 A.M. in Room 2123, Rayburn House Office Building and voted unanimously to refer the matter to the full Committee with the recommendation that CBS and Dr. Stanton be cited for contempt of Congress for failing to comply with a lawful subpoena. Accordingly, the matter was presented to the full Committee on Interstate and Foreign Commerce in a meeting of that committee held pursuant to notice on Thursday, July 1, 1971, at 10:00 AM in Room 2125, Rayburn House Office Building. A quorum being present, Chairman Staggers delivered a statement setting forth the purpose of the meeting (Appendix C.) The Committee then voted, 25 to 13, in favor of the following motion:

"That the Committee report and refer the refusal of the Columbia Broadcasting System, and its President, Dr. Frank Stanton, to comply with the subpoena dated May 26, 1971, issued by the Special Subcommittee on Investigations, together with all the facts in connection therewith, to the House of Representatives with the recommendation that they be cited for contempt of the House of Representatives to the end that they may be proceeded against in the manner and form provided by law."

II. Sequence of events

On February 23 and again on March 23, 1971, the CBS Network broadcast the news documentary program, "The Selling of the Pentagon." Almost immediately, allegations were received from a number of sources charging that deceptive editing and production techniques were used in making various segments of the documentary. Two of these allegations were supported, in part, by information supplied by individuals in the Department of Defense.

(1) The interview of Assistant Secretary of Defense, Daniel Z. Henkin, was rearranged; answers given by him to questions during a filmed interview were mismatched with completely different questions when broadcast. (See Appendix D.) In sworn testimony, Secretary Henkin has stated that the "doctoring" of his words distorted his views. The technique employed in the manipulation of the question and answer sequence was such that it was impossible for the viewing public to know that Secretary Henkin did not in fact reply to the questions in the manner depicted in the documentary.

(2) The Peoria speech of Lt. Col. John MacNeil was cut up and rearranged so that six widely disconnected and insequential sentences were made to appear as if they had been delivered successively without interruption. The actual speech took two hours to deliver but was compressed into two minutes of air time. The sentences in this particular segment broadcast were taken from pages 55, 36, 48 (sentences 3 and 4), 73 and 88, respectively, of the speech. (See Appendix E.) Through this technique, Col. MacNeil was made to deliver a statement he in fact did not deliver. Here, too, the electronic manipulation was accomplished in a manner impossible for the viewing public to detect.

The Special Subcommittee on Investigations has in the past conducted investigations into deceptive broadcast practices, going all the way back to the "quiz show" scandals. For example, it found staging in its "Pot Party" and "Project Nassau" investigations, and it found deceptive manipulation of sound track recordings in "Project Nassau." Never before had it encountered the insidious practice of intentional altering of the words and thoughts of anyone who appeared on a news documentary broadcast.

On the basis of these partially substantiated allegations and other allegations charging that deceptive practices were employed in the making of the documentary, the Subcommittee initiated its investigation. In so doing, the Subcommittee was meeting its responsibility imposed upon it by the House of Representatives under Clauses 12 and 28 of Rule XI, and under House Resolution 170 of the 92nd Congress. (See Appendix F.)

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the rest of the report be considered as read and printed in the RECORD.

The SPEAKER. Does that include the minority views?

Mr. STAGGERS. It includes the rest of the report.

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

Mr. WOLFF. Mr. Speaker, I object.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

On April 7 the Subcommittee met in executive session and voted unanimously to issue a subpoena to Dr. Stanton and CBS calling for the production of materials necessary for the Subcommittee to determine the nature and extent of any deceptive practices that might have been used in the documentary. On April 8, the subpoena was served. (See Appendix G.) By letter dated that same day, Dr. Stanton advised Chairman Staggers that he would not comply with the subpoena as issued. (See Appendix H.) He did say, however:

"[W]e sincerely hope that your Subcommittee will reconsider this matter and modify the subpoena so that it calls for only such materials as were actually broadcast and other information directly related thereto—which we do not object to furnishing and which we will furnish on the date specified."

On April 20, a representative designated by Dr. Stanton appeared in behalf of CBS and Dr. Stanton before the Subcommittee. He was provided with a statement of Subcommittee jurisdiction, legislative concerns and the relevancy of the materials subpoenaed. (See Appendix I.) The CBS representative informed the Subcommittee, through a letter of Robert V. Evans, Esq., CBS Vice President and General Counsel (see Appendix J) that Dr. Stanton and CBS declined to furnish the materials called for in the subpoena, but did consent to voluntarily supplying a filmed copy and a written transcript of the broadcast. The CBS representative requested an additional ten days for further consideration of the matter and for preparation of a legal memorandum.

On April 30, the Subcommittee received a letter from CBS and Mr. Evans transmitting certain additional information relating to the subpoena together with a copy of a legal opinion of its attorneys. (See Appendix K.) The legal arguments advanced by CBS in opposition to the subpoena were carefully reviewed. On the basis of that review, it was concluded that the Subcommittee was entirely within its legal rights in asking for the material. (See Part III, *infra*, "Legal Considerations.")

Mr. STAGGERS. Mr. Speaker, again I renew my request that the report be considered as read and printed in the RECORD, with all of the minority views and the staff report.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should think that the gentleman would want to end the report on page 11. This will be a record and text akin to the Sears, Roebuck catalog if you put in all of the minority and majority views reported here.

Mr. STAGGERS. The gentleman from Iowa is correct.

Mr. GROSS. What purpose would be served by that?

Mr. STAGGERS. The gentleman from

Iowa is correct. I thought in order to save time we would do that, but I will be glad that the Clerk continue to read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

On May 12, the Subcommittee met to receive the testimony of Mr. Henkin (see above.) He testified that his filmed interview had been rearranged and edited for broadcast so as to distort and change his original answers to the questions asked. Mr. Henkin stated he had no objection to having the outtakes of his interview made available to the Subcommittee and the public. The Subcommittee also received for the record a deposition from Col. MacNeil in which he declared he had no objection to having the outtakes relating to his speech made available to the Subcommittee.

Mr. GROSS. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. GROSS. Mr. Speaker, I have no objection if we are considering it as read if it will end on page 11, the end of the report.

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

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I think in all fairness, Mr. GROSS, that all of the report should be included in the RECORD, but I think that under the legal procedures only up until page 11 is really the necessary part.

Mr. GROSS. That is right. We could consider that as being read.

Mr. STAGGERS. Mr. Speaker, I renew my unanimous-consent request that the report be considered as read and printed in the RECORD.

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

There was no objection.

The remainder of the report is as follows:

On May 26, the Subcommittee met and determined that the information and material supplied by CBS was satisfactory to meet some of the requirements of the original subpena. The subpena of April 7 was accordingly withdrawn and a new subpena was issued calling upon Dr. Stanton and CBS to produce only that material not yet supplied, that is, the outtakes. (See Appendix A.) It has been determined that this material would not reveal sensitive or confidential sources. The Subcommittee made clear that the outtakes desired were only those pertaining to the actual broadcast. The Subcommittee's action was in direct accord with the hope expressed by Dr. Stanton in his letter of April 8, that the subpena would be modified to call only for such materials as were actually broadcast "and other information directly related thereto."

On May 27, the Subcommittee served the new subpena calling for the personal appearance of Dr. Stanton and the production of only those outtakes which were directly related to the actual broadcast.

On June 24, Dr. Stanton personally appeared before the Subcommittee. He was again advised of the Subcommittee's jurisdiction, legislative purpose and the relevancy of the material subpenaed. (See Appendix B.) Dr. Stanton refused to produce the outtake film called for by the subpena. Moreover, as set forth fully in Part I of this report, he refused to testify concerning the editing techniques used in the "Pentagon" documentary, or any other particular broadcast.

On June 29, the Subcommittee met in executive session (see Part I, above) and voted unanimously to forward to the full Committee its recommendation that CBS and Dr. Stanton be cited for contempt of Congress for failing to comply with a lawful subpena.

On July 1, the House Interstate and Foreign Commerce Committee met in executive session and voted 25–23 to recommend to the House of Representatives that Dr. Stanton and CBS be cited for contempt.

Mr. STAGGERS. Mr. Speaker, I offer a privileged resolution, by direction of the Committee on Interstate and Foreign Commerce, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 534

Resolved, That the Speaker of the House of Representatives certify the report of the Committee on Interstate and Foreign Commerce of the House of Representatives as to the contumacious conduct of the Columbia Broadcasting System, Incorporated, and of Dr. Frank Stanton, its President, in failing and refusing to produce certain pertinent materials in compliance with a subpena *duces tecum* of a duly constituted subcommittee of said committee served upon Dr. Stanton and the Columbia Broadcasting System, Incorporated, and as ordered by the subcommittee, together with all the facts in connection therewith, under the seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that Dr. Frank Stanton and the Columbia Broadcasting System, Incorporated, may be proceeded against in the manner and form provided by law.

The SPEAKER. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. ADAMS), a member of the committee, and I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL), a member of the committee and I yield 14 minutes to the gentleman from Illinois, the ranking minority member on our committee. In doing this, I believe I have the names of those to whom he wants me to yield, and so I would be very happy to do so, unless he wants control of the 14 minutes.

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

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

Mr. SPRINGER. It is perfectly agreeable with me, in connection with the papers which I handed the gentleman from West Virginia, to handle the time.

Mr. STAGGERS. I thank the gentleman.

Mr. Speaker, I yield myself 5 minutes.

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

Mr. STAGGERS. Mr. Speaker, I would like to make my explanation of this very brief.

Mr. Speaker, to me the question is a very simple one. This subcommittee issued a subpena, a duly authorized subpena, and it was duly served. The question is whether it was complied with. However, as you have heard and read, it was not complied with. In view of the fact that it was not complied with, those who were cited in the subpena were in contempt of the Congress of the United States. That means all of this Congress, not just one person, one committee, but the whole Congress of the United States was defied when they said, "We will not deliver the materials that were requested."

So, that is the simple question today. I think that the vote ought to be right now as to whether they were in contempt. However, I do not think that would be fair to the House. I would like to present what brought it about.

There has been an awful lot of talk about the first amendment. I do not believe the first amendment is involved in this question in any way whatsoever.

This has been the principal issue of those on the other side, that this is an invasion of the first amendment.

Let me say to you that if it involved any man's thoughts, any man's notes or concepts, or anything that he had in his mind, I would say yes. But it does not. This involves only the actual shooting of scenes in public. Most of them, seen by more than the person; the cameraman and all the prop boys who were around. If anybody wanted to say that we were taking their notes, it would have to be the cameraman who took down the voices and the pictures, and not somebody who was asking the questions. But the cameraman, he is the man who actually did the work. acted in good faith. That is the reason I cannot see that the first amendment is involved.

So many say that we are trying to get the reporter's notes. There were no notes. They took a picture. They took the recordings. And they took 11 months to take this into some darkroom somewhere and to say, "All right, this man said something that we did not want him to say. So we are going to take an answer from another question over here, and make him say something he did not say." And he did not say it. We know this because we have the testimony, the sworn testimony, of the Assistant Secretary of Defense that he did not make them in this sequence; he did not say these things. We have the deposition of a colonel who said he did not make the statement that was attributed to him; that it was made by a foreign minister of another nation, Laos. And yet they present it and put it as his concept, as though he said it at a certain time.

Now, I think that America is done with this deception. We have had enough of it. And you women and gentlemen of this House of Representatives are the guardians of the public's interest. Every license that is given to any station says "for the public interest, convenience, and necessity." And it can be taken away from them at any time.

The airwaves have been held by law and by the courts to belong to all the

people of this Nation. The Chief Justice whom we have now has been quoted extensively as saying that these are the people's airwaves, and that they ought to be interested in them, and when things are wrong that they ought to do something about them.

We represent the people of America. The gentleman from Michigan (Mr. GERALD R. FORD), represents all of his people who cannot get to New York to complain. The gentleman from New York (Mr. OGDEN REID) does the same thing. He has an obligation to represent his people to the best of his ability, and to see that it is truth and not fabrication that is offered to the American people—and that goes for every other Representative in this House of Representatives.

There are those who would like to say that we have all the information that we need. We do not have that information. We have the sworn testimony of one man. We do not have the outtakes of any portion of the program. There might be 20 or 30 or 40 different places where they misquoted or misplaced these things, we do not know.

The SPEAKER. The time of the gentleman from West Virginia has expired.

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

Mr. Speaker, the situation is that we need these facts before we can legislate.

There are those who say we have enough, but we cannot legislate in a vacuum. No Member wants to legislate without knowing all the facts. I know the Members would not want to do so; no Member of this House would want to do so, and if he did do so he would be doing wrong if he did not have all the facts.

We want the facts. That is all we want. All we want them to do is supply us with the outtakes. They have refused to do so. When Dr. Stanton appeared before our committee and we asked him certain questions; he refused to answer those questions. If this House ever makes the decision that that is not in contempt of this Congress, then God save and help America.

This is a letter that was written to me that we talked of in the hearings:

DEAR REPRESENTATIVE STAGGERS: Your subpena of data on the "Selling of the Pentagon" has stimulated CBS to do some selling on its own.

He includes a letter addressed to professors. This is a letter which was sent to us which we found was not supposed to be sent to us. It was sent out by CBS and addressed to a professor at a school in Texas. It states:

Some of the demands contained in the subpoena served on CBS in connection with the "Selling of the Pentagon" I am sure you agree, are deeply disturbing.

If you share our view that they are entirely improper, we would urge you to telegraph the Special Subcommittee on Investigations, House Interstate and Foreign Commerce Committee, deploring the subpoena and asking its withdrawal.

This is the letter that was sent out. We do not know how many were sent out.

I asked Dr. Stanton when he was before our committee and I said—a thousand—2 thousand—how many?"

He did not answer—and I do not know—he said he would supply them for the RECORD.

This went to journalism schools and to universities in America and to the broadcasting stations.

Let me tell you how many came to us from these different sources.

We got nine from press organizations deploring it, and using the same words used in this letter. Ten came from journalism schools.

Sixteen from individuals associated with the universities.

Twenty-three came from broadcasting stations and associations.

Sending out thousands of these across America—this in fact was it. Everyone of them who replied used the paragraphs that were sent out. I say they were wrong, completely, in sending this out

When we first wrote the subpena served on Dr. Stanton, he wrote me a letter expressing the hope that it would be modified so as to call for only such materials as were actually broadcast and information directly related to that.

I want you to understand this: And all other material directly related thereto. He said that he wanted us to change it.

Our subcommittee had the rest of the information that we needed by that time, and we changed it to do that: The subpena called for only those outtakes related to the broadcast.

He came before our committee again and refused to do what he said in the letter that he would do.

The SPEAKER. The gentleman from West Virginia has consumed 8 minutes.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. CELLER), the chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker and Members of the House, I counter my fellow chairman, the affable gentleman from West Virginia, and that counter leaves an ashen taste in my mouth. But there are overriding considerations in my opposition, reluctant as I am to utter them.

The first amendment towers over these proceedings like a colossus and no esprit de corps and no tenderness of one Member for another should force us to topple over this monument to our liberties; that is, the first amendment.

Does the first amendment apply to broadcasting and broadcasting journalism?

The answer is, "Yes."

In the case of American Broadcasting Co. against United States, 110 Federal Supplement 374 (1953) the court said:

• • • no rational distinction can be made betwen radio and television on the one hand and the press on the other in affording the Constitutional protection contemplated by the First Amendment. (Affirmed by the United States Supreme Court in 1954.)

See also Rosenbloom against Metromedia which was a decision of the Supreme Court passed down only last month.

Does the administration say that the first amendment applies equally to the press as well as to broadcasting? The answer is, "Yes." See the address of Attorney General Mitchell before the American Bar Association on August 10, 1970.

President Nixon at a San Clemente press conference recently said that he did not support the subpena. He said:

—as far as bringing any pressure on the networks, as a Government is concerned, I do not support that.

Are the notes, unused memoranda, unused film and written interviews of a press reporter immune from governmental scrutiny? The answer is, "Yes."

It was so held in the Caldwell case decided in the Court of Appeals for the Ninth Circuit, 434 Fed. 2d, at page 1081 (1970). The case is now pending in the Supreme Court. In that case the Court of Appeals said that—

It is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the probability that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship.

The court protected the source material—namely, interviews with Black Panthers—from grand jury scrutiny.

Are the clips, outtakes, and other source materials of the broadcaster also impervious to governmental subpena? The answer is, "Yes."

There may be no distinction between the right of a press reporter and a broadcaster. Otherwise, the stream of news may be dried up. Those who offer the TV reporter information might refuse cooperation if their names were divulged. I cite the recent case of New York against Dillon, decided June 23, 1971, New York Supreme Court, on a motion to quash a subpena for outtakes.

Do I share the grave and well-motivated concern of the Committee on Interstate and Foreign Commerce with the real danger of deceptive practices and abuse of the media in the exercise of their rights? Yes, but these are hardly new concerns. James Madison addressed himself to these evils of the press. He said:

Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press.

The press and TV often are guilty of misrepresentation and error. Some of this is inevitable in free debate. But "the media, even if guilty of misrepresentation, must be protected if freedom of expression are to have the breathing space that they need to survive." See New York Times against Sullivan.

The importance of the issue before us warrants amplification of the questions I have raised and the applicable law:

Question: Does the First Amendment apply to broadcasting and broadcast journalism?

Answer: As reflected in the following cases, it is clear that the First Amendment applies to broadcasting and broadcast journalism just as it does to the written press.

1. "Broadcasting and television are entitled to the protection of the First Amendment of the Constitution, guaranteeing freedom of speech and of the press."

American Broadcasting Company v. *U.S.*, 110 F. Supp. 374 (1953), affirmed 347 U.S. 284 (1954), a case rejecting an FCC interpretation of a criminal statute concerning broadcast lotteries.

2. "Preliminarily, we note that the fact that the news medium here is a radio station rather than a newspaper does not make the First Amendment discussion, in particular with regard to freedom of the press, any less germane. Radio and television were, of course, unkonwn media when freedom of the press was written into the Bill of Rights, but no rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment."

Rosenbloom v. *Metromedia, Inc.*, 415 F. 2d 892 (1969), affirmed June 7 by the United States Supreme Court, 39 U.S. Law Week 4694, a case extending standard of actual malice in libel actions to cover issues of public importance as well as public officials and public figures.

3. "Each method [of expression; e.g. books, movies, etc.] tends to present its own peculiar problems. But the basic principles of freedom of speech and the press, like the First Amendment's command, do not vary."

Joseph Burstyn, Inc. v. *Wilson*, 343 U.S. 495 (1952), a case extending First Amendment protection to motion pictures and voiding a New York State law that required movies to be licensed by a censor.

4. "The First Amendment draws no distinctions between the various methods of communicating ideas."

Superior Films v. *Department of Education*, 346 U.S. 587 (1954); Douglas, J. concurring in a *per curiam* opinion.

Question: Are there serious dangers inherent in interfering with the media in the exercise of its functions?

Answer: Definitely. Interference with the media has a chilling effect on free speech which militates against the public interest.

1. [We must consider this case against] "the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

"Whether or not a newspaper can survive a succession of such judgments [awarding recovery for libel of public officials] the pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which First Amendment freedoms cannot survive."

New York Times v. *Sullivan*, 376 U.S. 254 (1964), a case denying recovery for libel of a public official in the absence of actual malice, reckless disregard of the truth.

2. "The First Amendment exists to preserve an 'untrammeled' press as a vital source of public information."

Grosjean v. *American Press Co.*, 297 U.S. 233.

3. "The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their own ends without fear of governmental interference."

"[I]t is not unreasonable to expect journalists everywhere to temper their reporting so as to reduce the possibility that they will be required to submit to interrogation. The First Amendment guards against governmental action that induces such self-censorship."

Caldwell v. *U.S.*, 434 F. 2d 1081 (1970), a case quashing a subpoena by a Grand Judy summoning a N.Y. Times reporter to testify regarding his interviews with Black Panthers. (To be argued next term in the United States Supreme Court.)

4. First Amendment freedoms need "breathing space" to survive.

NAACP v. *Button*, 371 U.S. 415 (1963).

Question: Even if legally supportable, should the House force this constitutional confrontation?

Answer: It should not.

1. [The First Amendment] "is much more than an order to Congress not to cross the boundary which marks the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration of national policy in favor of public discussion of all public questions. Such a declaration should make Congress reluctant and careful in the enactment of all restrictions upon utterance, even though the courts will not refuse to enforce them as unconstitutional."

Zachariah Chafee, "Free Speech in the U.S.", 1941.

2. "Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press."—James Madison. 4 Elliot's Debates on the Federal Constitution, p. 571.

3. "Authoritative interpretations of the First Amendment guarantees have consistently refused to recognize an exception for any test of truth—whether administered by judges, juries or administrative officials—and especially one that puts the burden of proving truth upon the speaker." *New York Times* v. *Sullivan*, above.

4. In opening the Special Subcommittee meeting of June 24, the Chairman of the House Interstate and Foreign Commerce Committee stated the Subcommittee already had in its possession sworn testimony and other evidence indicating CBS engaged in questionable manipulative techniques in producing "The Selling of the Pentagon".

5. Additional materials that may be required are obtainable from sources other than the broadcast journalists themselves; e.g. from persons interviewed and electronic specialists.

Question: Are broadcasters' "outtakes" equivalent to the written notes of newspaper reporters?

Answer: Yes. They are part of the inherently judgmental process through which the broadcast journalist gathers and organizes his materials.

Question: Have these "outtakes" been afforded judicial protection?

Answer: Yes, on the basis of both state statutes expressly protecting them and on First Amendment grounds.

Section 79h of the New York Civil Rights Law (1970) "specifically protects a broadcast journalist from contempt citations for refusing or failing to disclose any news or the source of any such news coming into his possession in the course of gathering or obtaining news . . . for broadcast by a radio or television transmission station or network, by which he is professionally employed, or otherwise associated in a news gathering capacity".

In *New York* v. *Dillon*, on June 23, 1971, the New York Supreme Court quashed a subpena commanding CBS to provide the court with outtakes pertaining to a documentary on drug usage.

Section 1070 of the California Evidence Code similarly precludes use of compulsory court process to compel production of outtakes.

An order of the Superior Court in California, on 7/20/70, quashed on First Amendment as well as the statutory grounds a subpoena calling for "outs" of Westinghouse Broadcasting.

We must keep in mind that in this instance CBS has afforded the Vice President, the Secretary of Defense, and the Chairman of the Armed Services Committee an opportunity to criticize on the air the documentary in question.

That this is not a party matter is quite clear. The White House Communications Director has been quoted as saying the subpena "is wrong and an infringement on freedom of the press". The Republican United States Senate Policy Committee, in December of 1969, took the position that

> Whether news is fair or unfair, objective or biased, accurate or careless, is left to the consciences of the commentators, producers and network officials themselves. Government does not and cannot play any role in its presentation.

In his May 1 news conference in California, the President stated his agreement with the above policy statement and, when questioned specifically with respect to the CBS controversy, said:

> As far as the subpoenaing of notes is concerned, of reporters, as far as bringing any pressure on the networks, as a government is concerned, I do not support that.

In summary, I am convinced that as a matter of law if the Congress votes this contempt citation and the matter is brought to the courts by the Department of Justice, the position of the House will not be sustained. Further, as a matter of policy, I believe we are embarking on a dangerous path and, what is more, we are doing it without any evidence of compelling need. There is no need to attempt to impose this legal question on the courts since all of the information necessary for the Committee's legislative purpose is either presently in its possession or available through other sources.

I urge the House to reject the pending resolution.

Mr. ADAMS. Mr. Speaker, I asked the chairman of the committee if I might reserve the balance of my time so that other points of view may be expressed at this time, and that I may be yielded to at a later point in the debate.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, and my colleagues, neither I, nor any Member of this Congress asked for this controversy. CBS did. I call your attention to a statement made by Mr. Richard Salant, the president of CBS News, reported in the April 5, 1971, issue of Newsweek magazine, a date that precedes an inquiry made by the special Subcommittee on Investigations into the "Selling of the Pentagon" program.

Mr. Salant said:

> I think the real confrontation will come when the Senate or House hauls us down for an investigation. And then perhaps we will have to say: "Now look, this is none of your business."

Mr. Speaker, if we have today arrived

at a point in time when a television network can determine what is, and what is not, the legitimate business of the Congress of the United States, then we have indeed come upon dark days.

It might be well for my colleagues to know something more about the Subcommittee on Investigations of the full Committee on Interstate and Foreign Commerce. The subcommittee originated in the mind of Speaker Sam Rayburn in 1958 and it was largely due to his efforts that this special Subcommittee on Oversight was created, which is now the Subcommittee on Investigations. As a result of the creation of this subcommittee, we did investigate the Sherman Adams and the Goldfine cases. As a result, thereof, Goldfine was prosecuted, Sherman Adams resigned from the staff of the President and in addition, the Chairman of the Federal Communications Commission resigned as well as one member of the Federal Trade Commission. Again, in the early 1960's, it came to our committee that the quiz shows which were so popular in that era were fraudulent. Our investigation of the quiz shows did indicate that there was fraud. Contestants were being given answers to the questions before appearing on the quiz show. We exposed this and there was no necessity of legislation. The Federal Communications Commission came forward with regulations to prevent any future frauds of this nature.

Three years ago, CBS was involved in what was known as Project Nassau but better known as the Haitian invasion. CBS supplied a substantial sum of money either to the "invasion" or for the purpose of filming the "invasion" and the preparation of the "invasion."

We demanded all the film with reference to this matter, although it was not shown as a part of any program because the "invasion" did not take place. The amount of film which CBS did take filled some 25 boxes, roughly 18 inches square and 12 inches high. The subcommittee reviewed this film. There was a serious question as to whether or not CBS had been guilty of violation of the Logan Act and also of the Conspiracy Act. We forwarded the results of the investigation to the Department of Justice but without any recommendation.

Through the years, the committee has acted with unusual restraint. It has been only in the most flagrant cases where we believe that congressional scrutiny was necessary had we acted.

It came to us after many complaints on the "Selling of the Pentagon" that answers to certain questions were shifted to other questions. In other instances, answers were combined and inserted in answer to a different question. The subcommittee staff made an investigation and reported that CBS was "guilty of deceit bordering on fraud."

After a careful review of the situation, the subcommittee came to the conclusion that there was deceit and fraud.

I think I should point out to my colleagues that we are talking about a very narrow range of television—commonly known as "the documentary." A documentary may be related in the second person or it may be related in the first person. In this case, "Selling of the Pentagon" was done in the first person—by exact questions and exact answers. There was no indication of any kind on the program that answers had been transferred to other questions and that answers had been consolidated and transferred to other questions.

If, I, as a lawyer, were to do what CBS did in this instance in taking a record of appeal from a lower court to a higher court and this was pointed out to the judge, I am sure he would hold me in contempt and probably put me in jail. He would be clearly justified in doing so because I would have committed a fraud on the court.

In this case, CBS has not violated any criminal statute. However, may I ask you, is the fraud any less on the part of CBS by doing what it has done than what I could be accused of in altering a record that has been made in a court of appeal.

In short, CBS did not show what it purported to show, but, in fact, showed fraudulent answers to certain questions. In the case of *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S. Law Week, 4694, of June 1971, Justice Brennan points out:

> Calculated falsehood, of course, falls outside "the fruitful exercise of the right of free speech."

This matter has nothing to do with news. We have never questioned the right of a reporter to consolidate news and to give the news that he believes to be the news of that particular moment. Any news reporter doing that has not purported to putting anything on the screen other than what he believed the news to be.

In the case of the "Selling of the Pentagon" CBS did not show what it purported to show because they stated these were the questions and the answers as given when, in fact, they were not the questions and the answers that were given at all.

The committee believes that it is defending the right of the people to know when a deceit or fraud occurs. Second, the committee is defending the right of the people to know how the deceit or fraud was created and how it came to be shown on television. It is impossible for the committee to know how the fraud was committed unless the outtakes are supplied. As a result, the subcommittee is prevented from obtaining information relative to the discharge of its responsibilities and duties. I think I should point out to my colleagues that we are pursuing this investigation in an attempt to determine whether or not legislation is needed or whether or not we ought to make recommendations to the Federal Communications Commission to take any necessary action—such as was taken by the Federal Communications Commission in the creation of the fraud in the quiz show investigation.

The entire system of broadcast regulation is grounded on the twin legal propositions that the airways belong to the people and a broadcaster is a trustee for the public. In the present case, CBS is a trustee who is determined that he will not be answerable to the public's representatives as to how he has dealt with the public's property which is the public airwaves.

If this challenge is successful, the broadcaster will be in the position of being a "trustee" who is responsible to no one. Legislation requires information. The information sought in the present matter is essential if the Congress is to obtain a clear picture of this serious abuse which CBS has committed and how this may be remedied through the legislative processes.

The results of our previous inquiries which I have pointed out above were fully reported and made available to the public. This has served a useful service in making available to the people more information on a question of vital importance to them. That is, how television news is designed, produced, and presented.

These reports which we have previously filed have had another result as well. They have resulted in serious criticisms being leveled against CBS in the forum of public opinion. Apparently, CBS has determined there shall be no more of this. It is, indeed, curious that in attempting to cloak in secrecy its electronic manipulations from the public, CBS invokes the first amendment, the great guarantor of the people's right to know.

The American viewing public bases its decision at the ballot box upon the information it obtains from its most prominent news source—the TV set. The raw naked power to manipulate by gross fabrication the input data is the power to manipulate, however well intentioned, the decisionmaking process of the American electorate. The House Committee on Interstate and Foreign Commerce has the responsibility to answer this direct attack upon its right to investigate for the purpose of legislation. By its contempt resolution of July 1, the committee has made clear its intention to meet this calculated affront.

Mr. STAGGERS. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, no Member of this House of Representatives has been more critical of the methods of the broadcast media than I have, but I say that today you should vote "no" on this issue or send it back to committee.

Why should we be called upon to take this drastic action today—and I say to you it is drastic action—after only very short debate and after very limited opportunity for Members to study the full record?

I urge you to vote "no" for two very basic reasons.

The committee is urging you to vote "yes," saying they need this information in order to carry out their constitutional legislative function. Well, the committee held hearings and gathered vast amounts of material and vast amounts of informa-

tion which have been published and are in the RECORD.

The necessary material to evaluate this documentary is available to the committee and it is available to the House of Representatives, and if the committee intends to legislate on broadcast policy, I say let them go ahead and legislate. It does not need this material in order to do so.

Advocates of this action have stood in the well of this House and quoted chapter and verse on how this documentary was put together. Why should we have to go further? That is the real issue.

Secondarily but just as important are these underlying constitutional issues which are important. These are questions that you and I know exist on this particular issue. The Federal Communications Commission has stated that violations of the fairness doctrine are not involved here. Advocates of this resolution have admitted that illegality is not an issue here. But because of the committees vigorousness and wide questioning, I am concerned that news content is, regardless of statements of the committee to the contrary.

I am also concerned, as are many legal scholars, that should this matter be referred to the Supreme Court, there would be little doubt that the Supreme Court will overturn affirmative action the House may take. Thus CBS would be strengthened. It would be far better to refer this resolution back to committee or vote it down. There is no need for the House of Representatives to take this drastic action.

The SPEAKER. The gentleman from North Carolina has consumed 2 minutes.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I will vote no. The question is close. The answer is in doubt.

So it must always be whenever two great constitutional privileges collide. One must prevail. One must yield. That the collision can exist is proof that neither privilege is an absolute license.

The collision here is between the privilege of the press to edit for journalistic purposes and the privilege of the Congress to investigate for legislative purposes. The collision is between the Government and the governed. The collision is between press freedom and press restraint.

Under the congressional oath to "uphold and defend the constitution," I will not abdicate to the courts my responsibility to make this constitutional judgment. I will resolve the doubt in favor of the press. I will prefer the governed. I will choose freedom.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, I am voting against the citation for contempt. My vote should not be construed as approval of the tactics used in the CBS documentary program. Its misrepresentations do a disservice to the television industry, and they invite regulation in the interest of fairness. However, such efforts at regulation are steps down a dead end alley for an American government.

Mr. Speaker, I do not argue the issue of constitutionality, because I am uncertain what the courts might do in extending the protections of the first amendment to federally licensed outlets. Policy is another issue. I do not consider it a desirable policy for the Government or the Congress to issue the kind of sweeping subpena we are considering here. The impact of such a policy on news reporting at the local level particularly could be most unfortunate for the free flow of information. CBS may not have acted responsibly, but as the representatives of the people, the Congress must.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, CBS apparently used extremely poor judgment in its production of "The Selling of the Pentagon." For that, we as individuals, can condemn them and we should. We can hope the American people will join in that condemnation. That is their right. We can insist that CBS give fairer treatment in its coverage of the important issues facing this Nation. Many of us have been doing that for some time. In fact, I am one of their most vocal critics.

But however strongly we feel about CBS or NBC or ABC or any of the newspapers or other media, we must not trespass as a legislative body, as a branch of the Federal Government, on their constitutional right to use their own editorial judgment.

If a newspaper reporter interviews me, there is no assurance that he will write every word I say. And while I may not like the way he handles his story, surely I would not suggest that the Congress has a right to inject its judgment in place of the reporter's or that Congress has a right to review his notes to see what he left out of his story. I suggest the same is true of the broadcast media.

It would be ever so easy to vote "yes" today. CBS has maligned the South, colored the news, handled the coverage of the war in a biased manner, played up the bad and played down the good—all of this and more. But I would not exchange all this, as bad as it may be, for the evil that would infect this Nation from a controlled press. Oh, there are times when I get so exasperated with them I would like to ban all TV, but that exasperation is nothing compared to what it would be if we had a press that had to answer for its editorial judgment, however bad, to a committee of the Congress.

I have great respect for the Committee on Interstate and Foreign Commerce and its chairman. The Washington Post suggested this morning that the very able chairman had his reputation on the line on this issue. I doubt that. But more importantly, the Congress has got its reputation on the line, and we must not let emotion, or anger with the news media, or concern for the reputation of a Member cause us to make a grave constitutional blunder.

Mr. Speaker, the chairman and a majority of the committee are, in my humble judgment, dead wrong. Sure they are offended by the fact that Dr. Stanton ignored their subpena in part. But if I were in Dr. Stanton's position, I would ignore the committee, too, because the subpena goes too far and flies in the face of the constitutional protection of a free press. In any case, what the committee is asking the House to do is to make extremely bad law. In my opinion, the courts of this land will not hesitate to throw out the contempt citation as violation of the first amendment right of freedom of the press.

I would not run CBS as Dr. Stanton does, not by a long shot. But Mr. Speaker, that is not the issue here today. You know, Dr. Stanton's problem is that he is right this time, but he has cried wolf so long that nobody believes him, or wants to believe him.

When Vice President AGNEW and others have taken the press to task, Stanton has cried like a stuck pig. He and his counterparts in the media world have cited "Government censorship." He does not understand that we have as much right and duty to criticize the press as it has to criticize us. And so, he has cried wolf too often. And frankly, I would sort of like to stick it to him now. But my friends, we overstep our bounds, and exceed our prerogatives, and offend the Constitution, when we attempt by subpena to go behind a news story or television broadcast.

If a reporter does me wrong, I can refuse further interviews, or publicly condemn him and his paper or television station. If he does my country wrong, or one of its institutions, I have a right to set the record straight, to call his errors to the attention of the people. But I do not have the right to have the legislative branch call his ediorial judgment into question. That is where I believe the Constitution draws the line on interference with freedom of the press.

And so, whether we like Stanton or not, whether he has cried wolf too often or not, whether we like CBS or not, whether we approve of "The Selling of the Pentagon" or not, the Congress of the United States has no right to hold Dr. Stanton and CBS in contempt. It can be no other way, else we will have taken the first big step down the road toward Government control of the press. If that day ever comes, then this Republic as we know it shall not long endure.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the debate this afternoon, brief as it has been, has laid bare the essential controversy that divides the committee and this House.

It is not whether "The Selling of the Pentagon" was wholly fair and responsible. No one, least of all I, would defend

the improper juxtaposition of questions and answers.

The question is whether or not the first amendment is involved; is it relevant or is it merely, as someone has said, a case of fraud and deceit?

I would submit that in legislative surveillance of a news documentary, in asking for the notes of the broadcast journalists—the electronic journalists, and that is what you do when you ask for the out-takes and the sound tapes, we are involving Government in the process of news gathering and news presentation.

Mr. Speaker, I would concede that the motives of the committee may be of the very highest order in their effort to show the public how alleged fraud and deceit has been perpetrated. But therein lies the very danger that is inherent in the role which Congress seeks to assume by issuance of this subpena, to judge the very content of the news and the exposition of controversial issues to the American people.

There is, as the chairman of the Judiciary Committee pointed out, a long line of cases, beginning with the New York Times against Sullivan which have ruled that in the absence of proof of malice—actual malice—a libel judgment even for a false statement will not stand where issues of public importance are being discussed by the press.

Mr. Speaker, we would ignore at our peril the clear relevance of the first amendment to the facts in the instant case.

This, I submit, is the issue. It is not the chairman. We hold him in the very highest esteem.

It is not the committee. We respect their right to legislate and the broad mandate of their jurisdiction.

But I plead with this House, do not by authorizing the sweeping compulsory process of a subpena duces tecum launch us on a collision course with that great cornerstone of our liberties as free men, the first amendment to the Constitution of the United States.

Yes, I agree with the chairman of the Interstate and Foreign Commerce Committee that the airwaves belong to all the people.

Even we in Congress cannot deprive people of the right to hear the broadcast of controversial material. We cannot exorcise the ghost of the first amendment that would surely come back to haunt us if we ratified this contempt citation merely by saying that the first amendment is not involved. For it clearly is the gist of the issue that confronts us.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. I thank the gentleman from North Carolina for yielding.

Mr. Speaker, my vote will be against the motion to censure. In my opinion the Columbia Broadcasting System has issued at least two documentaries which are distorted. One is the "Selling of the Pentagon" and the other is one issued some months ago with regard to agricultural workers. I hold no brief for any part of the free press which apparently begins the preparation of a documentary with an idea of proving a certain point. It is too easy to proceed to that point by taking statements which tend to prove it, and ignoring evidence which may be of a contrary nature. I think the broadcast industry, as well as the rest of the press, must police itself to make sure that insofar as humanly possible its portrayal of facts is accurate and that they really "tell it like it is" instead of telling it the way they wish it were.

Even with certain imperfections, the free press has served this country well. If instances of distortion become too flagrant, it may be necessary to deal with them by legislation. I think the Congress has enough facts and enough wisdom to prepare such legislation should it become necessary.

However, I do not believe that we have the capacity to set ourselves up as the arbiter of truth in every instance. The temptation to bring politics into broadcasting is too great to allow a politically chosen body such as this one to be the sole arbiter of the quality of truth.

In my opinion, this is what the first amendment is all about. Our Founding Fathers must have recognized that there would be instances of abuse and lack of truth telling on the part of the free press. Even so, they felt, as I do, that a free people is better served even by an imperfect press than it would be by spoonfeeding of news from politicians or bureaucrats.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I intend to support the committee, and vote for the contempt citation.

I had a conversation last Thursday by telephone with Dr. Stanton, whom I have known for many years. He is a graduate of Ohio Wesleyan University in my State. I said, "Frank, I am told that you people in this documentary did something like this: You had your announcer ask a man a question, 'What time is it?', and he looked at his watch and he said, 'Twenty-five minutes to four.' And then you took your announcer off somewhere else, and he said, 'When did you beat your wife last?' And you spliced in the answer: 'Twenty-five minutes to four.'"

Do you know what his answer was? He said, "It wasn't that bad." He said, "We didn't do that deliberately. We didn't make a deliberate lie to an answer, but we did combine some answers and tape parts of answers and use them with a question to which they were not the answer."

Now, I think it is pretty fundamental as to whether we are going to allow the news media to contrive whatever they want by splicing, by cutting, by putting things together, by faking. And if we allow them to get away with it, then my advice, ladies and gentlemen, is do not ever go on a pretaped show, for you will never know what is going to come out on the television tube.

You know, Mr. Speaker, Dr. Stanton's answer reminded me a little bit of the story about the college girl, a senior girl, who went to the doctor for a physical examination, and she said, "Tell me, doctor, am I pregnant?" And he said, "Honey, it isn't that bad. You are just a little bit pregnant."

There is no degree—and I repeat—there is no degree in fakery. You either fake or you do not. There is no degree to splicing. You either splice or you do not. And you either lie or you do not lie.

We are going to make a decision here this afternoon about whether we put these people under notice that "You stick fairly close to the truth when you tape a show for broadcast later."

As for me, from now on if they want me on television it will be live television or nothing.

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

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, CBS certainly can broadcast news and opinions as it sees fit, but I do not believe that it can deny the U.S. Congress its right to inquire into the techniques employed or to examine the television tape recordings used in the broadcast. That is all that has been asked for—not the reporter's private notes, but television tape recordings.

But in any event, Mr. Speaker, the resolution before us does not try to decide the constitutional question. All the resolution does is to refer a prima facie case of contempt to the U.S. attorney for appropriate action—and that is the only way that a judicial determination of the constitutional question can be obtained.

Mr. Speaker, the right of the Congress to obtain information for use in discharging its legislative duties ought not to be abandoned lightly on the basis of self-serving claims of an embarrassed TV executive without even seeking a judicial determination. I hope for that reason the resolution will be agreed to.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. HÉBERT), chairman of the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker and Members of the House, I agree completely with the Columbia Broadcasting System's stand—and that is the reason I am going to vote to cite them for contempt.

They cry—"first amendment." I believe in the first amendment and there is nobody in this room who can challenge my standing on that. They have had their first amendment. They have had their chance to lie under the first amendment. If it were not for the first amendment, they could not have practiced the deceit that they have practiced. I am one of the victims of that deceit because I was shown in the "Selling of the Pentagon." The film that was shown was obtained from my office under false pretenses.

I agree that the public has a right to know. How is the public going to know if we do not make them show what they have under the table and up their sleeves? That is the only way we will make the public know.

More than 30 years ago I participated in perhaps one of the biggest stories that ever broke in the political history in Louisiana. I broke the Louisiana scandals. I was the city editor who broke the Long machine in Louisiana and that is the reason I stand here today. Not once during that time did I deny to anybody the right to look at my notes or examine the evidence on which I based the stories I wrote, which resulted in the overthrow of that political dynasty.

A reporter's source? I will defy to the end any challenge to ask a reporter to give up his source. The same as I would protect the sanctity of the confessional.

But the source is not involved here today. Nobody is asking for the source. I would not vote to ask for the source, but I do vote to ask them to come clean—if you can come clean.

As a postscript in this remaining 1 minute, let me say this—by the truth you shall be known, and the truth will make you whole.

I do not know whether I have much hope or not for CBS, the Columbia Broadcasting System—that is, will benefit from what I just said. But I put this to you, particularly you who are going to vote to cite them for contempt—just imagine how your future is going to be handled by that television system. I wonder how many of you who have been invited to appear on their talk shows will be invited back? There will be a great ominous silence. But if you want the truth to be known and if you want to protect the first amendment and if you agree that the people have a right to know, then vote for this citation.

Mr. ADAMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in a moment I am going to yield briefly to Members to give them an opportunity so they can say what their position is on this.

Regrettably we do not have enough time to debate it really.

Mr. Speaker, I want to say with regard to this issue, from the beginning many of us have said to members of the committee, this is the wrong case at the wrong place and at the wrong time. You have the Government criticized. Now you have the Government reviewing the press and the Government saying to the press—if you do not subject yourselves to review, we will place you in jail.

This is the worst possible type of first amendment case that you can bring.

There are other cases that we might, there are other times when we might. But what do we get for this? We get only the transcript or pictures of a transcript that we already have in the files, word-for-word. We get Colonel McNeil's speech, which we have in the files word-for-word. We get clips from Government films, which we have word-for-word.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. Mr. Speaker, I yield at this time for statements of position. I first yield to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, there is a careless haste with which this House is being asked to decide whether to cite CBS and Dr. Frank Stanton for contempt, a move which many of us believe to be a grave violation of fundamental constitutional liberties.

The opponents of this resolution have been allowed only 20 minutes to state their case to their colleagues and to the Nation. There is no doubt in my mind that when the House considers later this week a bill to amend the Egg Inspection Act, the opponents of that bill will have substantially more than 20 minutes to argue their cause.

It is sadly ironic that we are asked to vote for contempt in the name of vindicating the people's right to know the truth, while in the process we are being denied the opportunity to engage in the kind of free and robust debate which the Constitution envisions as the surest road to the truth.

Surely if this resolution is allowed to pass, history will properly judge this House in contempt of the Constitution.

When Congress employs its contempt power, it acts more like a king than like a Congress. We have the power to affect people's lives indirectly, by enacting legislation. We also have the power, in limited circumstances, to act against people directly by ordering them to do certain things and by punishing them for failing to comply.

This kingly power is only to be used in rare and grave instances. The founders of our Nation bore fresh the wounds of misuse of kingly power, and they insisted that their Constitution contain clear limitations on the power, even of Congress.

Mr. Speaker, I expect that the Supreme Court would be firm in striking down any attempt by the legislative branch of the Government to assert its "inherent powers" at the expense of the first amendment. We should not willingly be party to such an unseemly assault on the Constitution. We should not require a coequal branch of Government to remind us of the constitutional restraints on our power.

The right of a free press is not conditioned on its being a fair press. The right of the Government to regulate the traffic on the airwaves does not grant the Government the right to impose an official standard of truth.

There are people who worship cows. Others worship their ancestors. Some worship many gods, others worship one, and some worship none. And what is truth? Some want to sell the Pentagon, and some want to give it away. And what is truth?

It was precisely the difficulty in recognizing truth that occasioned our founders to say that Congress shall make no law abridging the freedom of the press. The Constitution does not condition this freedom on truth. One man's fables continue to be another man's dogma, and not even Congress, exercising the awesome power of contempt, is going to tip the scales one whit in the people's desperate search for the truth. What we can end up doing instead is to blow out the candle.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise today on a matter of great importance and with potentially far-reaching consequence: The motion to cite the Columbia Broadcasting System and its president, Dr. Frank Stanton, for contempt of Congress for failing to comply with a subpena issued by Subcommittee on Investigation of the Committee on Interstate and Foreign Commerce. Dr. Stanton refused to produce the "outtakes" on unused portions of filmed interviews of materials which appeared in the well-publicized and highly controversial CBS documentary, "The Selling of the Pentagon," and refused to testify about editing practices used in the preparation of any specific CBS news or documentary broadcast.

I have carefully examined all sides of this question and have studied all the materials that the various parties have circulated to Members of this body. I must vote against this motion and I urge my colleagues to do so. I find that the contemplated action is unnecessary; the action is illegitimate and the action is dangerous to basic American freedoms. To support the motion, I feel, is little more than an unwise gesture of congressional courtesy. Allow me to elaborate on my position.

I believe the action is unnecessary because the subcommittee has virtually all the information that it would acquire if the terms of the subpena were completely fulfilled. The Congress and the public at large have available film copies of the original documentary, texts of all the disputed interviews or speeches, and copies of editing regulations issued by CBS. Given the availability of these data for the subcommittee's investigation, to view the outtakes, it seems to me, would be a superfluous exercise.

I believe that the action we contemplate is illegitimate because the subcommittee has no right to subpena the outtakes and perhaps has no right even to consider legislation about editing procedures and the content and presentation of news broadcasts. I find compelling the analogy between a reporter's notes or the first drafts of his news stories and the unused portions of filmed interviews. All these fall under the protection of the first amendment and thus may not be tampered with by the Congress.

Even if we were to grant the legitimacy of the subcommittee's effort to obtain the outtakes for "The Selling of the Pentagon," I would still oppose the issuance of a contempt citation because such action poses dangers to basic American freedoms. If we approve this motion we shall be establishing a precedent that may lead us into greater and greater control and supervision of news broadcasts and documentaries. Any degree of control or supervision makes a mockery of our constitutional guarantee of freedom of the press, and of the public's right to know.

Mr. Speaker, I believe we are caught up in a wave of anxiety over the content of the print and broadcast media. The

motion we are debating today is the product of the assumption that the CBS network and, by extension, all news gathering agencies, are engaged in the intentional deception of the public. I think it is far more likely that a different assumption is the more correct one from which to begin any discussion—that the media are presenting an accurate and truthful picture of American society today.

Finally, Mr. Speaker, I think that to support this motion merely because it is unprecedented to reject a committee's recommendation that a contempt citation be issued is an unwise gesture of congressional courtesy. Merely because we respect the rights and privileges of a committee and its chairman is not sufficient reason to race headlong into a confrontation with the courts over basic constitutional issues when our case is weak and we have all the information we need.

I hope this motion will be rejected overwhelmingly.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I urge defeat of this resolution.

The proper disposition of this question is not so clear as either side would make it. That is probably the strongest single reason why this resolution should be voted down. I am persuaded by the committee minority that since the committee and the House have available from other sources much of the information which they are seeking in other forms from CBS, that the court will sherd the committee case and, in the process, quite probably do unnecessary damage to the investigative powers of the Congress itself.

If for no other reason—and there certainly are others—the House should defeat this motion. I am nevertheless not persuaded by the alarmist attitude by some that the committee is out to trample the protections of the first amendment. What we have here in my judgment is a sense of outrage on the part of the committee majority at misleading editorial practices—especially in the editing of the responses of Mr. Henkin—and an accompanying determination to require the temporary users of the public airwaves to conduct themselves in a responsible and sensitive manner. That determination is understandable and I share it.

The basic question, however, is just how you accomplish that. Members of Congress, by virtue of their temperament and position have an almost irresistable impulse to be "Mr. Fixit"—to see a problem and attempt to correct it in the most direct possible way. But Mr. Speaker, in this instance the most direct way is not the best way for the Congress and it most certainly is not the safest way for the country.

The committee minority in its discussion of how best to preserve a press that is both honest and free observed that—

> The French historian de Tocqueville, who traveled this nation in the early 1800's, concluded that the freedoms of the American press probably struck the best balance. The characteristic that impressed him most was the fact that American periodicals were diverse in opinion, owned by many men who competed in giving access to the average citizen to a wide range of opinions and interpretations.

That, Mr. Speaker, is the key. If this House supports this citation, I am confident the court will negate it. That being the case Congress will still be faced with the question of how best to guarantee fair treatment by and open access to the electronic media. That can only be guaranteed by a public policy which demands and insures diversity of ownership within the television-radio industry.

As the committee minority stated:

> Our broadcasting industry is a powerful and in many ways more concentrated industry than magazines and newspapers. A single newscast often reaches more citizens than the largest circulating newspaper.

Given that fact the FCC and probably the Congress will have to determine whether it is really in the public interest to allow this concentration to continue and even to grow.

Is it really healthy for instance, to allow a single economic group, through collective ownership of newspaper, television and radio outlets, to dominate access to an entire community?

What license renewal procedure should be followed to insure that a television or radio license once granted is not held almost in perpetuity regardless of the abuses of the licensee?

Would the public interest best be served by limiting the time that one group effectively hold a broadcasters license?

What policies would best guarantee that adequate public service time is made available to all groups within our society, popular or not?

These are just some of the questions which we must face whether or not we adopt this resolution today. I think the very questions I have raised indicate that I do not have an abundance of confidence that those who control our broadcast media will always be able to guarantee fair and impartial use of the airwaves.

The trouble I have with this resolution today is that I have even less confidence in our ability as politicians to guarantee that same impartial use and so I urge you to vote the resolution down.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in opposition to the pending resolution to cite the Columbia Broadcasting System and its president for contempt.

I am sure that most, if not all, of the Members have done a great deal of soul-searching on this issue. We have all received a great volume of mail, legal briefs, and arguments concerning this matter. We have listened to our colleagues cogently advocate their positions.

I personally feel that the subpena in question is legally objectionable. I set forth my reasons in a letter to the esteemed chairman of the Interstate and Foreign Commerce Committee on May 6, 1971. Those reasons have been reiterated here in various forms by those who join me in this opposition, so I will not repeat them.

We can argue as to how the Supreme Court would rule on this question for days and weeks. But I believe we can and should decide this questions ourselves—and we should decide it in favor of the network and its president.

This is our affair and it should be decided by us as elected representatives of the people, not necessarily in an assumed role as a Supreme Court justice.

I think we can all agree that the freedom of the press, including the broadcasting media, must be maintained. I believe we can also agree that approval of the contempt citation in this case would result in an encroachment on this freedom. Whether we label it a "fettering," a "chilling effect," or "censorship," we all must agree that an endorsement of the subpena, especially an endorsement through punitive sanction, will result in a restraint that otherwise would not exist.

We would also agree that Congress has legitimate investigative powers, including the power to subpena. But Congress should use these powers only when needed, and with discretion.

Even if we were all in agreement that the subpena in question would survive the test of a Supreme Court decision, we should not let the matter rest there. We should discipline ourselves. We should not be content to look at the decisions of the Supreme Court and work within the broadest possible limits of those decisions. Our concern with freedom of the press should be as great or greater than that of the judicial branch. We can and should do more to protect the freedom of the press because we are not bound, in affording such protection, by the legal niceties of constitutional law.

We have the obligation to decide, using our own judgment, whether the subpena and subsequent citation were appropriate in this case. In the recognized light of the fact that they will result in an undesirable restraint, we should find them appropriate only if we find them necessary. We should find them necessary only if we find that they would serve some legitimate purpose.

The record in this case indicates that Dr. Stanton testified freely concerning the general editing practices of CBS. The subcommittee evidenced concern over the editing of the interview with Assistant Secretary of Defense Henkin and an address by Colonel MacNeil of the Marine Corps. The full transcript of the Henkin interview was available to the subcommittee as was the address of Colonel MacNeil's speech. Would the outtakes in question, then, serve the committee or the House in reaching a conclusion or in recommending legislation? I do not believe so and I have received no indication that they would do so.

With all due respect for the distinguished committee and its chairman, I believe that we must demand such a

showing in this case. We must not adopt an unprecedented restraint on the news media while failing to exercise restraint ourselves.

For these reasons, I will vote against the resolution and I sincerely urge all of my colleagues to do likewise.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, freedom of the press is indivisible. The right to publish and the right to edit are both covered by the first amendment, and this covers both radio and TV and the print media, and I hope the contempt citation is voted against and voted down.

No branch of the Government has the right to oversee editing by the press, either broadcast or printed. I hope that the contempt citation is defeated.

Mr. ADAMS. Mr. Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. I thank the gentleman for yielding.

Mr. Speaker, and Members of the House, on June 29 of this year this subcommittee released to the press the following statement:

> The Subcommittee issued its subpena because of evidence that CBS, in its news documentary, "The Selling of the Pentagon," had engaged in highly deceptive practices. That evidence, since verified by sworn testimony, showed that by cutting and splicing filmed materials, the words of speakers were rearranged—

Members of the House, the evidence is already before the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks somewhat in the manner of Roger Mudd.

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

There was no objection.

Mr. ECKHARDT. Mr. Speaker, if the winds of controversy that blow here today were not the winds of the first amendment and the winds of congressional power, which incidentally are blowing rather strong today, this would be a tempest in a teapot. In truth, we have the material which constitutes the applicable outtakes though we persist in asking for them, and that is precisely why we stand on our weakest point if we seek contempt in this case.

Mr. ADAMS. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman has 30 seconds remaining.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Maryland for a unanimous-consent request.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Mr. Speaker, I intend to vote against this resolution. A contempt citation would almost certainly be reverted by the Supreme Court and such a reversal would almost certainly be reversed by the House of Representatives.

Mr. ADAMS. Mr. Speaker, I shall close by stating I regret we cannot present all of the materials that we have. This is an awesome thing we do today. The most important thing that a House of Representatives can do is to decide whether or not a man is to be placed in jail, and that is what we are deciding today.

I ask that Members balance carefully what the contempt citation says can happen. The penalty is 1 year. I hope Members of this House will consider carefully the balancing of what we have as opposed to what we will get.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Washington (Mr. PELLY) for a unanimous-consent request.

Mr. PELLY. Mr. Speaker, the evidence brought forward by the House Committee on Interstate and Foreign Commerce certainly indicates that the practices used by the Columbia Broadcasting System in the production of "The Selling of the Pentagon," were deceptive at best. Defrauding the American people through dishonest film editing practices is reprehensible.

But, it does not seem to me that delivering these "outtakes" will make any difference to the committee. This raw material does not seem to me to be necessary to determine if the network deliberately distorted the facts. CBS president Frank Stanton now admits that editing policies have been changed.

Yet, the charges by the committee are well taken. We can look back to other CBS endeavors, such as "Hunger in America" which was proved to be, in part, staged.

Much as I deplore what I consider to be a lapse of editorial responsibility by CBS, it does not seem to me that it is necessary to bring about charges of contempt. CBS has shown the American people its practices, and the committee has well publicized CBS' lack of credibility.

It brings to my mind, Mr. Speaker, the advice given some time back by Vice President Spiro Agnew, when he warned the TV industry that it should discipline itself. Maybe now they will take that advice without the Congress having to bring about that discipline itself.

In a way I would like the question of the first amendment to go to the Supreme Court. However, Mr. Speaker, I do not feel it is proper in this case to cite Mr. Stanton for contempt. I shall vote to recommit the bill to committee, or I will vote no, whichever is the case.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, I rise in opposition to the resolution of the House Interstate and Foreign Commerce Committee to cite CBS and its president, Dr. Frank Stanton, for contempt for failing to comply with a subpena issued by the Subcommittee on Investigations.

The issue at stake in this vote is not whether Congress approves of the CBS documentary "The Selling of the Pentagon," or even whether Congress condones the editing techniques employed by CBS in the production of this program. Instead, what we are being asked to decide is whether Congress should sit in judgment on a network's decisions in this area.

I feel strongly that this contempt citation, if approved by the House would have a chilling effect on the freedom of the press, and would substantially discourage the presentation of controversial, and unpopular points of view by the news media.

The Federal Communications Commission studied the issues surrounding this controversy and concluded that the CBS editing decisions were a matter of journalistic judgment into which governmental inquiry would not be proper. The FCC also concluded that CBS has provided significant opportunities for contrasting viewpoints to be heard, and, therefore, complied with the fairness doctrine.

Mr. Speaker, I have only the highest regard for the distinguished Chairman of the Committee on Interstate and Foreign Commerce, and I understand his concern over this matter. I feel a personal obligation to preserve the integrity and scope of the first amendment's guarantee of press freedom. This obligation transcends any present concern I might feel over the alleged indiscretions of the CBS officials, and I, therefore, urge that the resolution be defeated.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in opposition to the resolution.

(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, the protection of the press springs from the right of the individual citizen to speak his views even though he may be the only one to hold those views. His version of the truth is sacred to him and his right to hold those views should be sacred to the government of a free society—even though the majority may hold that truth is the opposite of those views.

The pursuit of truth is the historic search of mankind and, according to the Judeo-Christian culture, will make man free. But it follows that the search for truth is much easier in an environment of freedom because freedom permits the multiplicity of views where all shades of truth can be found.

It is this search for truth through multiplicity of voices which has been at base of several Federal laws throughout our Nation's history. Second class postal rates to encourage newspapers and legislation to require UHF tuning capacity to expand the range of use of the broadcast spectrum by television are but two examples. The concept of a free press finding the truth works best where there

are many presses in the hands of many different people of divergent view.

We should face frankly what is the greatest danger in the freedom of the networks to broadcast their version of the news—and that is that the three major networks night after night command an audience of most of our population to the same view of truth as they see. But the question remains as to whether even that concentration of power over the dissemination of a version of truth should be subjected to a single power; namely the power of government. Three voices seeking truth may be a thousand times worse than three thousand; but one voice determining truth is infinitely worse than three.

In an effort to make this power of concentrated ownership available to more viewpoints—rather than limit its use or judge its discernment of truth—the "fairness doctrine" has been enunciated by the Federal Communications Commission and the "equal time" provision in political campaigns have been written into the basic communications law of our land. But to an extent both such requirements are artificial efforts to further proliferate those viewpoints and therefore, they are not as effective as if they were the result of the harsh reality of economic competition or technological capability.

The potential for further proliferation of voices exists in the technology of cable television and satellites which will further expand the choices of methods by which viewpoints are transmitted. In considering the concentration of audience of the present broadcast networks, the Congress would be much better advised to consider how it can hasten the day when there are more methods of transmission of views and more individual ownership of those methods. This is a much sounder and altogether more constitutional approach in line with our tradition of freedom and private enterprise than any steps to regulate the networks in the quality of truth they choose to disseminate.

The networks may, indeed, be at the heighth of their power today in influencing Americans and persuading them to the positions held by a small group of executives in a narrow geographical and philosophical fringe of our Nation. But the power of that challenge to our national diversity should not be responded to with an exercise of power by this House which would deny this or any other minority of its right to exercise its biased views simply because of what those views are.

I shall vote against the citation for contempt or to refer this issue back to the Committee on Interstate and Foreign Commerce in the firm belief that my committee can serve truth and the freedom of speech better by attempting to proliferate the voices which seek truth in our land than by trying to identify truth by some official Government agency and then limit the voices that do exist to the espousal of that government inspected version of truth.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, today we are to vote on a motion to cite CBS and its chief executive, Frank Stanton, for contempt of Congress. According to sworn, unchallenged testimony, CBS was guilty of deceitful editing and transposition in its documentary, "The Selling of the Pentagon."

The CBS cut-and-paste job was unprofessional and it was unnecessary. CBS, incidentally, is a several-time loser in this department, having been cited at least twice previously for "staging" documentaries.

By its unprofessional conduct, CBS has proved itself no better than its whipping boy, the Pentagon. It has richly earned its current miseries. Its sole defense is the first amendment; that is, free speech gives absolute license to journalists no matter how bad they are.

Despite my distaste for the CBS actions and attitude, I will vote against the contempt citation. I will do so because I believe congressional control of the media would be far worse than whatever CBS has done or can do.

While there may be ways to regulate phony television editing, this motion is not the appropriate congressional action. It carries us too far down the road toward congressional evaluation and control of what is proper reporting.

The first amendment is, after all, a license to be unreasonable, or at worst, a license to cheat. The theory holds that eventually the people will be able to tell a good network from CBS, and not be fooled "all of the time."

That theory places no higher burden on the perspicacity of the citizenry than the theory of representative government itself. If the American public can pick a reasonably decent Congressman, it can pick a reasonably decent network.

I urge the defeat of this motion.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, the indispensibility of first amendment guarantees of free speech and a free press is unquestioned in our society. The Supreme Court has consistently declared that the first amendment is to be given broad and sweeping coverage. And the rationale most frequently cited by the Court for a broad interpretation of first amendment freedoms is that the investigation and criticism of governmental bodies is a requisite for a free and democratic society. The Court has stated:

> The free press has been a mighty catalyst in awakening public interest in governmental affairs, exposing corruption among public officers and employees, and generally informing the citizenry of public events and occurrences . . .

Although the first amendment literally reads "Congress shall make no law," the Court has broadened its interpretation of the amendment to mean that no agency of Government, or court, shall abridge the freedom of speech and the press. The Court has ruled that commercial gain is irrelevant in determining the scope of first amendment freedoms. In 1967, the Court ruled:

> Books, newspapers, and magazines are published and sold for profit does not prevent them from being a form of expression whose liberty is safeguarded by the first amendment.

Certainly, therefore, there is no justification for denying first amendment freedoms to television newscasters.

As the New York Times has editorially observed, if the press is to fulfill the role of independence guaranteed by the first amendment "the line of separation between it and the Government must be kept unmistakable. That line is jeopardized by the subpenas various news magazines, television networks, and newspapers" have received from Federal authorities for "notes, files, film, and other material."

Today, the House is being asked to take an unprecedented step across that "line of separation" by citing CBS for contempt for refusing to turn over unused outtakes from the television documentary, "The Selling of the Pentagon."

The program itself was courageous journalism, informing the public of questionable uses of the military's public information budget. As the Supreme Court has emphasized, that type of newscasting—scrutiny of public bodies—can only be welcomed in a free society.

Some have argued, however, that the program was flawed by distortions and inaccuracies. Certainly no one would contend that the press is—or could be—perfect. But as Life magazine pointed out—

> People who criticize the CBS documentary are having plenty of chance to be heard, which is one way to get distortions righted.

Another recourse is for those individuals who claim to have been quoted out of context to seek redress in the courts.

Regardless of the merits or defects of the program, what constructive purpose can be served by congressional interference in the news judgments of CBS?

Newsmen in the print and electronic media must daily make thousands of news judgments, including only a minute portion of all the material they receive in the "finished product." Newsmen will make mistakes, of course. But, as the Boston Globe has noted—

> Freedom of the press includes the freedom to make those mistakes, and as long as the press is truly free and competitive, there is a built-up assurance that mistakes will be corrected.

The alternative to a free and independent news media, and the disadvantages that inevitably accompany it, is far more ominous than any newsman's error. Government control over news judgments in the preparation of the news would render first amendment freedoms impotent.

Those who seek to subpena unused materials claim that there is something less than abridgement of the first amendment involved in such an act. But history has indicated that each encroachment on the freedom of the press leads to further erosion of first amendment freedoms.

First, the "chilling effect" of the subpena issued by the Congress has probably manifested itself already. Broadcast journalism has never been vigorous in its scrutiny of Government. As CBS News President Richard Salant said, a common tendency for some in the broadcast industry is to say, "Let's skip this one, let's not make waves, let's stay out of trouble."

That tendency has undoubtedly been reinforced by the Government's intervention into the creation of one of the few TV programs that has examined Government with a critical eye.

Second, the Government is attempting to exercise unwarranted authority in demanding unused materials from a news agency. It is the equivalent of asking a reporter to produce all the notes he took in gathering information for a particular story. If this action is sanctioned, journalists will be put on notice that their unused thoughts, notes, files, and film can be examined on demand by the Government. At least one consequence is clear: Free, independent journalism will be stifled by the Government.

Third, assuming that CBS did make errors in the disputed program, and that all CBS materials were seized by the Government, what legislation can emerge other than proposals for some type of Government interference in the journalist's preparation of the news? Would Government seek to control the content of news programs and documentaries before they are broadcast? Or would the Government threaten to intervene after a program has been broadcast, searching through files and notes with some intent to prosecute if the Government's "interests" are believed to be at stake? It appears obvious that any legislation intended to police the Nation's news agencies would at best amount to harassment; at worst, to censorship.

President Nixon recognized the necessity for the untrammeled flow of news when he spoke out against the Government bringing any pressure on the networks. The Chairman of the Federal Communications Commission, Dean Burch, has noted the similarity between a reporter's notes and broadcast outtakes, and has voiced his opposition to Government subpenas. FCC Commissioner Nicholas Johnson has argued that the Nation's news media have an "absolute right" to refuse the demands of Government prosecutors for reporters' notes and unused television film.

Perhaps former FCC Chairman Newton Minnow put it best, however. In recommending that the media refuse to honor Government subpenas of news film, he said that the media's reply to such requests should be: "Judge me on what we broadcast; the rest is none of the Government's business."

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I rise in opposition to this resolution to cite the Columbia Broadcasting System and its president for contempt of Congress. It is my hope that the House of Representatives will reject this proposal and in doing so uphold both the spirit and the letter of the Constitution. A favorable decision on this contempt citation would set a very dangerous precedent, and serve to encourage unnecessary and negative governmental interference with and control over the broadcast media.

While there is no question but that the congressional power to investigate is a valid part of the legislative function, its operation has been traditionally limited in the courts by the principles contained in the first amendment. Furthermore, the Committee on Interstate and Foreign Commerce is unable to demonstrate that a justifiable legislative purpose exists for the materials which they seek through this subpena. The record does not show a compelling need. In fact, we are told the subpena covers what the committee either already has or can obtain.

Finally, there is no question but that to force CBS to comply with the committee's wishes on this matter would have a detrimental, "chilling effect" upon the freedom and discretion of broadcast journalists—men who owe a responsibility to the public, not to the Congress.

For these reasons I intend to vote against this resolution and strongly urge my colleagues to do the same.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, I rise in opposition to the resolution.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in opposition to the resolution.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Speaker, in opposing this resolution to charge the president of the Columbia Broadcasting Co. with contempt, I do so because I believe the spirit of the first amendment is being violated.

I believe there was distortion, possibly malicious distortion, by the television network in its production of "The Selling of the Pentagon." There will undoubtedly be distortion in the future. It is difficult for me to vote against a committee honestly dedicated to the protection of the public interest, and I realize this committee is overwhelmed by the giant lobby now arrayed against it. I have been on the receiving end of a doctored television tape which did damage to me, and this may happen again. In the public interest, the television networks and local television stations, in their preparation and distribution of the news and other material, should establish fair and reliable guidelines and enforce policies which adhere to these guidelines guaranteeing fairness.

The alternative, however, should not be to open the door even slightly, to the possible threat of Government censorship and control of the material distributed by a free press, including television. We lose much when television does not maturely and responsibly discharge its proper duty to a free society. We will lose much more if we here overreact. There are competitive ways in which the damage done by one network or one station can be disclosed and corrected by a competitor, provided there is a responsible competitor around with an interest in fairplay. There are far fewer ways in which the people can be protected against the irresponsible act of a Government censor. We will be making a mistake if we allow Government to push its nose in the tent of a free press.

The SPEAKER. The gentleman from West Virginia has 15 minutes remaining.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I rise in support of the position of the gentleman from West Virginia (Mr. STAGGERS).

My review of this matter convinces me that the action recommended to this House by the Committee on Interstate and Foreign Commerce best serves the purposes of the first amendment.

We are not dealing here with a case of prior restraint of the press. For it appears that the press may publish anything it desires, whether the material is stolen or honestly gathered; whether it is true or false; or whether it is libelous or slanderous. I cite the case of Rosenbloom against Metro-Media, Inc.

Neither are we dealing with the confidentiality of news sources about which the law appears to be well settled.

What is involved here is the right of the people to know—and to know the truth, with particular reference to a federally licensed TV channel monopoly.

As Mr. Justice Black pointed out in his recent opinion in the New York Times case, the first amendment belongs to the people. It is not the property of those who publish for profit nor is it the property of the Federal Government.

The enlightenment of people on the great issues of our time cannot be achieved by a media which warps and distorts facts, and which cannot be called to question in any forum.

It is the people's right under the first amendment to know when the "news" or other events, presented to them by a Government-licensed monopoly, are biased.

Mr. Speaker, I have had two unfortunate personal experiences involving what appears to be television network bias within the past 10 months.

The first involved a documentary for the CBS Morning Report prepared by Mr. Joseph Benti. Before giving Mr. Benti over an hour of interview time, I was assured that his program on "The Dangers of Radiation" would be balanced.

To my amazement, when the program was aired during the week of August 10 to 14, 1970, I found that only 2½ minutes of my filmed answers were used in the so-called 1-hour documentary. The balance of the hour was used for arguments against my position.

On the other hand, the producers of this film took great pains to comb the countryside for persons to interview on the other side of the issue. Most of this material was purely conjecture and all of it misrepresentative of the consensus of responsible scientific opinion. The entire program was generously laced with the biased editorial comment of the interviewer.

Ironically, CBS, in order to prove its own preconceived notions that the Atomic Energy Commission has misrepresented the facts, resorted to considerable "fact-twisting" of its own.

Under permission heretofore granted, I will append a letter which I wrote to Dr. Frank Stanton of CBS, on September 11, 1970, protesting this action, and Dr. Stanton's reply dated October 5, 1970.

The other instance, Mr. Speaker, also

involved the position of nuclear power in the existing energy crisis. In this instance, I gave a 1 hour interview of my time to NBC for use on a program entitled "The Powers That Be," which was shown on May 18, 1971. Five and one-half minutes of my statement was used and approximately 50 minutes was used by the movie star commentator and other persons to present comment and arguments which were critical of my position. I do not consider 50 minutes' time on a 1 hour program to criticize a 5½-minute statement of a controversial matter a fair division of time.

On this program, a well-known comedian was the narrator; music with overtones of genocide was added; and all questions asked of me were omitted. Once again, the commentator inserted biased editorial matter, and the majority of the interviewees were scientists whose theories have been thoroughly discredited, The theme, again, was that our Federal Government is guilty of misleading the public. The so-called documentary film ended with a music background of the old religious song "Nearer My God to Thee."

Mr. Speaker, these two cases have been sufficient to convince me that I should not grant future pretaped interviews on any important national problem to the television media. I would have no objection to a formula of fair debate on a live program where time would be divided equally between proponents and opponents of a given issue.

Mr. Speaker, I contend that our failure to support the Committee on Interstate and Foreign Commerce today will have its own "chilling effects." This phrase is frequently used by Mr. Stanton of CBS in his defensive arguments.

Continued irresponsible use of the powerful broadcast monopoly to interpret great issues only in accordance with its own particular bias "chills" the right of the public to hear and see the truth.

Further, an unaccountable broadcast industry will have a "chilling" effect upon the willingness of public servants to speak out on important issues.

Perhaps the greatest "chilling" effect of all, Mr. Speaker, would be upon the ability of this House to make the laws under the mandate of article I of the Constitution.

If this House, through its committees, is unable to compel evidence upon which to base its legislation, where will we look for guidance? How can we assure that the public interest is being served by a federally licensed monopoly?

In summary, Mr. Speaker, these are the reasons why I will vote in favor of the resolution which is before us:

The first amendment did not create a select group of persons who are immune from all accountability, as some would have us believe. The amendment simply established the right of the people of an unrestrained press.

The press is accountable to the people and to the people's representatives who must make the laws. The people have a right to know when they are reading, hearing, or seeing a biased account of events based upon the political or philosophical views of some editor, producer, or reporter.

It is also very interesting to note that a TV corporation protects its media position by requiring an interviewee to sign a legal form which protects the TV corporation from any type of legal liability which might arise from an interviewee's remarks. At the same time they sign no legal form protecting the interviewee from misrepresenting his remarks or subordinating his position by massive use of time in relation to the time allowed to the interviewee's arguments.

If the "chilling" effect of a contempt citation results in a greater degree of truth in broadcasting, the purposes of the first amendment will be served in the highest degree possible.

The letter follows:

JOINT COMMITTEE ON ATOMIC ENERGY,
JOINT COMMITTEE ON
ATOMIC ENERGY,
Washington, D.C., September 11, 1970.

Dr. FRANK STANTON,
President, Columbia Broadcasting Station, Inc., New York, N.Y.

DEAR DR. STANTON: I am writing to inform you of my keen disappointment in the Joseph Benti television show, "The Dangers of Radiation," which appeared as a portion of the CBS Morning News in a five-day series during the week of August 10–14. Prior to the show, and in response to Mr. Benti's request, I gave approximately one hour of my time to Mr. Benti and his recording crew during which I answered many questions concerning atomic energy matters, and in particular, concerning Federal radiation standards.

In response to my request, your Washington office was kind enough to furnish me on August 28 with a transcript of the "Dangers of Radiation" show.

On Thursday, August 13, a very small portion of the tape, which I made at Mr. Benti's request, was shown. The lead-in warned the public that persons representing the Atomic Energy Commission or the Joint Committee on Atomic Energy were frequently guilty of not telling the full story. Next, there was a portion of the comments which I made concerning the outstanding work of Dr. Russell on the genetic effects of radiation exposure to mice. I pointed out that doses significantly higher than those to which people living in the vicinity of nuclear reactors are exposed would be required in order to produce deleterious genetic effect. I was cut off at this point in the T.V. program; and the comment was made that I failed to tell the full story in that male mice showed no protection due to a protracted dose whereas in the case of the female, as I had stated, a protective mechanism had been demonstrated. These remarks included quotes from testimony presented to the Joint Committee during hearings held in January 1970. The commentary by Mr. Benti simply failed to cover a previous statement in the testimony which would have placed the male and female genetic effect conclusions arrived at by Dr. Russell in a proper perspective.

The inference, of course, is that I was telling only the results of the Drs. Russell's experiment which favored atomic energy and keeping from the public the results which were unfavorable. This was certainly not the case, and it is my belief that the manner in which the tape was cut and comments of others fed in represents a conscious attempt to suggest that I am biased in my views and that I do not fairly report the information that has been made available to me. The Drs. Russell have been experimenting for over twenty years with large numbers of mice and under varying conditions of radiation exposure with a great variety of interests in the special relationships which may exist. They have arrived at a number of conclusions. *I did not state them all. Mr. Benti did not state them all.* Time forbade a complete analysis of their work. It should not be assumed that I was attempting to *hide* any of their conclusions nor was I attempting to *report* on *all* of the work that they have done.

Attached are some page proofs (pp. 1428–30) from Part 2 of the soon-to-be-published Joint Committee print, "Environmental Effects of Producing Electric Power." I shall send you the complete record when it becomes available. This hearing record was developed in January and February of this year. Dr. Russell appeared on January 29 and presented as his prepared testimony the "report" referred to by Mr. Benti during his assertion that *"Mr. Holifield left something out."*

Dr. Russell appeared in response to my personally written invitation. I believe he and his wife have made a tremendous contribution towards increasing our knowledge of the genetic effects of radiation. I wanted to develop in the public record his complete views of what has been learned and what needs to be learned in this field. Repeatedly during his testimony, I requested that he expand upon his comments in order to assure that lay people would understand the point he was making. I did not attempt to shape his remarks in any fashion; and in subsequent public discussion of his findings, I have tried very hard to fairly state his conclusions.

It is indeed incredible that I, who brought Dr. Russell's research findings to the attention of the Congress and the public at large through the mechanism of our hearing process, should be accused by Mr. Benti of hiding that same information from the public view. As I said at the beginning, I am keenly disappointed in the manner in which my remarks were presented to the American people. I feel that the fashion in which the story was pieced together did not *coincidentally* misrepresent my position. I am forced to conclude from the reports that have been made to me concerning, not only Thursday's program, but the entire five-day series as well indicates the reporting was heavily biased to show that radiation in small amounts is dangerous to the public health and safety and that the Atomic Energy Commission, the Joint Committee on Atomic Energy, and other elements of our Federal Governments are behaving irresponsibly in order to reinforce particular points of view in which they have special interest. This, I can assure you, is not the case. I fully recognize the statutory responsibility of this Committee to "oversee" on behalf of the full Congress the activities of the Commission. Where the discharge of these responsibilities dictate we do, and have in the past never failed to exercise our authority to investigate, appraise, and report upon the Congress and the American people any failure upon the part of the Executive Department to carry out its assigned responsibilities in a fair and just manner.

Sincerely yours,

CHET HOLIFIELD,
Chairman.

THRESHOLD DOSE RATE

This surprising result, that there is, for all practical purposes, a threshold dose rate in the female, but not in the male, was not anticipated by anybody. Having found this difference in effect between the two sexes, however, it is not too difficult to see that it may have a fairly simple explanation, for example, possibly the one I have suggested in one of the papers already printed in part 1 of the hearings.

I shall be glad to elaborate on that later, Mr. Chairman, if you wish me to.

Chairman HOLIFIELD. All right.

Dr. RUSSELL. Whatever the explanation is, the important conclusion, so far as genetic hazards of radiation to man are concerned, is that when we are dealing with radiation

exposure of the population, or any group including males, we have to take this weaker sex into account, and we have to conclude that there is a definite risk of some genetic damage regardless of how low the dose rate is.

I am often asked whether a dose rate lower than the lowest we have been able to try in our experiments might reveal the existence of a threshold dose rate in the male also. This is conceivable, but since the lowest dose rate used is already quite low—10 roentgens per week—and since there was no reduction in mutation frequency at that dose rate compared with the frequency at a dose rate approximately 1,000-fold higher, we certainly have no evidence for such an optimistic view. We must stick with the cautious conclusion that any level of radiation exposure of the male involves some risk of mutation.

We can, however, feel some relief over the fact that, although the genetic damage at low dose rates in the male is not zero, it is considerably less than that at the high dose rates on which calculations of the permissible doses of radiaton were based. We also have evidence which was mentioned in part 1 of the hearings, that low total doses of radiation, even when delivered at a high dose rate, cause disproportionately less genetic damage than would be expected from the effect at the high doses that had been used in calculations of the risk.

Chairman HOLIFIELD. I think we should always keep in mind that when you are talking about low dose rates, you are talking about the rates in the multiple-roentgen level.

Dr. RUSELL. Yes.

Chairman HOLIFIELD. When you are talking about high dose rates, you are talking about rates that might be up to as much as 90 to 100 roentgens?

Dr. RUSSELL. Per minute.

Chair HOLIFIELD. Per minute?

Dr. RUSSELL. Yes.

Chairman HOLIFIELD. Of course, that in no way approximates the lowness of the 170 milliroentgens, which is 170-thousandths of a roentgen, which is in the guideline (per year). (1)

Chairman HOLIFIELD. Why I am citing this is, because frequently we talk about the 170 milliroentgens as a low dose, we should recognize that it really is low.

Dr. RUSSELL. Yes.

Chairman HOLIFIELD. But the low dose rates you speak of as low in the work you are doing are much higher, in fact by a factor of several thousand than that contemplated in setting the standards.

Dr. RUSSELL. Yes.

Chairman HOLIFIELD. Go ahead, please.

GENETIC RISK ONE-SIXTH THE FORMER ESTIMATE

Dr. RUSSELL. Putting these and other pieces of information together, we conclude that our present best estimate of the average genetic risk from exposure of both sexes at low dose rates or low doses is only about one-sixth of what it was estimated to be when the currently used figure for maximum permissible dose was chosen. (2)

Chairman HOLIFIELD. Now let us analyze that. What you are really saying there is, that your conclusion is "our present best estimate of the average genetic risk from exposure of both sexes at low dose rates or low doses is only about one-sixth of what it was estimated to be when the currently used figure for maximum permissible dose was chosen."

Dr. RUSSELL. What this argues is, that the 170 milliroentgens would cause about one-sixth of the damage that was originally estimated.

Chairman HOLIFIELD. That is how it should be stated. I agree. I am not suggesting that it be lowered, but I am trying to accent the prudence of the level of 170 milliroentgens. In fact it is more conservative today, according to your experiments, than it was at the time it was set with the data that we had at that time.

Dr. RUSSELL. That is exactly correct.

Representative HOSMER. Dr. Russell, you stated that the lowest rate used was around 10 "r" per week. That was a continuous exposure week after week for 52 weeks of the year?

Dr. RUSSELL. Yes.

Representative HOSMER. What would that be in terms of "mr," the same type that we use for background? Could you translate that?

Dr. RUSSELL. The background is of the order of 0.1 to 0.15 "r" per year.

Representative HOSMER. This would be how many "r" per week?

Dr. RUSSELL. Divided by 52 weeks; that is, about 0.002 "r" per week.

Representative HOSMER. I am trying to get a cumulative dose for 52 weeks, exposure 10 roentgens per week.

Dr. RUSSELL. It would be 500 "r" per year. (3)

Representative HOSMER. Then that would be 500,000 "mr"?

Dr. RUSSELL. Yes.

Representative HOSMER. 500,000 "mr". Then you say that an exposure at that rate produces the same effect genetically a thousandfold higher?

Dr. RUSSELL. Yes. That is about one "r" per minute.

Representative HOSMER. That would be 500 million "mr" per year. What, then, does this do to this linearity theory? If we have exposure at 500 million "mr" and one at 500,000 "mr" producing exactly the same results, that does not make any kind of straight line relationship, does it?

Dr. RUSSELL. This does argue for a straight line at low dose rates. Let me clarify. We are talking about dose rates here, not total doses. If we try to draw a straight line at the high dose rates, we will find that there is a drop from the straight line as we get down to low doses. But when as now, we are talking about what I call the lower dose rates here—1 r per minute to 10 r per week—seen so far as linearly related to dose.

Representative HOSMER. You are talking about the same total dose.

Dr. RUSSELL. Yes.

Representative HOSMER. Of course, we are not taking about a whole year, because with 500 million "mr" you would blast your mice out of existence.

Dr. RUSSELL. If we give a total dose of 600 "r" at 1 "r" per minute, or the same total dose of 600 "r" at 10 "r" per week, which is about a thousandfold drop in the dose rate, we get the same mutation rate in the male. This is why we argue that there is no evidence for a threshold dose rate.

Representative HOSMER. Thank you.

Chairman HOLIFIELD. You may proceed.

Dr. RUSSELL. Now I should like to turn to my second topic and present the results of some of our current experiments.

GENETIC DAMAGE

(a) There are two main kinds of genetic damage, namely, gene mutations and chromosome aberrations. The dose-rate effect and other findings that I have been discussing, so far, were obtained with a method designed to detect gene mutations. It does also detect a certain class of minor chromosome aberrations, namely, small deletions of part of a chromosome. Our investigation we have been pursuing recently is an attempt to find out whether an entirely different, and major, type of chromosomal aberration would also show dose-rate and dose effects similar to those we had found for gene mutations and small deletions.

The new method detects the loss of a whole sex chromosome, the so-called X-chromosome. A little over 10 years ago, we found out from genetic and cytological experiments in our laboratory that certain female mice that appeared almost normal were, in fact, lacking a whole X-chromosome. Their cells contained only one X instead of the normal complement of two. Shortly thereafter, it was discovered in England that women exhibiting a certain set of abnormalities that had been called Turner's syndrome suffered from the same lack of one X-chromosome.

Using a special strain of mice carrying an X-chromosome marked with a mutant gene originally discovered by one of the research assistants in our laboratory, we are able to measure the frequency with which X-chromosome loss occurs in irradiated and control populations. We are finding in females, that the radiation-induction of this type of abnormality at a low dose rate is much less than that found at a high dose rate. The difference has already been shown to be highly statistically significant. Also, for high dose rates, the induction of X-chromosome loss by a low total dose is below that expected on a proportional basis from the frequency at a high dose.

Thus, in female at least, the effects of our doses and low dose rates on this kind of major chromosome aberration parallel the effects on gene mutations and small deletions. The hazard is less under these conditions of radiation exposure.

(Ref. note (1) this page and note (2) and (3) on page 1429—the failure of Benti to contrast the large cumulative doses delivered to experimental animals (500 roentgens, or 500,000 milliroentgens) with the annual cumulative dose to populations defined in the radiation guidlines (170 milliroentgens) as I mentioned—note (1)—completely destroys the validity of his presentation to informed persons. Of course uniformed persons are deceived by such presentations. Note (2) points out that Dr. Russell's on-going research has shown that subsequent to the establishment of the population guidelines they have been proven to be six times more conservative (safer) than initially estimated.)

COLUMBIA BROADCASTING SYSTEM, INC.,
New York, N.Y., October 5, 1970.

Hon. CHET HOLIFIELD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOLIFIELD: Although I am deeply sorry that you were disappointed in the five-part series on the dangers of radiation which appeared as part of the CBS Morning News, I am glad that you took the time to give me your detailed and thoughtful comments regarding that series.

Whatever its faults the series would not have been nearly as informative as it was had you not taken time out of your busy schedule to talk to Joe Benti. The interview that was filmed lasted about thirty minutes, and the part that was broadcast ran for two minutes and thirty-eight seconds. That is not at all unusual, and in this particular case, where a large number of people were interviewed, CBS News obviously must edit the film to avoid redundancies and to expose as many viewpoints as possible. The journalistic process applies to all media.

I understand that Mr. Benti was not aware of the Russell study at the time of the interview. Indeed, you state in your letter that Dr. Russell's testimony before your committee last January has not yet been published. When you introduced the Russell study into the interview, it naturally piqued Benti's interest, and I am advised it was only after the interview was completed that he had an opportunity to secure a copy of Dr. Russell's statement to your committee.

The point of Mr. Benti's remarks was that confusion and contradiction seem to go hand-in-hand with any discussion of atomic radiation. In discussing the studies of low level radiation, Mr. Benti said "But as we

have noticed in this series, there are ways that such studies can be interpreted to create only a partial answer, and often to reveal some of the confusion inherent in this controversy."

Mr. Benti's remarks following your statement reinforced this view. There is considerable confusion and many contradictions relating to the dangers of radiation, and much of it is created by the AEC itself. Drs. Morgan, Russell, Gofman and Tamplin are all funded by the AEC, and to one degree or another, have raised questions about the permissible levels of radiation.

The Morning News report did not attempt to resolve these differences—obviously, CBS New does not have that kind of expertise—but to expose them to the general public.

I regret that you feel we somehow misconstrued your position, but I think you, or your staff, will find, upon re-reading the transcript of the broadcasts, that it was a fair and balanced portrayal of a potentially serious problem.

With all good wishes.

Sincerely,

FRANK STANTON.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the resolution.

The reporting function must stand outside the dictates of partisan politics. The first amendment spells out very delicate freedoms, which if violated, threaten what we think of as a free society.

That function, those freedoms are seriously assailed by this pending contempt citation.

The media has a responsibility to inform the public, and if the media finds itself limited by legislative action—or by the overriding threat of continual harassment of further citations—whenever some politically unpopular or controversial issue is at stake, then I see a critical question arising: What is the definition—the limit—of freedom?

Once we begin to chip away at one kind of freedom, all others are in serious jeopardy. I stand firmly in support of the media who will continue to report what must be known, not what might be accepted.

No one ever said that democracy was an easy system in which to live and function. But I feel that democracy cannot be fully realized unless the overwhelming majority of the public have the information upon which to make intelligent, serious and sophisticated decisions regarding foreign and domestic policies. The role of the media in providing necessary information to the American people is both critical and vital to continuation of a democratic society.

I feel assured that if members of the media are guilty of criminal acts that they are punished. But the issue before us today is not one of criminality. It is not one of national security. It is not one of life and death.

It is a political issue first and foremost.

The overwhelming majority of politicians—unfortunately—just are not willing to tell people what they must know so that appropriate decisions can be made. Instead, the politician expediently confines himself to telling people what he thinks the people want to hear or what he feels is best for them to hear.

I think it foolish to believe that practice will suddenly halt, that all the truth will flow at once from the mouths of politicians. But I just do not want to give politicians further control over the freedom of the media to report on any subject.

The only real protection the American people have within the framework of a democratic society is for the media to bring the light to the dark places in the Government.

The issue here, then, is not CBS, not "The Selling of the Pentagon," not that of Frank Stanton's role. The issue is political, and it goes to the very heart of our governmental system. By coming even this far with this motion, I believe that the credibility of the House as a reasoning, tradition-minded body is shaken.

We have the chance to put this issue to rest. I urge my colleagues to vote against the citation.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I do not want unanimous consent to revise and extend my remarks.

There is only one question to be decided here today, and the question, simply put, is whether or not CBS is guilty of contempt of Congress. You have to ask yourselves three questions to arrive at an answer.

First, does this committee which we created have the legal authority to issue a subpena? The answer is "Yes."

The second question is: Was the subpena they issued in legal and lawful form? And the answer is "Yes."

And the third question is: Did CBS comply? And the answer is "No."

So they are in contempt of the Congress of the United States, period, and it is up to the judicial process, through due process of law, from there on, to decide whether we are right or wrong, because they are in contempt of the Congress. They are as well by their own admission manipulators and deceivers.

If the citation involved anybody except a segment of the communication media the vote would be overwhelming to cite them for contempt, because they are in contempt, and it is time for Congress to not be intimidated, to stand up and represent the people and assure the people that all the protections of the first amendment provided the press are due them as well. Freedom of speech is not for the media alone and even when it is it does not give them the right to lie.

In closing, however, let me say I do not expect this body to vote to cite CBS for contempt or should they be cited there is no reason, the courts being what they are, to believe the citation would be upheld.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Thank you kindly.

Talking about experiences, during the fight in this House on reciprocal trade, I spent 2 days in a glass factory, doing everything, gathering the glass and cutting it and everything. I attended a meeting of the whole organization, and I spoke to them. I spent about 2 days before the cameras. Later at home I got all my friends and neighbors in. I spent a little money to see my starring performance, and I put together a buffet and refreshments.

I made a little mistake. I started to light a cigar, and before the match went out I was off the air. Before the documentary was over, if the people did not see any more of me than what I had seen of myself, I am sure they did not know who was being starred because they certainly used the rest of that time to tear my position apart.

The thing you must understand is always to listen to radio and view television with a sense of humor; just remember, they do not mean half the things they say.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, the notion that anyone has the right to blatantly refuse to comply with legitimate congressional inquiry is a frightening one. The question as to whether or not the items subpenaed are entitled to the protection of a free press as set forth in the first amendment is not, I repeat is not, before this Congress. This is a question for our courts to decide.

I shall defend most vigorously the constitutional rights of the American people, including those rights they are guaranteed under the first amendment.

Our Constitution in its wisdom provides for a separation of powers. There are matters for the courts to decide and there are matters for legislative determination.

The sole question before the House is simple—was a subpena duly served on a matter pertinent to congressional inquiry and was that subpena complied with. Any question as to the constitutionality of those matters requested in the subpena are obviously a matter for a court of law.

Mr. Speaker, the question of freedom of the press is one of the most significant issues of our time. I am in complete agreement with the recent Supreme Court decision vindicating the right of the New York Times and the Washington Post to publish the secret Pentagon papers. By the same criteria, neither the Pentagon nor the broadcast media have the right to insist that its affairs be held sacrosanct and immune from congressional scrutiny and criticism.

While I applaud CBS for bringing to the public "The Selling of the Pentagon," I cannot condone its refusal to supply the "outtakes," which are the basis of its film. These "outtakes" are not privileged—they are not personal thoughts as are found in a reporter's notes. Rather, they are the original films of an actual event prior to editing. I see nothing privileged in them. I wonder why CBS does.

The news media has no more right to clothe itself with self-appointed immunity to deprive the public of the truth than the Government had a right to attempt to hide the "Pentagon Papers."

The public through its Congress has a right to know.

While it is true that this Congress should not pass unconstitutional legisla-

tion, it is also true that this Congress is not required to pass on the constitutionality of legislation. Just last week I supported a privileged resolution introduced by the gentleman from California (Mr. McCLOSKEY) which called upon the Secretary of State to reveal to the Congress those instructions given to our U.S. Ambassador in Laos with regard to U.S. operations in Laos. The basis of my support was that the Congress has a right to know. Many of the same Members who now oppose this citation supported that very same privileged resolution.

Can anyone here say that CBS is entitled to more?

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. SHOUP).

Mr. SHOUP. Mr. Speaker, I rise today to speak in favor of the citation and at the same time in behalf of the freedom of the press. I consider the rights outlined in the first amendment to be paramount to the freedom of the citizens of this country. I would do nothing as a Congressman or a member of this committee to place those freedoms in jeopardy.

In a country where the freedom of the press and the freedom of speech are given paramount importance, an accusation of deception and fraud in program editing is extremely serious. If these allegations are true, irreparable harm may be done, not only to those misquoted and maligned, but to the integrity of all journalism, and indeed, to the freedom and right of the people of this country to receive accurate and unfettered information.

CBS has been asked to come forward and defend itself against such serious accusations. This committee of which I am a member has asked and has proposed nothing more—nothing less—just a honest straightforward request to know both sides of the question—no confidential information. I ask for an affirmative vote to uphold this right of the people to know all the truth.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I am going to offer a motion to recommit.

As the ranking minority member of the Subcommittee on Communications and Power and as an interested and concerned Congressman and citizen, I have listened closely to the developments in this debate. I am not a lawyer, and the legal niceties of the rights and obligations of the contending parties to this dispute escape me, but I do not believe that Dr. Stanton and CBS should be cited for contempt and dragged through court proceedings.

Probably the legal position of the committee is sound and CBS should have delivered the out takes as demanded. Nevertheless, after listening to the debate here today I do not believe the passage of this resolution is a wise move.

I believe our legislative intent should be to move forward with legislation now. The need is apparent, and we have the necessary information. I believe that if we recommit this resolution and report to the floor legislation which would more adequately express the intent of Congress and give authority to the Federal Communications Commission to move in a constitutional way that would require the networks to be as responsible for the fairness and honesty of their documentaries as they are for quizz shows and other broadcasts, we will have accomplished our legislative purpose.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, we need not be here today. It is a tragedy when two great institutions—the Government and the press—get deadlocked.

We need not be here and we would not be here had CBS lived up to its own past history of cooperation. In the past, the network has given up outtakes, as requested. This time, they refuse. This time they refuse to even answer the only question the committee asks. Did the network mismatch questions and answers in a filmed interview to make the subject appear to be saying something he did not.

Mr. Speaker, the public has a right to know whether CBS willfully transposed questions and answers. We are not concerned with the content of the program. We are not concerned with censorship. We are not concerned with Government standards of truth. We are not concerned with bias.

We are concerned with discovering whether there is adequate legislation designed to protect the public.

There is no newspaper which compares to the networks—there is no national newspaper in the United States.

There are three networks which are all powerful in reaching the length and breadth of America. These networks are using a public commodity—there are only so many airwaves available. These airwaves belong to the people. The courts have said this many times. These people have a right to protection from deceitful practices. Perhaps legislation is the only answer.

Mr. Speaker, the first amendment—the free speech amendment—cuts both ways. I believe nothing should be done to curtail the first amendment protections for the press. Further, I believe nothing should be done by the press—particularly the networks—to curtail the rights of a man being interviewed to access to free speech. By jumbling questions and answers, the networks abridge an individual's right to free speech. Certainly, the public needs protection from this abuse.

This is an extremely tough decision before the Congress today. It will take courage. It will take courage because our decision today will have far-reaching, long-range effects on the rights of the public.

Therefore, Mr. Speaker, I think certain observations must be set forth in a logical fashion:

First. It is strange that no one—not the broadcast industry and not any Member of Congress—has defended this act of mismatching questions and answers. Apparently, everyone admits that what CBS has allegedly done was wrong.

Second. In effect, CBS admits what they did was wrong. On the very day before the subcommittee was to consider the contempt resolution, CBS issued a new set of operation guidelines governing interviews. In effect, CBS was saying "We're not guilty—and we promise not do it again."

Many times CBS has come forth with new rules to police themselves, which is good. I believe I can remember the network issued similar rulings shortly after the rigged quiz show scandals in 1959.

Third. If CBS did commit a wrongdoing by mismatching questions and answers, what recourse, what protection does the public have from these practices? That precisely is what the committee is asking: Is new legislation needed?

Fourth. On previous occasions, our committee has subpenaed outtakes when there was strong evidence that deceptive practices were committed. Today, some of the strongest proponents supporting CBS—proponents from my side of the aisle—are the same people who previously voted with the committee to acquire the outtakes on other cases.

Admittedly, personal opinion comes into play on each instance. In the past, I have voted against my own committee in refusing to demand outtakes when I thought it was a fishing expedition. What falls on the cutting room floor should remain there—unless there is strong, clear evidence that deception or fraud was practiced. And, it makes no difference whether the questions involves a civil or a criminal charge. Deception is still deception.

Fifth. Congress is not attempting to pass judgment on all the facts of this particular program. Congress is not attempting to sit in censorship. Congress is not attempting to offer a critique on whether the documentary was positively biased or slanted.

Congress is asking but one question: Is there adequate protection for the public? I repeat again, these airwaves belong to the public. They are invaluable.

Sixth. CBS keeps dropping back to the first amendment. Yet, by its refusal to discuss whether the editing process mismatched questions and answers—the network is, in effect, taking the fifth amendment.

Mr. Speaker, the first amendment cuts both ways. A man being interviewed has the right to know that what he says in a filmed interview will not be jumbled by a technician wearing white gloves in the editing room.

Seventh. Many Members challenge the case before us on the basis that "the case is not strong enough." Perhaps they are right. But, must we wait for massive deception before we act? The basic principle is a question of right and wrong. The public has a right to know the truth. Our case may not be the strongest possible—I have so expressed this opinion in committee—but the principle of right and wrong is at stake, regardless of whether the deception was big or little. Clearly, we must proceed with courage.

Mr. Speaker, I urge the House to pass this resolution. It is obviously in the public interest. If need be, I think we should pursue this question all the way to the Supreme Court. I readily agree that the networks should be free to speak on any

issue. I will insist that the public, too, shall have that right.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. THOMPSON), a member of the committee.

Mr. THOMPSON of Georgia. Mr. Speaker, the first amendment to the Constitution guarantees to each and every individual the right of freedom of the press. Any of you can go out and publish a newspaper at any place and any time you so desire. But, broadcasting is a privilege granted by the Government and not a right. It is a privilege granted by the Government to only a few.

I defy any of you to go out and try to broadcast or televise without the consent of the Government. Broadcasting is a privilege granted by your Government to a exclusive part of the people's airways, and the Government has a right to insist that the broadcasters abide by reasonable regulations and retains the right to investigate deceit and fraud.

Mr. Speaker, that is what this committee is doing. Broadcasting is a privilege granted by the Government. The freedom of the press is a right, a constitutional right, guaranteed under the first amendment and can be exercised by anyone. But I defy you to try to exercise the same right by televising or broadcasting without Government authority. The House should support its committee.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. METCALFE), a member of the committee.

Mr. METCALFE. Mr. Speaker, the vote we will cast is of great importance at this time because it is without precedent: We are called upon to vote in the public interest and our vote is to determine whether the public in the matter of our present concern is to be influenced by deceptive telecasting.

My vote will be cast not only for the substance of this incident, but with regard for the future and the dangers of the public being influenced wrongfully.

Dr. Frank Stanton and CBS are the principals before us today, but neither is important as is the right of the people to know the truth.

My vote is impersonal, for I enjoy a fine relationship with all of the media which I cherish. Whether I shall continue to have the support of the media in the future is questionable.

I will take my chances.

I shall let the courts determine whether the subpena issued is in violation of the Constitution.

The question is simply one to ascertain material, in this case, the submission of outtakes in the documentary "The Selling of the Pentagon," to enable the subcommittee and the House of Representatives to determine whether legislation controlling deceptive broadcast practices is necessary to protect the public ownership of the airwaves.

For my distinguished colleagues that argue that all the material used in the production of the documentary "The Selling of the Pentagon" except the outtake and editing practices of CBS is sufficient in and of itself not to cite Dr. Stanton and CBS for contempt—then it follows logically, without sufficient control, that if in the future, charges are made that any TV program has shown films that were intentionally deceptive, all they would have to do is answer those charges by submitting what they wanted and withholding other material, and thus satisfy the Congress, and the practice will continue. Continue to what? To the era of Hitler's propagandizement of the world that brought so much devastation?

I think we must act now to prevent this.

I shall vote to support the subcommittee report. I shall vote for truth in telecasting—for the right of the people to know. I shall accept my responsibility to vote in the public interest.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, the House should give overwhelming support to the recommendation of the Committee on Interstate and Foreign Commerce for a contempt citation for CBS. The works of the committee should not be consigned to a burial detail by being recommitted or sent to another committee. Here today the prerogatives of Congress will be preserved or destroyed. Unless the committee is upheld, I doubt that it will be possible henceforth for any committee of the Congress to conduct meaningful investigations.

This distinguished committee has not embarked on a witch hunt. It has gone very carefully into problems of a most serious nature and it has shown considerable courage and conviction in bringing to the House this contempt citation. Particularly is this true when the Nation's highest court appears to have placed its approval on the very worst and most irresponsible policies of the Nation's news media.

The distinguished chairman of the committee is not a man who takes his responsibilities lightly. Nor is he one who willfully and arbitrarily seeks to cross swords with giants of the news media. He is acting on conviction; the conviction that what he is doing is right and necessary.

In his own words, Mr. STAGGERS has said:

> Deception in broadcast news is like a cancer in today's society. The spread of calculated deception paraded as truth can devastate the earnest efforts of anyone of us seeking to represent our constituents.

He states that his committee has clear evidence of deceit in which men's words were electronically altered to change their very meaning. This is a frightening thing. His committee has directed questions which the broadcaster has scorned. The public is entitled to protection from willful disregard of the truth and the committee is right in making legislative inquiries to see if existing laws in this field are adequate and if the Federal agencies are doing their jobs properly to protect the interest of the public.

Stated very simply, CBS has refused to cooperate with a committee of the House. Of course, CBS is in contempt of Congress. CBS places itself above the right of Congress to know and the right of the public to be protected. CBS must not be permitted to exercise its own judgment regardless of all other considerations in delineating its broadcast policies.

The Supreme Court has also said that calculated falsehood falls outside the fruitful exercise of the rights guaranteed by the first amendment.

Neither CBS nor any other element of the news media has the right to alter spoken words. The viewing public has a right to learn the views of other people without manipulation or deceit. This is what is at stake today. This is the reason a vote of support of the committee is so very important. We have heard much about the danger from false advertising, stock market manipulation, or rigged quiz shows. Perhaps we have become calloused about the existence of these practices. We cannot become calloused or indifferent to the danger to the public from manipulation of public actions or political decisions. We are not being asked to vote to uphold freedom of the press, responsible freedom.

Mr. CULVER. Mr. Speaker, the imminent vote on a contempt citation of CBS and Dr. Frank Stanton raises serious questions of first amendment rights and of the proper relationship between press and government. It should be defeated. Its adoption would protend Government monitoring, editorial surveillance, and possible harassment which would imperil wider first amendment rights. Moreover, the sanction to be imposed here would be totally disproportionate to the evil cited.

One need not rise to the full defense of the editorial judgment and wisdom of CBS in "The Selling of the Pentagon" to oppose the contempt citation. There is some appearance of sloppiness and misleading extraction in two segments of the program. However, this is not a case where truth has been the helpless victim. Replies were broadcast over CBS, the matter has received much public ventilation, and all of the basic facts and texts have been reprinted many times over in the CONGRESSIONAL RECORD and elsewhere. Few among the public who saw the program are not now aware that the testimony of Mr. Hemkin and Colonel McNeil as presented is now contested. Avenues for reply and debate in the Congress, in the executive, and in the press have been kept open. This is the traditional and proper way for truth to emerge.

The Pentagon program is not the first to display possible errors of editorial judgment and latitude. Nor does it represent a unique case in which the views of public officials and personalities have been miscast. Except in the most extraordinary circumstances, however, no formal legal confrontation is justified. They do not exist here. Were this case to be taken to court, it could only have all kinds of spillover effects which would diminish freedom of press and place radio-television under threat of special disabilities in news and documentary broadcasting. Surely investigative enterprise would be discouraged and organizations weaker than CBS would be hesitant to take on subjects of deep controversy. A fear at least of intimidation and cen-

sorship among all press media would be aroused.

The House committee is justified if it chooses to examine the charges made against CBS. It can certainly issue a report and make recommendations how unfairness on the airways can be reduced. To achieve this purpose, however, does not require the subpena of outtakes or the citation for contempt of CBS executives. The public purpose is adequately served by the present record. To press beyond that point is to exceed the bounds of both good judgment and sound constitutional practice.

Mr. BOLAND. Mr. Speaker, I oppose this resolution. The first contempt citation that the Congress has ever sought against news broadcasting, House Resolution 170 threatens to set a precedent that would strike at the very heart of American journalism: the first amendment right shielding news against government meddling and bullying. Several Supreme Court and Appeals Court rulings make clear that the first amendment covers all news media—broadcasting as well as print. It applies with even-handed uniformity. Even Attorney General John Mitchell, a man hardly enraptured with news broadcasting, has pointed out that the heedless use of subpenas may sap "the vigor of our press institutions."

The subpena issued to CBS news, and the contempt citation stemming from it, pose the very same threat.

It is especially ironic, Mr. Speaker, that both measures are wholly unnecessary. The information sought by the House Commerce Committee is amply available—full transcripts of the controversial interviews presented on the CBS documentary, for example, and the testimony of all DOD officials cited there. Even the background film, largely footage shot by DOD itself, is readily accessible. In short, Mr. Speaker, the committee can gather all the data it needs without extracting from CBS the outtakes directly akin to reporters' notes.

The accuracy of "The Selling of the Pentagon" is not at stake here.

That remains an eminently debatable matter.

What is not debatable—indeed, what is plain beyond dispute—is House Resolution 170's threat to the freedom of the press.

If the Congress can censure CBS for one program, it can censure any news medium for any presentation it considers unpalatable.

In a democracy, the people make up their own minds: they do not need the Government to hand down, "a la Pravda," the official "truth."

The very issue we are discussing today is an exemplary case in point. The controversy over "The Selling of the Pentagon," still alive everywhere throughout this country's political spectrum, has generated more than enough information for the people to make a judgment. It is not up to us in the Congress to tell them how to think.

Should we jeopardize our most cherished tradition, freedom of the press, just to slap the wrist of CBS? Should we establish a precedent that might inhibit every news medium, however responsible, from dealing in controversy or looking into Government activities?

I do not think so, Mr. Speaker.

It is not worth it.

A free marketplace in ideas—a forum that encourages everyone to speak his mind—will yield the "truth" far more readily than a meek and intimidated press under Government yoke.

The press has made mistakes in the past, and it will make mistakes in the future.

Let the people make their own judgment.

The Constitution grants them that trust. The Congress must not presume to take it away.

Mr. HOWARD. Mr. Speaker, the Members of the House of Representatives are today being asked to either approve or reject the contempt of Congress charges against Columbia Broadcasting System President Frank Stanton and the network.

Mr. Speaker, we might not always agree with what newspapers, television, and the rest of the news media have to say, but we must zealously guard their right to say it as provided under the first amendment.

In my opinion, there is absolutely no difference whatsoever between attempting to force a newspaper reporter to reveal his written notes and attempting to force a television network to provide its unused film from a news documentary.

This is not a matter of deciding if television is doing an adequate job or not, because I feel that in many ways it has failed to give the American viewer good programing.

The question the Congress faces is one of freedom of the press and for that reason, I must respectfully oppose the distinguished chairman of the House Committee on Interstate and Foreign Commerce and the majority of its members who voted out the contempt citation.

We are not here today to decide if the disputed program, "The Selling of the Pentagon" was a good program or even if it was a fair program, but we are here today to decide if we are going to continue to respect freedom of the press as provided under the first amendment or not.

The first amendment makes it abundantly clear that neither the Congress nor anyone else has the right to decide for the people of the United States what they should or should not be told by a free press.

Once we begin to make inroads against a free press there will be further suggestions that other areas should be controlled and the result will be that we have violated the first amendment and at the same time, done a disservice to the people of the United States.

I do not always agree with the things I see in the newspapers or on television; I have had the personal experience—as I am sure almost everyone here in the House has—of seeing inaccurate statements printed in the press.

The members of the press are human beings and have faults much the same way as we do and this naturally results in mistakes. But on balance, the press has served this Nation very well and I am not about to be one of the persons who would begin putting restrictions on a free press.

What this House is being asked today is to vote again on the John Peter Zenger trial which occurred in New York City in 1775 and which resulted in Mr. Zenger being found not guilty of seditious libel.

The Bill of Rights was not added to the Constitution as mere afterthought but it was a result of the concern on the part of many of the delegates to the Constitutional Convention and of several of the State legislatures that the Federal Government was endowed with too much power and could exercise the same amount of control that the British had.

Today, we are faced with a new threat to freedom of the press. It is a subtle threat and if it is approved by the House, its value as a precedent-setting measure would lend enormous weight to the argument of those who would further limit freedom of the press.

Thank you.

Mr. HOSMER. Mr. Speaker, as well pointed out by the gentleman from Virginia (Mr. POFF), there are two constitutional privileges in collision here, freedom of the media and freedom of the Congress to conduct legislative investigations. The gentleman from Virginia (Mr. POFF), has concluded that the circumstances warrant yielding the right-of-way to the press. I have come to the opposite conclusion. I will vote the contempt citation.

If this is, indeed, such a heavy constitutional issue, I do not believe it should be dodged by yielding. I think the citation should issue so that the courts can render an authoritative decision that will settle the question once and for all. CBS has plenty of resources to carry forward such litigation; no hardship will fall upon it for doing so.

The people will be served by settling the issue, not by dodging it.

Mr. FUQUA. Mr. Speaker, after lengthy consideration of the issues involved in the motion to cite CBS and Dr. Frank Stanton for contempt of Congress, I have concluded that there is no acceptable alternative but to oppose the contempt citation.

In reaching this decision several difficult and seemingly conflicting points of view required reconciliation.

I firmly support the right of Congress to regulate the broadcast media "in the public interest." Congress long ago recognized its obligation to act in this area which is in several respects uniquely different from the printed press.

Over the years the FCC has developed a set of effective guidelines, notably the "fairness doctrine," to deal with the special problems generated when the broadcast media is used as a forum for controversial issues. This regulation has, however, always been accomplished without infringing on the rights to freedom of the press and speech guaranteed by the first amendment to the Constitution.

It is this delicate balance between the first amendment and the congressional right to regulate which is threatened by the CBS contempt motion. In a conflict between these two interests the former must prevail.

This decision should not, however, be mistaken as an approval of the CBS program "The Selling of the Pentagon." Quite to the contrary. I have serious reservations about the veracity of certain segments of the program which appear to have been deceptively edited. Likewise, I feel that the overall impression which the program was calculated to create did a disservice to our military establishment.

It may be that after further congressional consideration, in light of the CBS incident, additional legislation will be necessary to insure the fair and forthright broadcasting which the American people deserve. If this is the case, I will give such remedial legislation my closest attention, being ever mindful of the constitutional mandates I have been sworn to uphold.

Mr. THONE. Mr. Speaker, my position on this resolution is very negative. These subpenas cannot, in my opinion, be viewed as anything other than ominous infringment upon basic freedom of the press. I shall vote to recommit.

Mr. ROSTENKOWSKI. Mr. Speaker, at the appropriate time, I shall vote against the motion to cite CBS and its president Dr. Frank Stanton for contempt. Because of the complexity of the issue and the long-range implications of this vote, I feel it is necessary that I explain my position on this matter.

Mr. Speaker, in my opinion the citation for contempt is, at this time, both unnecessary and unwise. It is unnecessary because the committee has at its disposal all the information concerning this matter that it needs to draw conclusions on the issues in question. In addition to the broadcast tape of the documentary, the committee has the complete transcript of the interview with Mr. Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs and the complete text of the speech given by Colonel McNeil. These are the two specific segments that have been singled out as having been "doctored" to distort the views of these two men. It is not my intention to, nor am I prepared to make a judgment on the merits of that question, but I do contend that, the committee does have ample material to conduct a thorough investigation and draw conclusions concerning that controversy.

I am sure that most of us recognize the authority of the committee to investigate the electronic media in pursuit of legitimate legislative ends; and it is in the public interest that they do so. In this particular case, however, the committee has adequate information to pursue its objective and need not venture at this time into so sensitive an area.

I feel further, Mr. Speaker, that it would be unwise for the Congress to take action at this time that would most assuredly be presented to the courts for final determination.

As it is well argued in the minority views submitted by Congressman BOB ECKHARDT and several other Members, there is little chance that this citation would withstand a court test. There is a real danger that an adverse decision would jeopardize the legitimate authority of this body to investigate and explore the substantial difficulties presented by the power of the electronic media. There is no doubt that the instantaneous transmission of images and words can have a great effect on the American people.

Because of their complete monopoly of the federally regulated airwaves, it is indeed in the public interest that the networks receive special attention from this body. But I do not feel that this is the time nor do I think that this is the case upon which we should try to establish a precedent.

Mr. Speaker, I would like to emphatically state to my colleagues that my vote today does not indicate a complete endorsement of the past conduct of the broadcast industry nor does it mean that I would never vote to cite a member of the broadcast media at some future date—if the facts of the situation warranted such a vote.

At this time, Mr. Speaker, I would also like to suggest the difficulties brought to light by the present situation might prompt this body in general, and the Commerce Committee in particular, to look into the entire realm of problems that are relevant to the regulation of the television industry. The establishment of a firm set of guidelines with regard to the relationship between Congress and the industry is obviously necessary if we are to avoid similar problems with first amendment rights at some future date

Mr. EDWARDS of California. Mr. Speaker, I am voting against the contempt of Congress citation as recommended by the Committee on Interstate and Foreign Commerce.

The first amendment to the Constitution of the United States, states:

> Congress shall make no law . . . abridging the freedom of speech, or of the press . . ."

Here I am a strict constructionist, and I hope and believe that the majority of my colleagues are too.

I trust the basic facts behind this particular controversy are not unknown. But, as it is never good practice for lawyer or layman to decide without a firm grasp of the facts in each situation, let us review them for a moment.

On February 23 of this year, the CBS TV network broadcast a documentary entitled "CBS Reports: The Selling of the Pentagon." This documentary described the public information activities of the Department of Defense. The program was rebroadcast on March 23, including a 22-minute postscript, which included critical comments by Vice President AGNEW, Secretary of Defense Laird, and Chairman HÉBERT of the House Armed Services Committee as well as a response by Richard Salant, president of CBS News. On April 18, there was a CBS special news report entitled "Perspective: The Selling of the Pentagon." On April 7, the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee issued a subpena to CBS demanding a delivery of "all film, workprints, outtakes, sound tape recordings, written scripts, and/or transcripts," relating to the preparation of the documentary. CBS furnished the subcommittee a film copy of the original broadcast and rebroadcast. On April 30, CBS voluntarily, without waiving its objections supplied the subcommittee with some general information unrelated to the editing process. On May 26, the subcommittee withdrew its original subpena and issued a new one, which narrowed the request to cover only those materials relating to interviews or events which actually appeared in the broadcast.

I must agree with Mr. Frank Stanton who in his response to the subcommittee stated:

> Clearly, the compulsory production of evidence for a Congressional investigation of this nature abridges the freedom of the press. The chilling effect of both the subpoena and the inquiry itself is plain beyond all question. If newsmen are told that their notes, films and tapes will be subject to compulsory process so that the government can determine whether the news has been satisfactorily edited, the scope, nature and vigor of their news gathering and reporting activities will inevitably be curtailed.

We are told, however, that there is a distinction between the "press" and broadcasting which comes under Federal regulation. But, the June 7, 1971, decision of the U.S. Supreme Court in *Rosenbloom* v. *Metromedia, Inc.* (39 U.S. L.W. 4694) reinforces the view that in all relevant respects the first amendment is applicable to broadcast journalism, as well it should be. It seems strained to me, to read the Constitution so as to deprive broadcasters of its protection simply because they are regulated. You cannot deprive broadcasters of the freedom of the press with respect to what they broadcast, or even be allowed to regulate them in such a manner that chills this freedom. In our society, lawyers are regulated; doctors are regulated; huge and varying segments of our society are regulated, but this does not deprive them of any of the basic protections of our Constitution or its Bill of Rights which are paramount.

I do not by this stand, mean to approve of any deceptive practices which have been alleged, but neither do I approve of constitutionally defective methods to investigate the allegations.

There are it appears, adequate safeguards presently to deal with those broadcasters who are guilty of deliberate false reporting. There is the Federal Communications Commission and the courts themselves.

Nowhere, could it be envisaged that Congress itself should sit in judgment on news reporting or broadcasting, the first amendment guards against such interference.

While it is true that the first amendments protections may also be abused, the Supreme Court has said in the past that which has such force and meaning here in the present—

> But the people of this nation have ordained in the light of history, that, in spite of the probability of excesses and abuses, these liberties are, in the long view essential to enlightened opinion and right conduct on the part of the citizens of a Democracy.

Mr. SEBELIUS. Mr. Speaker, I appreciate the opportunity to make these remarks regarding this most important resolution.

In discussing this issue with many members of the Kansas press community,

I have become convinced of two things. First, that news standards should result from self-improvement by the news media and public, not from Government regulation and, second, local station affiliates need to provide a better check and balance system on the parent networks.

This issue, it seems to me, really boils down to how we can best protect the public interest. It is rare when public officials and citizens feel their public interest has not been served in our Nation's community or hometown press. Local editors and news directors not only report and comment upon what happens in their communities, but they are part of the community as well. It is time the national networks and our national press follow this example and become part of America, as well as serving as a constant critic.

In studying the material presented by my colleagues, there is no doubt in my mind this documentary contained altered film and sound and that there was public deception. Nevertheless, I have decided to vote not to cite CBS for contempt for refusing to provide Congress with film clippings used in "The Selling of the Pentagon." My decision to oppose this contempt citation is certainly not an endorsement of this conduct; however, I feel a contempt citation would set Congress on a very dangerous course without precedent or justification.

I would like to take this opportunity to urge CBS to put its own house in order. It is obvious Congress has no business deciding what is truth, for we ourselves are the subject of a good portion of the news and that would be an unresolvable conflict of interest. However, I am convinced it is in the public's best interest for our networks to employ self-criticism and improvement, and the time is now.

Mr. JACOBS. Mr. Speaker, my arrival at the decision to vote against citing Dr. Frank Stanton and CBS for contempt of Congress has not been easeful.

I vote against the citation on the ground that with respect to the question of mismatched questions and answers on the television program, "Selling of the Pentagon," our committee already possesses sufficient information on which to base a legislative judgment.

Let the RECORD show that this Member of Congress is still plagued by whether the public's right to know includes the right to know if the person on the screen is answering the question purported to have been put to him.

Moreover, I find secrecy odious in any but the strictly private sector of our society.

One laments the tragic trend toward making strictly public business private and strictly private business public.

Mr. MINSHALL. Mr. Speaker, during the June 24 hearing by the Subcommittee on Investigations on CBS' controversial editing of "The Selling of the Pentagon," Dr. Stanton bewailed the lack of a broadcaster's equivalent to the printer's ellipses, which are used to indicate omission of words or phrases from a quote.

Let me read briefly from the printed copy of those hearings:

Dr. STANTON. We have been searching for a long time in broadcast news, both for radio and for television, to find the equivalent, for example, of the three dots that the printer has. We have not found that particular device.

Mr. MANELLI. Would that not simply be to let the jump cut take place without—maybe you can define these terms. If you do not put in the reverse, which was in the Henkin interview, when you cut the tape it will be quite obvious to the person watching the screen, isn't that true?

Dr. STANTON. That is a very good question. We have experimented with jump cuts and I am not sure all the members of the committee are familiar with this.

Mr. MANELLI. Would you define it for the record?

Dr. STANTON. Sir?

Mr. MANELLI. Would you define what you mean by jump cuts?

Dr. STANTON. A jump cut is a cut in the film where you take out some material for editing purposes and you don't do any bridging at that particular point so that a man might have his head over here in one scene and you cut and his head suddenly goes over here.

Mr. MANELLI. Does that not take the place of the three dots?

Dr. STANTON. That could take the place of the three dots but I think we would be before you for a different reason.

Mr. MANELLI. Why?

Dr. STANTON. Ridicule of the person interviewed because at one moment he may have a pipe or cigarette in his mouth and the next minute it is gone. It creates all types of problems.

Mr. MANELLI. Don't the people being interviewed object, not for that, but because their appearance is that they are saying things which they didn't say and that appearance is enhanced by interjecting cutaways to the interviewer so that you cannot see that the splice has been made? That is really the more basic complaint, isn't it?

Dr. STANTON. That is a matter of editing judgment and that is what we are talking about here, it seems to me. As far back as I think a year ago we made up a special film to see how these things would work, various techniques, to try to find the three dots because that is something that we don't have.

As author of the truth in news broadcasting bill, H.R. 6935, I believe I have found Dr. Stanton's elusive ellipses for him. Much of the controversy which provoked today's debate centers around this lack. Certainly had CBS clearly identified the portions of its documentary that were edited out of context at the time of broadcast, there could have been few recriminations afterward. It may never be known if CBS was merely victim of television's rigid time requirements and condensed the interviews not wisely or too well, or if CBS editors cut-and-pasted interviews out of context with deliberate intent to defraud.

I strongly suggest that enactment of my legislation would help prevent such unhappy controversies from occurring in the future. Very simply, H.R. 6935 would supply Dr. Stanton's "three dots" by requiring the clear and explicit labeling of broadcast news and news documentaries that have been staged, edited or altered out of context. This would alert the viewing public just as plainly as does the label a food manufacturer must place on his product if artificial coloring or flavoring have been added.

On radio, my bill calls for a disclaimer by the announcer before and after such sequences, in much the same way we now hear the familiar announcement, "The preceding was recorded." For television, broadcasters would superimpose a disclaimer on the screen during transmission of the sequence, precisely the same way they now label some portions of moon shots as "simulated." It would work no greater hardship on broadcasters than that.

As I have stated on this floor before, it seems remarkable to me that the networks have not voluntarily adopted my proposal. As honest reporters, who are constantly proclaiming that "the people have a right to know," it is a solemn obligation they owe their audiences. The right to know includes the right to know whether the news being broadcast into American homes is the whole story, only a part of the story, or the broadcaster's version of the story.

Last spring, I sent a copy of my remarks on my truth in news broadcasting bill to Dr. Stanton, among many others in the news media. I received no acknowledgment from him, but in view of the attention H.R. 6935 has received in radio-television trade journals, I find it difficult to believe he is unaware of its existence. Yet in his June testimony before the Subcommittee on Investigations he states that he and his colleagues are at a loss in finding a substitute for the printed ellipses. Either they are not looking very hard, or there is a lack of sincerity in their search.

Whatever action is taken by the House today, I sincerely hope that truth in news broadcasting will soon be accorded hearings by the committee chaired by my good friend and very able colleague, the gentletman from West Virginia (Mr. STAGGERS). Enactment of H.R. 6935, which I include at this point in the RECORD, contains no threat of first-amendment infringement and some very solid guarantees that the American public will be able to more accurately evaluate the validity of news programs broadcast into their homes.

The bill follows:

H. R. 6935

A bill to amend the Communications Act of 1934 to provide for more responsible news and public affairs programing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"NEWS AND PUBLIC AFFAIRS PROGRAMING

"SEC. 331. (a) No licensee may broadcast any program which contains a filmed or video-taped sequence purporting to be factual reporting if the event shown has been staged, edited, or altered in any way, or if interviews have been arranged, edited, or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly labeled throughout its entire showing as having been staged, edited, rearranged, or altered, as the case may be.

"(b) No licensee may broadcast by radio any recorded, audio-taped or otherwise audio-transcribed sequence purporting to be factual reporting if the event has been staged, edited, or altered in any way, or if interviews have been rearranged, edited, or altered so that questions and answers are no longer in their original context, unless such sequence is explicitly described by any announcer both before and following the broad-

cast of the sequence as having been staged, edited, rearranged, or altered.

"(c) Any live sequence, whether for television or radio broadcast, that is staged or is a dramatization purporting to be factual reporting must be clearly identified as a staged or dramatized sequence in accordance with the methods described in paragraphs (a) and (b).

"(d) Complete transcripts of unedited interviews must be available for distribution on request and at a nominal fee immediately after broadcast of any interviews that have been edited, altered, or rearranged.

"(e) Whenever a broadcast station presents one side of a controversial issue of public importance, such station shall afford reasonable opportunity for the presentation of contrasting views."

Mr. WRIGHT. Mr. Speaker, many centuries ago, a Greek named Heraclitus of Ephesus described the task of organized society as follows:

> To combine that degree of liberty without which law would be tyranny with that degree of law without which liberty would be license.

Governments, in the tradition of Western civilization, are engaged in the continuous search to find and preserve that delicate balance—the balance between tyranny and license, between autocracy and anarchy.

Government exists to protect minorities against oppression by the majority and also to protect the majority against the enthronement of any minority.

It is the duty of Government to curb the excesses by which any one element of our society would aggrandize itself at the expense of society as a whole and assert its own rights in a way that inhibits the rights of the public at large.

It is a concomitant of freedom that no single entity of society may become too powerful or set itself above the people and their elected representatives.

In the time of Thomas Jefferson it was the specter of a state church whose power over government was feared, and that power was curbed.

In the day of Andrew Jackson, it was the Bank of the United States which had assumed economic power over the Government itself, and exercised a stranglehold upon the economic windpipe of the Nation. That power was curbed, and greater economic freedom resulted.

In the era of Theodore Roosevelt and Woodrow Wilson, the monopolistic trusts and the private utilities had grown too powerful and their power was restricted by Congress.

In the 1930's it was the employer, big business, whose power was curbed to create greater freedom for employees, and in the 1940's and 1950's, the power of organized labor was restricted to redress the balance.

Today television has assumed great power over the American people. Congress enacts laws to require "truth in advertising." Hardly anyone suggests it is an invasion of free expression to protect the consumer from being purposely misinformed.

Hardly anyone contends that Congress impaired that freedom guaranteed by the first amendment when it inquired a few years ago into rigged television contests and dishonest network quiz shows. Everyone accepted the right of Congress to protect the public from deliberate deception. Nobody called that exposure of dishonesty a theat to freedom of the press.

Today the three television networks contain the most powerful group of men in the United States. They are not elected by the public. Yet they increasingly control the gates through which the public may get its information.

The networks are not licensed as local stations are licensed and required to live up to certain standards in the public interest. Yet local TV stations throughout the Nation are dependent upon the networks for 90 percent of their prime time program material.

By their coverage, or lack of coverage, the networks can make or break a public cause, an individual reputation, a political candidate, an administration, perhaps even a form of government hallowed by centuries.

By their selection and treatment of news, the three networks are in a historically unrivaled position to mold the minds and control the impressions of many millions of Americans.

If the networks determine to emphasize only one side of a public issue and feature primarily those whose opinion conforms, then that is the side to which most Americans will be most favorably exposed.

If the network commentaries lie or distort the truth, a large segment of the American public is without defense to know the truth.

"Ye shall know the truth" promise the Scriptures, "and the truth shall make you free." Yet how shall we be free if we are told untruth, and none is given equal voice in the same public forum to dispute it?

Freedom of the press is quite distinct from monopoly of the press. One is the antithesis of the other. Monopoly itself implies censorship. Freedom of the press was written into the Constitution to protect against a monopoly of information by government. Is it somehow less dangerous, or less insidious, if that monopoly and censorship be exercised by private individuals not answerable to the public?

Thomas Jefferson said:

> Error of opinion may be tolerated so long as truth is free to combat it.

Yet how can truth be free if a powerful television network refuses to tell the public through its Congress what that truth may be?

Our whole system of self-government is predicated upon the assumption that the public, given ample opportunity to hear all sides, will choose wisely.

Today a mighty television network stands accused of having manufactured news, of having fraudulently staged events, of having purposely distorted an important interview by cropping answers and juxtaposing them to other questions and thus deliberately misleading the public as to what actually was said.

This is a serious charge.

If it be true, is it any more defensible than the discredited political practice of cropping and doctoring photographs so as to give a false impression?

And if the charge be untrue, then does not this powerful network owe to its own honor, and to the American public from which it earns its profits, the responsibility to produce the unedited film and demonstrate that the charge is untrue?

Does freedom of the press imply a freedom to lie, or a freedom to malign, or a freedom to engage deliberately in factual misrepresentation? I think not. Courts have held that it does not.

Freedom of speech and of the press would surely seem to imply the right of the public, through its duly elected Representatives, to know and hear the truth.

What Congress is asking CBS to answer for today is not its opinions, whether they be right or wrong, but whether they have told truth or falsehood to the American public.

Given the unprecedented power of network television in our contemporary society, it would seem that Congress has not only the right but the clear duty to do so.

Mr. DANIEL of Virginia. Mr. Speaker, this vote today will decide whether the national news media is free to censor the news and resort to distortion with impunity—or whether this same media of the Nation has an obligation and duty to report the news fairly and impartially.

Freedom of the press and freedom of speech is the issue—and the question is whether the American people will be protected from distortion and become the victims of controlled news.

Mr. BOW. Mr. Speaker, I would like to discuss very briefly what I believe is the heart of this very difficult matter. My point is that the very nature of the controversy before us illustrates the wisdom of the Founding Fathers in setting forth freedom of speech and freedom of the press as extremely important foundations upon which our system of government would rest.

None of us would question the sincerity and dedication of the chairman of the committee bringing this citation to us but in all fairness we must also note that these are matters of opinion and judgment which are at least debatable. I believe we also have a duty particularly to recognize that the Federal Communications Commission—the agency established by the Congress to oversee broadcasting—has also thoroughly examined the same allegations considered by the investigating committee. And the Communications Commission has arrived at a very different conclusion.

In its letter to the gentleman from West Virginia, dated April 28, 1971, the Communications Commission reiterated its policy that it will intervene in news or documentary programs where there is extrinsic evidence of deliberate distortion. But the Commission unanimously found that such was not the case in the program in question here. And the Commission added that, lacking evidence of deliberate distortion, for the Commission to assume the role of arbiter over journalistic judgment would be, and I quote, "inconsistent with the first amendment and with the profound national commitment to the principle that debate on public issues should be 'uninhibited, robust, and wide open.' "

Now these widely different conclusions

by two investigating groups, both unquestionably sincere and dedicated, clearly demonstrate that we are dealing here with difficult matters of judgment about which reasonable men will have many different shades of opinion. In the classic phrase of the Communications Commission, and I quote again:

To review this editing process would be to enter an impenetrable thicket.

My point is that this is a thicket which the Congress need not and should not enter. The Founding Fathers, in writing the first amendment, had precisely such a situation in mind. Certainly the press in those days was far more violently partisan and opinionated than is generally true today. Most journals in those days were published specifically to advance a cause or party, and slander and diatribes against opponents were the order of the day in the press. Yet in circumstances far worse than any that have been suggested or alleged here, the authors of the first amendment established once and for all that the people should be the ultimate judge, and the Congress should not and must not exercise surveillance over the press.

So the crucial question here is not whether this program was right or wrong in every detail, or even in its broad sweep. I have my personal doubts about the program, but that is not the issue.

The first amendment dictates that this is where the matter should rest. The first amendment dictates that the Congress, neither by legislation nor by investigation, should enter the "impenetrable thicket" of sitting in judgment upon the press and thereby inevitably exercising influence over the press.

For these reasons, I must respectfully conclude that the subpena issued by the investigating subcommittee was an unfortunate overstepping of the principles of the first amendment, which are vital to our democracy. Whether Members of this body fully share in this view or not, certainly this is not a situation so clear that we would be justified in taking the unprecedented step of holding the network in contempt of Congress.

My vote should by no means be considered as an endorsement of CBS News or its policy. I do not approve the slanting of news or the one-sided presentation.

I wish I might support the very fine and able chairman, the gentleman from West Virginia (Mr. STAGGERS), he is a fine American and patriot. I have reached my conclusion on this matter with reluctance but I think it is right and I can do no less.

Mr. LEGGETT. Mr. Speaker, I oppose the contempt motion primarily on the grounds that the Congress has no business setting itself up as the arbiter of truth in the news media. We can require that the media provide equal time for opposing views. This has already been provided by CBS in this case. But to say that we can judge whether CBS was or was not truthful—this is nonsense. Such action would be incompatible with a democratic society. It would be incompatible with the first amendment. Moreover, it would be just plain ludicrous, considering the dismal record of untruthfulness the Government has accumulated over the past few years. The people must judge for themselves. If a network loses its credibility, it will also lose its position in the marketplace.

This is my main objection to the resolution. I believe there are also three secondary reasons why the resolution should be voted down.

First, the outtakes are not the public's business, any more than is a rough draft of the speech I am giving right now. What counts is the final product that is offered for public consumption.

Second, the outtakes in question are simply filmed versions of a speech and an interview which are already available to us in transcript form. The committee report maintains there is some mystical difference between the film and the written transcript of Mr. Hankin's interview and Colonel MacNeil's speech. For my part, I must say I am unconvinced.

Third, none of the evidence I have seen demonstrates that the program committed significant distortion in the first place. It is true that Colonel MacNeil was depicted as advancing a rather primitive and extreme form of the domino theory, when in fact he was merely quoting Prince Souvanna Phouma. This was undesirable and regrettable. But at a later point in his speech, the colonel advanced a similar statement as his own view. So I do not see how we can say he was misrepresented. I understand the colonel feels otherwise, and is suing CBS. Fine. Perhaps the courts will agree with him. This is a matter for the courts, not for Congress.

Finally, Mr. Speaker, I must say I fear today's vote may be decided, not on the issue, but on the basis of congressional courtesy. We have a tradition of supporting the committee chairman in matters such as these.

If such is the case today, it would be most regrettable. It would confirm the popular feeling that the Congress exists not to serve the people of the United States, but as a gentlemen's club run for the benefit of its members. Moreover, the citation will almost certainly be overturned by the courts, making us look foolish as well.

So I hope we will serve ourselves, the people and our national tradition of freedom of speech and the press by voting down this contempt motion.

Mr. BROTZMAN. Mr. Speaker, I oppose issuance of the contempt citation and accordingly vote to recommit the resolution, for these reasons:

First, the issuance of the citation would be an unconstitutional act barred by the freedom-of-the-press clause of the U.S. Constitution. Supreme Court cases have extended this provision to television and radio on virtually the same basis as newspapers.

Two, the issuance of the subpena by the subcommittee was unnecessary in the first place, because the subcommittee already has the full text of the principal items that were edited for preparation of "The Selling of the Pentagon." These transcripts provide the Commerce Committee with what it needs to know if it chooses to draft new legislation to prevent network deception in the future.

Mrs. SULLIVAN. Mr. Speaker, I think we are caught in a tangle here between the committee's broad powers to oversee the operations of the airwaves, on the one hand, and its prestige or "face" when confronted with a refusal of a witness to provide information the witness sincerely believes is protected by the first amendment. As I read the committee report and the various dissents, I believe it has been clearly established in "The Selling of the Pentagon" investigation that answers to a specific question, or statements made in a speech somewhere, were edited into the film to appear to be answers to a completely different question, and out of sequence. I think most of us would regard that as an abuse of news freedom.

But is there any law this Congress could pass which would require every news program and every news documentary to be scrupulously honest and scrupulously fair and objective? If we were to attempt to write such a law, and it went into effect, it would, I am sure, be quickly struck down by the courts.

The refusal of CBS to supply certain material not used on the air in the broadcast in question has in no way prevented the committee from determining that the program was, in some respects, probably deceptive. The alleged deceptions have been fully exposed. CBS has announced it is changing its policy on news presentation to avoid deceptions charged in this instance. Any other network or television station would now hesitate, I am sure, to risk exposure for using similar techniques.

The committee, then, by this investigation, has accomplished a primary goal of warning the broadcast news media that the public has a right to know when it is in danger of being manipulated by deceptive film editing in news broadcasts' so-called doctored news.

CASE DOES NOT AFFECT COMMITTEE'S POWERS TO LEGISLATE

But each news editor or producer and their employers must make their own determinations as to what is truth or fact, and how to present it. And they are subject to as much criticism as any Member of Congress or committee of Congress, or the Vice President, or competing media, may wish to make of their judgment, fairness, and objectivity. The television stations themselves exercise independent judgment as to what network presentations they will air, knowing that if a program is designed deliberately to mislead or defraud the public as to the facts, the station which uses it is subject to discipline at license-renewal time or under the fairness doctrine. CBS is being sued for damages as a result of "The Selling of the Pentagon" and this case will give the courts the opportunity to decide questions a majority of the House Committee on Interstate and Foreign Commerce has raised about the truthfulness of the broadcast.

I realize that the committee's main purpose in seeking a contempt citation is to have the courts also decide the limits of congressional power in compelling testimony or the presentation of subpenaed documents in matters relating to the use of the airwaves. But the committee would have to show the need for this material for a clear legislative purpose, and

as I said, I do not see how any law could be written, based on the record in this case, which could limit a broadcaster's right to decide what is news and how it should be presented.

Exposure of abuses is one thing—and any abuses in this instance have been exposed. Future abuses similar to those charged in this case can also always be exposed—and undoubtedly will be. I shall vote against the resolution for a contempt-of-Congress citation in this case because I do not think this case could make an iota of difference one way or another in the committee's actual powers to deal with news broadcast abuses by law.

Mr. MOORHEAD. Mr. Speaker, I would like to introduce at this time a letter sent to me by Sigma Delta Chi, the national journalism fraternity, which strongly opposes the action of the Interstate and Foreign Commerce Committee in citing CBS in contempt of Congress.

I expect to vote against the committee and hope that a majority of my colleagues also vote against this dangerous precedent-setting efforts to deny CBS its first-amendment rights.

I am particularly concerned about the issues involved here because the Foreign Operations and Government Information Subcommittee, which I have the honor of chairing, just completed a series of hearings in which freedom of the press was the paramount issue.

If the Members of this body are truly concerned about the free flow of information and attempts to distort reality, there are far more fertile fields to explore than the "Selling of the Pentagon" show.

Although I do not believe that the media should have no restraints whatsoever in publishing, recording, and televising, I believe that this Nation will fare far worse from overregulation of our press than from an occasional abuse carried out by our press.

It is better to have too much freedom than too little.

The letter follows:

SIGMA DELTA CHI,
PROFESSIONAL JOURNALISTIC SOCIETY,
Chicago, Ill., July 8, 1971.

Open Letter to the Members of the House of Representatives:

Sigma Delta Chi, with a membership of more than 21,000 journalists throughout the country, urges you to kill the contempt citation recommended by your Commerce Committee against CBS and its president, Dr. Frank Stanton.

Approval of the citation would be a severe blow to our cherished, constitutionally guaranteed freedom of the press, of which broadcast journalism is an integral part. Such action, endorsing efforts of governmental officials to snoop into non-broadcast material, would serve to intimidate and harass all newsmen in the future.

Sigma Delta Chi takes this occasion to reaffirm its stand against any interference with the crucial role of the news media in freely presenting information to the American people. Fishing expeditions such as the one undertaken by the Commerce Committee must be stopped if constitutional liberties are to be preserved.

Mrs. MINK. Mr. Speaker, I rise to join my distinguished colleagues who have registered their opposition to the motion by the Committee on Interstate and Foreign Commerce to cite CBS and Dr. Frank Stanton for contempt of Congress. I regard a vote for the contempt citation as a grave infringement upon the fundamental right of freedom of the press, as guaranteed by the first amendment of the Constitution.

Freedom of the press is essential for democracy, and therefore we cannot allow a controversy over editing ethics to justify governmental surveillance of the news media. The question before us today does not concern the propriety of the CBS documentary. It is, rather a question concerning the propriety of Congress to engage in acts constituting surveillance of the press. It is not the function of the Congress to use its ominous powers to seek to determine the truth or falsity of a documentary. To engage our powers in this search is an unwarranted intrusion which clearly violates the basic tenets of the Constitution.

The argument that freedom of the press under the first amendment does not automatically extend to television and radio because use of the airwaves is a Government-regulated franchise is a tenuous one. The authority of Congress and the Federal Communications Commission is purely organizational, designed to spare us from chaos on our television screens. There can be no distinction between the printed and nonprinted news media insofar as the constitutional guarantee of freedom of the press is concerned.

The first amendment expressly provides that Congress shall not act to restrain freedom of the press. We do not solve the problem of distortion in the press by abrogating the rights guaranteed in the Constitution. The only way to provide for a responsible media is through encouraging the free exchange of ideas in a free press.

I respectfully urge a vote against the committee's motion.

Mrs. ABZUG. Mr. Speaker, I rise in opposition to the resolution. The principle of freedom of the press, which won a signal victory in the recent Supreme Court decision, today faces another major test.

I think that it is imperative that we all take a good, close look at exactly what it is that this resolution proposes. What it boils down to is that the committee wishes to review the way CBS put together and edited this specific documentary—in other words, the committee wishes to judge the documentary by its own standard of truth.

No account of events is ever made without an editing procedure. Judge Learned Hand spoke to this point when he said:

> News is history; recent history, it is true, but veritable history, nevertheless; and history is not total recall, but a deliberate pruning of, and calling from, the flux of events . . . a personal impress is inevitable at every stage; it gives its value to the dispatch, without which it would be unreadable.

For Congress to attempt to look over the shoulder of a newspaper, a television network, or anyone else exercising the freedom of the press, constitutes a giant step toward control over the content of the message, for one cannot simply separate the manner in which a program is edited from the content of that program.

The outtakes which the committee demands are the equivalent of the news reporter's notes which were protected from subpena in the *Caldwell* case. The Court of Appeals decision in the case of Metromedia against Rosenbloom, recently upheld by the Supreme Court, says:

> No rational distinction can be made between radio and television on the one hand and the press on the other in affording the constitutional protection contemplated by the First Amendment.

Regardless of the way it is being presented, this resolution is in fact an attempt at intimidation of the press. It would exert a chilling effect on the networks. That is precisely its intent. All the evidence at hand indicates that the subpena was not issued as part of a legitimate investigation for the purpose of framing constitutional legislation, but in a misguided attempt to put the networks in their place.

By its control over the sources of information, the Government has great power to decide what we shall know or not know. Only years after their making—and even then over the vehement protests of the administration—are we finding out some of the basic facts and circumstances about Vietnam policy decisions. Propaganda practices like those discussed in "The Selling of the Pentagon" add to this power.

In these critical times, the role of the press as a counterbalance to governmental power is especially vital. Even if we had the power to regulate in this area—and I do not believe that we do—the danger of governmental distortion of the truth and governmental intimidation of those who would report it is far greater than any danger posed by possible distortions of truth in reporting the news.

Mr. TERRY. Mr. Speaker, a vote will soon be taken by this House on the contempt citation against CBS. It is a vote of historic importance; one which I personally regret is necessary.

An attitude is developing in this country that the Government cannot withstand the glare of publicity. In the past months, several major issues have arisen which have prompted either Executive or legislative action to restrict the flow of legitimate information to the general public.

We are creating an atmosphere of censorship which can only work to the disadvantage of the Congress, and the American people.

The core issue is the independence of the editing processes used by CBS personnel. The charge against the network is that they did not present all of the material in an objective fashion.

The mere process of editing is a subjective matter, for the determination must be made of what is newsworthy, interesting, and stimulating for the viewers.

Through the vehicle of a contempt citation an attempt is being made to restrict the freedom of editing. Any individual in public life would prefer to have a veto over what 30-second clip of

a 15-minute speech is used for quotation. But, we cannot do so, nor should we be permitted to do so.

This Nation has at times been indebted to courageous journalists who have withstood tremendous public pressures in order to report events in a different light than our Government at times would have preferred.

This is the job of any journalist whatever his medium of communication.

Considering the legal ramifications of the contempt citation, additional reason is given for the defeat of the contempt citation.

The first amendment is clear that Congress shall make no law which will infringe upon the freedom of the press.

The contempt citation is in effect infringing for its attempts to compel a major network to justify the manner in which it edited its film and videotapes.

Broadcast and printed media were recently placed on the same footing through the Supreme Court decision of *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S.L.W. 4694 (June 7, 1971).

Mr. Justice White stated in a concurring opinion in support of the decision:

> The first amendment gives the press and the broadcast media a privilege to report and comment upon the official actions of public servants in full detail.

Reporting that full detail includes the shortcomings as well as the strong points; the failures as well as the triumphs. We cannot afford to limit the information to the people or we shall surely limit our capacity as elected representatives of the people.

If a judgment is necessary on the objectivity of the networks, let the people be the judge.

We place our future in their hands every 2 years. Surely, the quality and scope of the broadcast media will not suffer if it is put to the same test.

Mr. HARRINGTON. Mr. Speaker, today we are considering a resolution which never should have reached this floor. If the House votes to cite the Columbia Broadcasting System and its president, Dr. Frank Stanton, for contempt, we will be perverting the legislative process and setting a precedent which can only lead to further erosion of the first amendment.

In opposing this resolution, we are not just protecting the rights of CBS and Dr. Stanton—although they are the issues before us—rather, we are protecting the rights of a nation to benefit from unfettered journalism. The Court said in Grosjean against American Press Co. in 1936:

> A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves.

The news and the men who report it must have the greatest leeway if the Nation is to be informed. The Congress must never become an editor. This is simply not our business.

The Court has often spoken of "the chilling effect" which would result from governmental interference in the news. If a newsman had to ponder each time he sat at a typewriter whether he was risking his right to publish, how safe would the first amendment be? That is the issue before us today. A major network broadcast a documentary, "The Selling of the Pentagon," which criticized the Department of Defense. Now, the network and its president face a contempt citation. And for what purpose? Because Dr. Stanton refused to furnish the Subcommittee on Investigations with outtakes—unused film from the broadcast—one would think that the texts of the interviews in question were otherwise unavailable. Yet, anyone who wishes to can read the entire interview with Assistant Secretary of Defense Daniel Henkin in the March 8 CONGRESSIONAL RECORD; so what is the reason for demanding the outtakes?

The quotes CBS chose to use in its broadcast were not the quotes Secretary Henkin might have preferred or individual Congressmen might have preferred, but editing has always been within the jurisdiction of the media. The specter of Government stepping into news judgments is all too apparent. The subcommittee's legislative purpose was to determine whether "distortions" or "editing practices," as Chairman HARLEY STAGGERS described it, gave false impressions to the American public. That purpose is merely another way of saying legislative surveillance.

Where news is concerned, the print and broadcast media must be on an equal footing, a position recently affirmed by the Supreme Court in Rosenbloom against Metromedia when the libel laws established by New York Times against Sullivan were applied to a radio station. Why then is a network president facing a citation for contempt when the same charge would never be considered against a newspaper editor? There is no longer any legal reason to perpetuate this double standard.

The subcommittee contended that since stations must apply to the Federal Communications Commission for a license, they are in a special category. But where news is concerned, there can be no special category. FCC licensing procedures promote efficient use of the airwaves—not editorial policy. The FCC has, however, determined that CBS complied with the fairness doctrine when it later broadcast a program allowing the documentary's critics to express their opinions.

What, in fact, did Dr. Stanton do to invoke the ire of Chairman STAGGERS' subcommittee? Did he fail to attend the hearing to testify? No; he appeared June 24 for 4 hours and answered questions on editing practices, but Dr. Stanton correctly drew the line by refusing to submit unused film just as any conscientious publisher would refuse to supply his reporters' notebooks. Nor has CBS taken legitimate criticism lightly. After a year's research, the network issued new guidelines designed to improve its documentaries. Good journalists are their own severest critics. I suggest CBS is following that tradition by reforming from within. The network needs no help from us amateurs.

I disagree with my colleagues who say "The Selling of the Pentagon" was a deceptive documentary. No one has come forth with legitimate examples of inaccuracies in substance. The documentary raised very serious issues, issues which deserve far more debate before this body than the editing procedures. Why has no one asked if the Pentagon budget can justify so much money for public relations? That is the question this Congress should be considering.

I urge my colleagues to vote against this resolution because it is inherently wrong for Congress to interfere with the news. It is true that CBS will lose if this resolution passes, but Congress will be the bigger loser for passing this folly because it will, I believe, be correctly dismissed in the courts. Congress has no business in this matter. The only action we can take in good conscience is to vote against this bill. That is our only choice.

Mr. McKAY. Mr. Speaker, it is my intent to vote against citing Frank Stanton and CBS for contempt of Congress. I will do this because I hold the freedom of the press to be so essential to the health of the American system that I could not do otherwise. I am mindful of the words of Thomas Jefferson in 1787:

> The basis of our government being the opinion of the people. The very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter.

In deciding to vote against the citation, I do not mean to imply that I approve of the documentary, "The Selling of the Pentagon." I believe one's views about the merits of that program are irrelevant to the issue before the House in the Stanton case. As John Stuart Mill pointed out in his famous essay "Liberty":

> We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.

Having expressed my deep commitment to the principle of freedom of the press, I should like to state that there remain a number of questions troublesome to me. The issues involved here are by no means as simple as the partisans on either side have tried to draw them, and I should like to state my concern about these unresolved problems.

Many are concerned about upholding the authority and prerogatives of the House, and in particular, about protecting its subpena power so vital to the process of legislative oversight. This concern is valid and would be, to me, highly persuasive were constitutional issues not involved. Circumscribing governmental prerogatives, after all, is one of the most basic purposes of the Bill of Rights.

What concerns me far more is the corollary to the previous argument, namely that Congress needs to be informed in order to carry out its responsibilities. Mr. Stanton recognized, apparently, that it was legitimate for Congress to inquire into the processes and articulated standards which CBS has adopted in general, and he provided information on these points willingly. His objection was to any discussion of the editorial decisions made in any particular case. His statement was:

I shall, however, do my best to answer questions of the Subcommittee which do not seek to probe so deeply into the news process as to reach specific journalistic practices or the editing of particular broadcasts. The line is a difficult one to draw.

I suggest that the line is not just difficult to draw but may be entirely artificial. Courts have long since learned that you must look beyond articulated propositions to their effects on particular people, beyond the words of the laws to the application of the law in specific cases. Courts recognize that what is appropriate in form may not be allowable in application.

If the practices of the broadcast media are a legitimate concern of the Congress, then the examination of those practices as applied in specific circumstances is inescapable. In making my decision, I have demonstrated my belief that the House should not call upon a journalist to justify his position. But I do not believe that the Congress must acquiesce whenever the press speaks. I believe it entirely appropriate for committees of this House to conduct investigations and, from its own sources, refute whatever criticism it considers invalid and reveal whatever bias and unfair practices it may find on the part of the media.

Most troublesome to me is a fear about the condition of the broadcast media in the country. I have previously quoted John Stuart Mill. Certainly his statement in "Liberty" is among the most eloquent and well reasoned of all the arguments in behalf of freedom of expression. Central to his thesis is the concept of "Free Market of Ideas" in which, eventually, the truth will prevail against competing statements.

The argument for freedom of the press is the same. Such an argument, however, presupposes competition among those in the same media and among the media themselves. The "Free Market of Ideas," like the economic free market, ceases to function efficiently when competition is limited by oligopoly or monopoly. Traditionally, the Government has been considered the gravest threat to freedom of the press. But it is not the only threat. It is not inconceivable that the control of mass media would fall into so few hands that a small group, outside of Government, might be able to control the vast majority of the information disseminated in this country.

There are those who say we have reached that point today, who argue that the members of the broadcast media cannot make each other accountable to the truth because they are so few, and their interests so parallel. If that is the case, it is argued, only the Government can call networks to account.

I think it important that networks listen to that argument, not out of fear of Government control, but out of a proper respect for what we mean by a free press. I believe that they must continue to probe, to examine, to speculate, to report, and to refute not only the statements of the Government, but also the information purveyed by their fellow journalists. Only then can freedom of the press mean what Jefferson and Mill understood it to mean.

I do not believe the press has yet reached this state of irresponsibility, and if it had, the kind of demand made upon Mr. Stanton would not be the appropriate way to correct the problem. But the press must be accountable, not to the Government, not even to the people, but to the truth as it is revealed through free exchange of diverse ideas.

Finally, I should like to point out that freedom of the press is not only an essential element of free society, but a free society is essential to a free press. The government which protects a free society protects also the free press and the system which makes that government function deserves the allegiance of those who benefit from it.

The Government relies upon the press to disseminate its decisions and to maintain lines of communication between the people and their representatives. I would hope the press understands this reliance and the responsibility which it imposes upon our media. I have every reason to be proud of the work which has been done by American journalism, but it is not remiss to remind the press of its continuing responsibility to provide ethical standards for itself and to protect the system of freedom without which the free press would be unprotected.

Mr. ANDERSON of California. I rise in opposition to the motion to cite CBS President Frank Stanton for contempt of Congress.

My able friend, the gentleman from West Virginia (Mr. STAGGERS) has acted in good faith and I do not argue that the editing methods of broadcasters are always in the best interests of the people of this country.

Obviously, all of us want what is best for all of the people. But, to me, the threat of Government intimidation or censorship works counter to our objectives—an educated and vigilant citizenry. A free, inquiring press guarantees the people's right to know what its government is doing—why, where, and how the government operates. To censor, bridle, or control the views of the news media is to deny the people the facts that they must have to formulate opinions, and to choose their representatives.

I strongly believe that the people's right to choose—to select—the news they wish to read, see, or hear, is, by far, the best method of controlling the media. For if the public is appalled, or incensed by the media, then it will turn to other sources for its news.

I feel far safer getting my news and views direct from the wide choice of independent voices available to us than I could under a system of censorship from any level of government, however well intended.

Mr. Speaker, the threat of public disbelief, the threat of a lapse in credibility, should be the restraining force over the media and its commercial sponsors—not legal action that might tend to bridle the media in its attempt to cover the news.

Mr. WOLFF. Mr. Speaker, I rise in opposition to House Resolution 534, citing CBS and its president, Dr. Frank Stanton, for contempt of Congress. As my colleagues know, this contempt citation arises from CBS' and Dr. Stanton's refusal to turn over film materials and other information regarding preparation of a CBS documentary, "The Selling of the Pentagon."

I must oppose this resolution for a number of reasons. In the first place, I feel that the power of subpena should be used by congressional committees only when there is no other way to acquire specific information needed for a committee investigation. In this case, it seems clear from the record and from the minority views in the report on this resolution that all of the information which the Interstate and Foreign Commerce Committee needs to legislate in this area is available.

Even assuming that the program on "The Selling of the Pentagon" was deliberately edited to achieve deceptive results—in which case the committee's inquiry into the editing might be justified—there would still be a question about whether it is necessary to subpena the outtakes in order to determine the extent of such editing and complete the committee's inquiry. I might suggest at this point that, should the networks decide to broadcast outtakes including remarks by Members of this body, many of my colleagues might take exception to this decision.

Use of the subpena was not necessary in this case, and its use can only be construed, as the minority views point out, as "arising from a concern for establishing 'what is truth' by a governmental action." This kind of governmental inquiry into journalistic judgment—which was clearly rejected by the FCC—is unwise.

In short, it seems to me that the subpena issued by the committee, in the absence of any clear legislative purpose and without reason to believe needed new information could be gained by the subpena, is in obvious conflict with the first amendment. The committee investigation was clearly being carried out in an attempt to exercise a highly questionable congressional power to judge whether TV news is factually true—a judgment which cannot be rendered without interference with the constitutionally protected rights of journalists.

The first amendment protection of freedom of the press was intended, at the time it was written, to provide full protection for the print media—for radio and television had not yet been devised. However, we must treat broadcast journalism as having the same first amendment rights and protections as newspapers. Although there has been licensing of broadcasting to assure fair use of the public airways, it has not extended to Government oversight of editorial and news judgments, but has been to make sure that all sides of an issue were fairly presented. Extension of Government oversight beyond enforcement of the fairness doctrine would be a clear infringement of CBS' first amendment rights.

With regard to "fairness," I would like to point out that the committee report on this resolution was unavailable until after the session began today—and then only in limited quantity. This is not a fair or reasonable approach to the legislative process, in my judgment.

I urge my colleagues to oppose this contempt citation, for I believe that

the first amendment rights of broadcast journalism—now the primary source of news for millions of Americans—must be protected. Any infringement on those rights, such as that now proposed by the committee, would be unconscionable and, indeed, dangerous, in that it might lead to subsequent censorship of this and other media. This is a risk this Nation cannot possibly afford.

I would like to bring to the attention of my colleagues a recent editorial broadcast by WMCA, New York:

(Radio editorial)

FIT TO PRINT

(By R. Peter Straus)

JULY 3-4, 1971.

The Supreme Court's decision that the Pentagon papers are fit to print is a solid enough victory for law and for common sense. The Court confirmed that the Bill of Rights means what it says—that Congress shall make *no* law abridging the freedom of the press.

But the Court's decision has not ended the state of undeclared war between the press and the politicians in this country. In fact, the day after the decision was handed down, a congressional committee voted contempt charges against CBS TV network and its president in another battle over freedom of the press.

The committee's chairman, Congressman Harley Staggers, wants to see the material CBS didn't broadcast in a documentary called "The Selling of the Pentagon". He says radio and TV newsmen don't have the same freedom that reporters have in print.

If that's true, we've taken the first step toward full-time government censorship. Your right to know shouldn't depend on whether you read the news—or hear it.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the House Commerce Committee resolution citing CBS and its president, Dr. Frank Stanton, in contempt of Congress. I regard the adoption of this resolution as the first step in repressing and muzzling the news media.

This move contains the seeds of McCarthyism and would lead us into an era of intimidation and congressional arrogance. A revival of McCarthyism would result in a serious collapse of the American system of checks and balances and damage our rights to free speech and free press.

When the House Commerce Committee subpenaed materials unused or edited out of the news documentary "The Selling of the Pentagon," I wrote to the committee chairman on April 29, the following:

I am concerned that the House Interstate and Foreign Commerce Committee may unknowingly be contributing to the growing hysteria surrounding alleged threats to free speech and protection from unreasonable search . . .

If permitted to continue, these activities of certain governmental agencies could induce a state of fear in this country only to be matched by the awesome year of the McCarthy era.

It is my hope that your Committee will reconsider this action in the light of the great threat it poses to the continued reputation of your Committee and the House as defenders of our basic individual freedoms.

I do not regard the original and the current subpena as serving any valid legislative purpose. Congress has no place setting editing standards for broadcast news in violation of the first amendment.

In the recent Rosenbloom against Metromedia decision, the Supreme Court ruled that the first amendment covers broadcast journalism as well as newspapers. Like newspapers, the broadcast media is only liable where actual malice or reckless disregard for truth is proven. The broadcast media is also subject to the fairness doctrine requiring that all sides be presented. CBS fulfilled this obligation on two follow-up programs; aired on March 23 and April 18.

Congress should not attempt to set standards of truth in the production of news programs. This is a very hazardous undertaking, since it would impose one man's perspective of truth over another's.

As Dr. Stanton testified before the House Commerce Committee on June 24:

What we do object to is being subjected to compulsory questioning in the governmental inquiry, expressly intended to determine whether this or any other CBS news report meets Government standards of truth.

The committee argues that the TV outtakes under subpena are not the same as reporter's notes, and therefore not protected by the first amendment. I disagree with this distinction. Broadcast like print journalists have their own manner of taking notes—film, videotapes, and sound recordings. Whether in print or broadcast, the journalists or reporters first gather their news materials, then edit and present their stories or news programs in compressed form. Personal judgment and choice enters at every step of the news process, and confidentiality of material as well as sources needs to be protected.

There has been a few court rulings on TV outtakes. For instance, the reporter's privilege laws in New York and other States protect both print and broadcast journalism. State courts in New York, Illinois, and California have invalidated subpenas for TV outtakes on statutory and, in a California case, on first amendment grounds.

The meaning of the first amendment is to encourage a free flow of ideas and views, and to prohibit Government from setting standards of truth for free speech and free press. In the *Caldwell* case of 1970 the Supreme Court recognized that:

The very concept of a free press requires that the news media be accorded a measure of autonomy; that they should be free to pursue their own investigations to their ends without fear of governmental interference.

The press, the news media, serves as a critic and analyst of our society and governmental process. To muzzle it by rules governing news content is to make it a subservient press. This can only lead to a general weakening or decay of our basic freedoms, particularly free speech.

There is a risk in having a free press; it may act irresponsibly. But we should take that risk if we are to remain a free society. James Madison understood well the dangers of a free press but warned against attempts to correct the excesses.

He wrote:

That this liberty is often carried to excess; that it has sometimes degenerated into licentiousness, is seen and lamented; but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied . . .

However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America.

I believe we should adopt Madison's pragmatism and not attempt to remake the Constitution.

Mr. DULSKI. Mr. President, I support the privileged resolution offered by the gentleman from West Virginia (Mr. STAGGERS), the distinguished chairman of the Interstate and Foreign Commerce Committee.

I feel that the network had a responsibility to respond to the committee subpena. I believe the committee was justified, in its oversight responsibility, in insisting that the network comply.

Having received a flat refusal to comply, the committee voted a contempt citation. I support the action of the committee majority.

Mr. Speaker, as part of my remarks I include a column from the Buffalo, N.Y., Courier Express by William F. Buckley, Jr.:

STANTON VERSUS CONGRESS

(By William F. Buckley, Jr.)

Here is the background. CBS produced a brilliantly effective documentary called "The Selling of the Pentagon." Its thesis is that the Pentagon does a lot of PR work, which I found about as surprising as Mr. Agnew's revelation that the networks tend to show a leftward bias. The issue was then raised, and intelligently discussed, whether the documentary had engaged in rather unusual distortions. Any polemical account of anything engages in what one might call distortions, i.e., the stressing of one set of points, and the understressing of another. But it was charged that CBS did more: That the producer took words uttered by a Pentagon official in answer to one set of questions, and appended them to a different set of questions, so as to give the viewer the impression that said Pentagon official was being very perverse and very unresponsive.

At this point a congressional committee began to take an interest in the case, and notified CBS President Dr. Frank Stanton that it desired to see all the film that had been taken, from which the final had been put together. To this indelicacy, Dr. Stanton replied no, citing the freedom of the press. And, indeed, no journalist gladly permits others to see his notes, no artist his early drafts. But Rep. Harley Staggers of the House Commerce Committee turns out to be a tough hombre, and he promptly subpoenaed the CBS rushes. Dr. Stanton refused to produce them, whereupon the subcommittee voted to find him in contempt, and now the senior committee, by a two-to-one vote, concurs and the House of Representatives will be asked to say yes or no.

Dr. Stanton, who is the soul of honor, insists on reducing the conflict to generic terms. "All this boils down to," he said, "is one central and vital question: Is this country going to continue to have a free press, or is indirect censorship to be imposed upon it? The issue is as simple as that."

But surely the issue is not as simple as that. It is more complicated than that. Rep. Staggers, who by the way is a Democrat, put it this way, in answering Dr. Stanton: 'This is the most powerful media we have in America today and you talk about 'chilling effect' . . . Where there is untruth put over these networks, they can control this land, and you know they can." Rep. Clarence J. Brown came to the defense of CBS, if not exactly in just the way Dr. Stanton would have liked. "CBS has a right to lie," said Mr.

Brown, "and does so frequently." But then Mr. Brown suggested that CBS should devise its own safeguards against a repetition of such distortions as the Pentagon commentary was guilty of. "It is not up to me to decide what's untruthful, biased and slanted, but if Frank Stanton doesn't wake up to the fact that he has a responsibility to the American people, the people will take care of him—or we will take care of him some other way."

Surely Congress is making its own simple point, which is that broadcast licensees, unlike newspaper publishers, are already regulated as it stands, via such articles as the Fairness Doctrine, and that Congress has a continuing responsibility to oversee the broad rules by which the broadcasters are governed.

As recently as in 1959, when the Communications Act was amended, Congress, in granting certain immunities to the television industry, wrote that "nothing in the foregoing . . . shall be construed as relieving broadcasters in connection with the presentation of . . . news, documentaries . . . from the obligation imposed upon them under this Act, to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

Meanwhile, deep down in the news story, one learns that CBS has just now issued a directive governing future news documentaries. "One (directive)"—to quote a summary of it—"requires that, if the answer to one question asked of an interviewed person is taken from a reply to another question, the viewer must be so advised." Those who know Frank Stanton will know that his reforms were instituted because of his own commitment to fairness. But those who don't know Frank Stanton will quite understandably belive that his reforms were instituted because of congressional pressure. And that, children, is what congressional pressure is all about.

Mr. RARICK. Mr. Speaker, I rise to support the committee and will vote to hold CBS in contempt of Congress because I believe in the right of our people to know the truth.

I cannot see where in the action today any first amendment violation is involved inasmuch as the constitutional amendment reads:

> Congress shall make no law . . . abridging the freedom of speech or of the press.

Congress, in this instance, is not making any laws but rather attempting to investigate the threats to free speech which have been brazenly manipulated by the CBS network people using licenses extended by a Federal agency.

If by the widest stretch of the imagination there has been a first amendment violation, it has been the censorship—even more than that, the willful distortion, by the CBS network operating through its affiliates, using the licenses granted by congressional authority being exploited to misinform our pepole.

There is a decided difference between freedom of speech and freedom of the press and the right to use the ether waves which are classified as being vested with a public interest and owned by all of the people and therefore supervised by Congress and the FCC.

In recent months we in Congress have beheld judicial approval of action taken by the FCC in denying licenses to TV stations and radio stations in the common interest of the American people. One such incident was the revocation of the TV license in Jackson, Miss., on grounds that it did not program its TV coverage to conform with the racial proportions of the community. None of the champions of free speech, including the right to distort TV signals here today, were ever heard to utter one word on the theory of denial of free speech to the owners of the Jackson, Miss. TV station.

And Americans have learned that the pettiness of banning the playing of Dixie and displaying the Confederate flag on TV has been as a result of guidelines from the FCC bureaucracy, without any first amendment violation cry.

Certainly, since the FCC was created by and operates under the laws of Congress and has demonstrated quasi-dictatorial powers over the speech matter and programing on TV and radio stations, it is absurd to think that Congress—charged with the responsibility of protecting the first amendment rights of the people to free speech and free press so they can be fully informed—cannot insist that CBS network, as the beneficiary of its affiliates' licenses to operate an opinionmaking monopoly, not willfully lie in what is told the people.

Many people today experience the feeling of the world as upside down. What is reported to them as being good, they find to be bad and what they are told is bad, they end up finding is good. As one consituent told me:

> I have to stand on my head to understand the new vocabulary and what is going on in America.

Those who the people are told are for war, are found to be for peace; while those who act and talk of peace are those who prolong the war and keep it from ending. Likewise, in the matter at hand, it is CBS, cloaking itself with the first amendment, who is the censor of free speech and free press and who would deny the American people the right to know.

Jesus said:

> And ye shall know the truth and the truth shall make you free.—John 8: 32

If this body does not adopt the resolution before us today, truth will continue to be a stranger in our land and the freedom of our people will continue in jeopardy.

I urge adoption of the resolution.

Mr. KOCH. Mr. Speaker, I shall vote no on this motion to cite for contempt the Columbia Broadcasting System and Dr. Frank Stanton. We have had 1 hour of debate on this issue, all that is permissable under the rules of the House—and the lines are clearly drawn.

Those who seek the citation for contempt so as to compel Dr. Stanton to provide the outtakes take the position that the Congress is entitled to see them to ascertain whether or not CBS in its documentary "The Selling of the Pentagon" told the truth. Those of us who oppose the citation for contempt take the position that it is irrelevant what those outtakes would show if they were produced.

It is remarkable how the first amendment is praised by all in the abstract but is too often denigrated in the particular. The Supreme Court has already ruled in prior cases that news broadcasts on radio and television are entitled to the same first amendment protection as is afforded newspapers. No Member of this House at this point in time would suggest that a newspaper reporter produce his notes to a congressional committee. And the fact is the courts have already decided that such a demand would violate the Constitution. The outtakes of television, which are as we know the unused film or tape, are in fact the television reporters' notes and are entitled to the same first amendment protection.

Fundamental here is the question of whether the Government shall have the right to establish a standard of truth for the press, and the press includes radio and television news broadcasts. I believe that the Government does not have the right to establish the standard—a sentiment shared by the founders of our Republic who in their wisdom established the protection of the first amendment. The recent revelations of the standard of truth used by the Government, as reflected in the Pentagon papers, demonstrate how right the Founding Fathers were.

We can all agree that errors and misstatements, and indeed on occasion false statements, have been published in newspapers and spoken on the radio and television programs of this country. But on balance the free press has kept this country free and democratic and I would not reduce its protections by one iota.

Mr. GONZALEZ. Mr. Speaker, we are here under the baleful eye of the CBS logo, talking about contempt of Congress. But the issue is really the right to know. The issue is whether someone except CBS is to be the arbiter of truth.

When a newspaper prints an error, its competition is generally glad to correct the story. When a magazine prints an opinion there are dozens, even hundreds, to print other opinions. But when a television network errs or lies there is no competition around that seems willing to broadcast a correction; and networks do not like to state opinions, at least out in the open. Yet no individual in the country has enough access to television networks to call an error an error; and CBS assuredly is unwilling to confess it is wrong, or has been wrong, or even that it has an editorial point of view.

So who is to protect the truth?

Ideally it should be the competition from other networks. But we know that this has not assured fair reporting, because there is no competition between the networks, except for ratings and prestige.

Maybe some day in the far distant future we will have as many television outlets as we have magazines and newspapers, and there will be sufficient competition to assure that the networks report with accuracy and care. But today the fact is that we do not live in such a perfect world as that. We live in the world where the baleful eye of CBS reigns with a mighty hand.

The might of that hand was made clear to me when CBS broadcast its famous "Hunger in America" show, which featured many scenes in my district. I demonstrated, and repeated investigations subsequently demonstrated that the show contained outright errors—or lies—about San Antonio, and greatly distorted the actual situation in the city. Yet CBS

has never felt that it had to so much as admit it could have been wrong, much less correct the record. The show is still being used all around the country, unchanged from its original form, though I know all too well its inaccuracies, and though others including Orville Freeman have said it was "bluntly and simply a travesty on objective reporting."

I said many months before "The Selling of the Pentagon" was ever broadcast:

> The facts and opinions carried over the network outlets have powerful ability to create public opinion or influence it. The combination of film and sound has always been a powerful one; it produces great drama, elicits strong emotions, sets loose fervid thoughts. Television networks have great power, and therefore, they bear great responsibility in their use of it. But the fact is that the networks are responsible only to themselves, not to the public. How, then, is misinformation to be corrected when it comes from the networks? How are false statements to be corrected? Wherein lies the redress when the networks fail in their responsibility?

We have before us a grave problem. It is more than a matter of a contempt citation. It is a problem of arriving at some means of giving the public some protection against the abuse of network power. If a contempt citation is a poor tool, it is the only one we have available, at least right now. And besides, I would ask, what does CBS have to hide? Certainly they would not want to hide the truth.

Mr. RANDALL. Mr. Speaker, I cannot vote to sustain the citation for contempt by the Committee on Interstate and Foreign Commerce pursuant to the provisions of House Resolution 170, as contained in the report of the proceedings against Frank Stanton and the Columbia Broadcasting System.

An hour's debate on this privileged resolution is altogether inadequate on such an important matter. However in the limited time afforded I have listened carefully to the members of the committee.

As I listen to the proponents of this citation, the reason for the issuance of the contempt proceeding was in order that the committee might have adequate knowledge of the editing of the CBS documentary, in order to proceed to legislate to avoid similar instances in the future where there were presentations by the electronic media which perpetrate fraud and deceit against their viewers.

If one who is not a member of the committee can rely on the 10 members of the committee who filed dissenting views contained in the report, then the committee already had all of the information that it needed. In other words, the subcommittee already had everything that it needed in order to draw its conclusions about the propriety of the fraudulent type of editing used by CBS in "The Selling of the Pentagon." No one denied during the debate, that most of the substance of the "outtakes" sought by the subpena was already known to the committee and available in its files.

After reading that portion of the report which contained the dissenting views, I note these members set out portions of the interviews with Daniel Henkin, Assistant Secretary of Defense for Public Affairs, and also portions of the speech of Colonel MacNeil. Any layman can make reference to the report and clearly determine both the distortions of the Henkin interview and also the changed or altered text of the Colonel MacNeil speech. There it is for anyone to read in the report. It is clear that the comments of both of these men were changed and twisted in order to make it appear that they made statements which in fact they did not make. The words which appeared in the documentary, "The Selling of the Pentagon" were not the words actually spoken by Mr. Henkin or by Colonel MacNeil.

All of these foregoing distortions, changes, and alterations constitute deceit. However, it is not the objective of the committee or the Congress simply to make a finding of deceit and fraud. Our purpose is to legislate to avoid repetition of a bad situation.

Unless I want to believe that 10 members of the committee are not telling the truth, I am drawn to the result that the subcommittee had everything it needed in order to reach its own conclusions about the propriety of editing by CBS, and thus draft legislation to prevent this in the future. The committee had the total script of the speech as written and approved by the Pentagon which was given by Secretary Henkin. It had the tape of Colonel MacNeil's utterances as well as his preliminary notes which the committee could compare with his utterances as portrayed by the documentary. The fact that these were all available to the committee made this subpoena unnecessary, and the citation for contempt was thus without any foundation.

If the materials asked to be subpenaed were in fact already available, then this means we are not embarking on a good test case. Congress stands to lose if it presents a test of its authority to the courts under a fact situation which is not strong. The dignity of Congress is at stake. If we present a case which is not appealing to the courts because it can be shown there is little practical need for the subpena or for its enforcement by this contempt citation, then we may well be in trouble. This matter will undoubtedly go to the courts. At this point the damage to the public has been slight, but much, much more damage could result to the Congress if our rights are diminished and our power of oversight of television is crippled by an adverse decision growing out of such a weak case. Our powers in the future could be severely limited by an adverse judicial decision.

On the other hand if our power to demand information is raised in a strong way or to use the words of prevailing court decisions, only in cases where there was a "compelling need" and a "lack of an alternative means" to get the information that Congress needs, then the courts would undoubtedly sustain the power of Congress under such circumstances.

It is my judgment, and in this I join with those who have provided in the report their minority or dissenting views, that Congress must not fail to put its best foot forward when we go into a test case of our legitimate authority to establish a policy respecting the use of the airways. That is another reason, Mr. Speaker, that I cannot vote to support this citation for contempt.

Having stated that I shall not support the committee on this citation, I do not want to leave the impression that I am opposed to the procedure of citing unresponsive witnesses before a congressional committee for contempt. Over the past 13 years I have supported in repeated instances citations for contempt brought by the House Un-American Activities Committee and also the Internal Security Committee. But in those instances we were talking about subversive activities or infiltration of our government by Communists or fellow travelers. There is nothing of this sort of thing involved in this citation for contempt. No questions of national security are involved here. There is no question of subversive activities, but only the fact that CBS was misleading and deceptive and also the question of whether or not the committee has in its files enough information to legislate to avoid such network practices in the future.

After a fair consideration of the need for this subpena and after a careful exploration of the strength of the facts to face a judicial review, the conclusion is almost inescapable that this citation should not be approved.

But not for one instant does it follows that the CBS documentary, "The Selling of the Pentagon," was what it purported to be. There is no possible doubt but that there was a mismatch of questions and answers. There was even an admission by CBS of a juxtaposition of answers to questions, which were not intended as an answer to that particular question. Just about everyone knows that CBS in this documentary played up the bad and played down the good.

In the documentary we are considering CBS cut some corners and skirted the truth, with the result of a deceptive and misleading presentation. In "The Selling of the Pentagon" the network did not seem concerned about false impressions. CBS did not seem concerned that their showing would misrepresent the true situation. The fact that this presentation was a dishonest fabrication and a hoax upon the viewers all adds up to the fact that CBS acted most irresponsibly. But that fact does not give Congress the license to also act irresponsibly. We are the representative of the people. We have been called "the people's body" and we have a duty and obligation to act responsibly. That means that this citation for contempt under a weak set of facts should not be issued.

Mr. Speaker, I have the highest respect for the first amendment. I firmly believe that we cannot tamper with freedom of the press. Actually I suppose even if it is admitted that this CBS documentary was an untruthful, deceptive, dishonest fabrication, that we must recognize that under the first amendment truth is not a prerequisite for publication. Of course, one remedy is a suit for libel. I understand that Colonel MacNeil has already filed a lawsuit against CBS for several million dollars.

If then there is no remedy against CBS through the enforcement of this citation, and if truth is not a prerequisite for publication either in the printed media or the electronic media, then just what remedy remains for the viewing public?

The answer is that I have confidence that the American public as a television audience will show so such resentment against these deceptions and fraud and will become so aroused that similar practices may not be repeated in the future. I understand CBS has already issued new guidelines for its editing. Adverse public opinion will do more to prevent the repetition in the future of dishonest fabrications by CBS than any congressional subpena. After all, it is an educated, informed and alert citizenry that is the best weapon against the broadcast of deceitful, deceptive, misleading and dishonest broadcasts.

Mr. BELL. Mr. Speaker, I rise in opposition to another misguided and dangerous attempt to trample on the first amendment guarantee of a free press.

It is unfortunate, though perhaps to be expected, that attempts by Government officials to infringe upon freedom of the press occur more often at times when the press is most vigorously fulfilling its role of informing the public vigorously and critically of the activities of the Government and its officials.

It is highly significant that the principal rationale argued by both the committee majority and the CBS network is the concern for the "people's right to know." This is as it should be, for a major function of a free press in a free society must, of course, be to enable the people to discover the truth about their Nation and their government and its policies.

Although the case before us today does not directly involve the need to protect confidential sources, the issue is much the same. The need for protection of a reporter's personal notes—his private scribblings, words and phrases not used in a final draft, and the names of his sources—is essential if we are to uphold the value of vigorous investigative reporting. This kind of reporting in both the print media and the broadcast media is one of the greatest strengths in a free society with a free press. We need more of it.

For this reason, earlier this year I joined a number of my colleagues in cosponsoring the "Newsman's Privilege Act" which would protect reporters in their investigative reporting efforts. This is one way we utilize a free press to expose mistake, mismanagement, and corruption inside and outside our Government. Thus, reporters should not become the investigative arm of the Government.

At the same time, neither the print nor the electronic media should become the propaganda arm of the Government. A free nation loses a valuable resource if the media become mere endorsers of Government policy or conveyors of statements by Government officials.

This is the issue in the delicate case before us today. We are living in a time of lively public debate over major and minor issues of public importance. There have been repeated calls for "truth in government" and for expanded "freedom of information" so that the public can make participatory democracy a reality on the basis of complete information. One of the major issues which has come fully to the fore recently in the debate over the Indochina war has been the public right to know the events, policies, and rationale behind our involvement in that war.

The ironic fact in this whole controversy is that many of us have hoped that we could encourage documentaries and other forms of investigative reporting in the broadcast medium as well as the press. The electronic media are particularly suited to informing the public along these lines because of the visual impact of their medium. For 30 or 60 minutes the television can knock down the walls and the distances in our society and bring the ghetto, the war, the refugee camp, hungry people, and similar isolated people and events in our society into every living room.

Following the recommendation of the committee today would discourage such informative presentations and encourage the broadcasting media to present nothing but dull "pablum" to the public. For the dubious purpose of protecting the sensitivities of some Government officials, some would have the Government assume the role of arbiter of truth in the presentation of news, documentaries, and investigative reports concerning Government policies and the conditions of our people at war and at home.

As both the committee majority and the CBS network have correctly stated, the "people's right to know" is of paramount importance in the issue of a free press. But the committee would have us take misguided and unconstitutional means to attempt to protect and expand the freedom of information for the public.

As I understand it, the committee's majority opinion relies on the rationale that first amendment protection for the electronic media is something less than the protection afforded the print medium. The point has been made that Congress regulates the broadcast media, unlike the print media, through the Federal Communications Commission and its licensing procedure.

I would hasten to point out, however, that the means for regulating the current controversy have been adequately provided by existing legislation. The "fairness doctrine" in the Federal Communications Act provides for the presentation of all sides of a public controversy rather than limiting debate and limiting the "people's right to know" all sides of the controversy. Accordingly, the Federal Communications Commission has ruled on this very case that CBS complied with the provisions of the "fairness doctrine." A month after presenting its news documentary, the program was rebroadcast on March 23 with a 22-minute postscript containing critical comments by Vice President AGNEW, Secretary of Defense Laird, and Chairman HÉBERT of the House Armed Services Committee, and a response by the president of CBS News.

Then on April 18 CBS broadcast an hour-long panel discussion presenting opposing views on the Defense Department's public information program, which was the subject of the documentary. In this way, the public was not shielded from controversy and was enabled to hear many sides of a controversial public issue and make judgments based upon a variety of opinions.

The disturbing thing about the committee's recommendation is that the subpena would require the network to divulge not only the materials presented on the program but also unused films and tapes which constitute electronic journalism's "newsman's notebooks." To subpena these materials would be comparable to demanding the interviews, notes, and correspondence which constitute the rough drafts of an author's book.

To permit Congress to so invade the newsman's privilege in this fashion is to invite the chilling effects on a free press, to encourage Government surveillance of the news, and to inhibit the press from advancing the cause of the "people's right to know."

I would agree enthusiastically with those who contend that a limited access medium such as the broadcast medium has a very high responsibility to the public. There is always the danger that the highly concentrated media will misuse their responsibility and powers as they may have on some occasions. If this is done, the result would be an unfortunate impairment of the "people's right to know," and good government would suffer.

But the way to increase the flow of information to the public is not to follow the committee's recommendation which is before us today. The committee would have Congress harass broadcast journalism, submit broadcast journalists to interrogation, and induce self-censorship in broadcast journalism. The committee would have the Congress institute inquiries into the news judgments of broadcasters and encourage the establishment of a Government standard of "truth" in evaluating editorial decisions. This would cripple the right of the electronic press to report freely on the conduct of those in authority. And those in authority do not often like criticism of their conduct.

I would suggest that the "people's right to know" be encouraged in other ways. Rather than discouraging the proliferation of controversial views on issues of public importance. I would hope that we could encourage the media to provide even more access to public opinion on all sides of issues of public concern. I would hope that we could encourage more documentaries, more access to those with controversial minority opinions so that we could bring agitation into the marketplace of ideas where opinions will stand or fall in the ensuing clash of debate. I would also hope, further, that the media would make a special effort to see that controversial opinions are equally aired so that viewpoints be treated fairly regardless of the networks opinion.

In conclusion, I would hold that it is highly improper for the Congress to judge the propriety of views presented in television documentaries. Even in the Federal Communications Act—cited by the committee majority as indicating a lesser

first amendment protection for the broadcasting media—the Government is expressly forbidden to regulate the content of broadcast programing. Government can, of course, regulate libel, obscenity, extortion, and so on, under carefully drawn restrictions. And individual Congressmen, other Government officials and public figures have access to the press and other forums not always available to the public to express their views and respond to criticism. But there is no general role afforded to Government under the Constitution to police the gathering or presentation of news.

I encourage my colleagues today to demonstrate the full respect of the Congress for the precious freedom of the first amendment to our Constitution by voting against the contempt citation. It is of the utmost importance for us, as Government officials, to indicate our vigorous support for the constitutional protection of the right of a free press in a free country to criticize, to cajole, and to expose, in an open marketplace of ideas, the conditions in our society and the results of the policies of our Government. By doing so, I hope we will encourage the news media to view the first amendment as a protection ultimately of the public's right of access to the media as the forum for the free debate of ideas on issues of public importance.

Mr. GIAIMO. Mr. Speaker, I intend to vote to cite the Columbia Broadcasting Co. for contempt of Congress. I think that if the House fails to uphold the contempt citation of CBS it will be a mistake and that it will work to the detriment of the American people.

The controversy with CBS arose out of the filming of a television documentary called "The Selling of the Pentagon." This documentary was shown on television some months ago. An investigation by a congressional committee into the filming of that controversial show clearly indicates that certain questionable practices were engaged in by CBS. In the taping of the program, and the subsequent editing, manipulative techniques included the rearrangement of the words of an individual who was attempting to present a point of view at variance with that espoused by the producers of the program. The result of this manipulation was to make this individual appear to be answering questions in a different way than he did, in fact, answer them during the filmed interview. It seems clear that by cutting and splicing the TV tape, CBS was able to rearrange the speaker's words out of their original order so as to make him appear to be delivering a statement which, in fact, he did not deliver, and even to make him appear to be answering a question other than the question which he was asked on the taped interview.

This action of CBS calls to mind many other questionable actions in the past in which CBS or other broadcasters have been involved, each involving the distortion of that which appears to be real when one looks at the television set. It calls to mind the documentary on hunger done some time ago in which a baby was portrayed as starving to death, when, in fact, that was not the case. An investigation later showed that the baby had been born prematurely and had died from causes other than starvation. It brings to mind the other questionable practice of staging an invasion for the benefit of television cameras in the country of Haiti some time ago. It calls to mind questionable activities of broadcasting companies during recent riots in American cities, where there was considerable evidence to the fact that some riot activities were staged for the benefit of TV cameras.

These apparent distortions by broadcasters raise serious questions in the minds of citizens and their representatives in Congress. The question is whether events portrayed on television are done without distortion, without artificial or slanted "doctoring," and whether what the TV cameras show is what was actually filmed and took place. Television portrayals clearly should not be distortions of events or interviews; they clearly should not be cut and spliced to present a particular inaccurate point of view, and they should not be allowed purposely to deceive the American public. To demand such honesty is not to censor, since the guarantee of free expression is not the same as a guarantee of the right to deceive.

Congress is charged by law with seeing to it that adequate laws and regulations exist to govern the use of airwaves. The airwaves belong to the American people, not to the broadcasters, and it is the function of Congress, the representatives of the people, to regulate the licensing of broadcasters who use the peoples' airwaves. This does not mean that Congress may censor materials which are transmitted over those airwaves. But it does mean that broadcasters have a responsibility to serve the public interest, convenience and necessity. In determining who should obtain such licenses, Congress must make laws to guide the Federal Communications Commission as to which among competing applications for a limited number of channels is, in fact, serving the public interest. In the process of guiding such regulation, it seems quite clear that Congress has both the right and the duty to look into the operations of a broadcasting company when it, in fact, does distort the portrayal of events or interviews on the screen. Only in this fashion can Congress make fair laws in the public interest for the licensing of broadcasters.

The first amendment to the Constitution, which broadcasters have invoked as a defense against such a congressional inquiries, states that Congress shall make no laws abridging the right to free speech. It is quite clear from this amendment that Congress can make no law abridging the freedom of the press—that is, newspapers. A newspaper can print nearly anything it wants, subject only to the threat of criminal law liability or libel suits for distortions of incorrect facts printed. Anyone can start a newspaper without applying for a license, since newsprint is not restricted to the limited number of channels on the air, and can print whatever point of view he wishes. The broadcasting industry is a licensed industry, however, and those wishing to obtain the right to broadcast on the peoples' airwaves must apply to the FCC and prove that they are acting in the public interest, convenience and necessity.

It is this distinction which makes Congressional inquiry into broadcasting practices appropriate. How is Congress to make laws instructing the FCC to grant licenses and to regulate the use of airwaves if Congress itself is not able to look into the facts and determine the adequacy of laws which will, in turn, determine which of several applicant broadcasting companies is truly serving those public purposes? Clearly, Congress does have a right to look into the practices of broadcasting companies, and—on the basis of evidence found in such inquiries—to make laws in communications which protect the public interest. This is exactly what the House Interstate and Foreign Commerce Committee and many members of the Congress were attempting to do with CBS.

Congress asked CBS to provide the outtakes or unused film strips taken in the preparation of the documentary "The Selling of the Pentagon." Many thousands of feet of film were taken, many were cut out, and the evidence already available shows that selective cutting and splicing of the remaining tape was done in a fashion distorting the original filmed interviews. In order to fully document this practice, and possibly establish laws to prevent such distortion in the future, Congress asked CBS for the outtake filmstrips and CBS refused to comply.

I have had to remind several broadcasters who contacted me about this inquiry that Congressmen are elected representatives of the people, that broadcast companies are privately owned corporations, and that because broadcast companies are licensed and regulated by the representatives of the people Congress has a clear right to examine broadcast activities. In contrast to the unlicensed and unregulated newspaper industry, the broadcast industry does not enjoy the same constitutional protections of the first amendment, as do newspapers and to the extent that newspapers do, and therefore must demonstrate that its activities and practices serve the public interest.

The Supreme Court, in fact, made this distinction quite clear in *Red Lion Broadcasting Company* v. *F.C.C.*, 395, U.S. 267—1969—in which case that Court upheld a regulation recognizing that the FCC was more than a traffic policeman of the airwaves, concerned only with the technical aspects of broadcasting, and that FCC neither exceeds its statutory power nor transgressed the first amendment in examining the general program format and kinds of programs broadcast by licensees. In the Red Lion case the broadcasters challenged the FCC, saying that no person can be prevented from saying or publishing what he thinks, or from refusing his speech or other utterances to give equal weight to the views of his opponents. They said that this right applies equally to broadcasters. The Supreme Court, however, laid this analogy to rest in the following words:

Although broadcasting is clearly a medium affected by a First Amendment interest . . . differences in the characteristics of new media justify differences in the First Amendment standards applied to them (pg. 386).

This meant that where there are more individuals who want to broadcast than there are frequencies to allocate, it is idle to say that the unbridgeable right to broadcast is comparable to the right of every individual to write, speak or publish what he pleases. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds that license, or to monopolize radio or television frequencies to the exclusion of fellow applicants for such a license. There is nothing in the first amendment which prevents the Government from requiring a licensee to share his frequency with others or to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise be barred from the airwaves. This is not to say that the first amendment is irrelevant to public broadcasting. On the contrary, Congress recognized in writing section 326 of the Federal Communications Act that the right to free speech cannot be abridged in broadcasting. As the Supreme Court said, however,

The people as a whole retain their interest in free speech by radio and their collective rights to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. (*Red Lion, Supra,* pg. 389–90).

And it is these rights—those of the viewers and listeners—which the Congress it attempting to protect by examination of broadcast practices, to insure that broadcasters do not engage in deception, distortion and fakery. The first amendment was never intended to bar public inquiry of broadcasters. Since the conduct of the broadcast industry directly affects the future of this Nation, the lives of its citizens and the welfare of its children, Congress would be remiss if it did not make such inquiries.

It should be emphasized that Congress is not on a punitive expedition in the matter of CBS, seeking to punish Mr. Stanton, President of CBS, for his failure and the failure of his company to provide the outtakes that would have facilitated public inquiry. The rights of Mr. Stanton and of CBS are fully protected under our system of government. A subpena issued by Congress requested those materials, Mr. Stanton refused to comply, and the entire House should, in my opinion, uphold his citation for contempt. If the House upholds that citation, the entire matter will be referred automatically to the United States Federal courts to examine and to determine if Mr. Stanton's or CBS' rights had been infringed.

If the House fails to cite Mr. Stanton in contempt, however, there will be little possibility that representatives of the people will be able to call CBS or any other broadcasting company to account for questionable practices. This would be a dangerous precedent which could well encourage some broadcasters to take even greater liberties with the representation of truth in their production of television shows.

This is not in any way a controversy about the source of news. I fully support the position, as do most members of Congress, that the Government should not be able to force any reporter to divulge the sources of his information. This controversy involves the technical production of a television presentation, and the techniques used to manipulate and distort reality.

At the very time when the people and the news media are demanding rights to access of governmental information, broadcasting companies are at the same time saying that the people do not have the right to obtain information from them as to the manner and fairness with which they produce television news documentaries. All in all, the failure of the House to uphold this citation would be a sad blow for the people of this country and for their rights to know what really happens in the filming and preparation of broadcast news documentaries.

Mr. STAGGERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would say that this issue has produced the greatest lobbying effort that has ever been made on the Congress of the United States. I would like to quote from the TV Digest:

NAB marshalled its 50-man Future of Broadcasting Committee for personal contacts with all Members of the House.

Mr. Speaker, one Member has told me that he has been contacted 12 times in 1 week. Another Member who was out walking, and saw me, told me that he had been contacted 15 different times.

If this Congress is going to be intimidated by one of the giant corporations of America, and give up to them, then our Nation will never be able to exist as a free nation, a nation of free men. It will have to answer at all times to the big corporations, and it will have to do what they want us to do. They must not be permitted to intimidate this Congress on this issue.

All we are asking is to have the Supreme Court of the United States settle the question, not this Congress.

Mr. Speaker, the slogan up there says, "In God We Trust." Are we going to change it to "In the Networks We Trust?"

This Nation was built on the principles of honesty, integrity, goodness and love. We can draw a lesson from that, and no giant corporation has the right to tell us what we should do and what we should say. All we are saying is that the Supreme Court should settle the case under the law.

I say to every Member of the House that I want you, before you vote, to search your consciences and to strike out from your consciences everything except the essential truth about this matter, and then say, "I am going to vote the right way, and I am going to vote the way my people would want me to vote, and not the way a great corporation wants me to vote, with all its tremendous wealth and awesome power, and its millions if not billions of dollars." If you do not vote your consciences then your people will be telling you that you are wrong. And I can guarantee you that because, by every indication we have received, by 6 to 1 the people have said that the contempt citation is right.

The SPEAKER. The time of the gentleman from West Virginia has expired.

GENERAL LEAVE

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the pending resolution, and to include extraneous matter.

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

There was no objection.

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

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. KEITH

Mr. KEITH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. KEITH. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. KEITH moves to recommit House Resolution 534 to the Committee on Interstate and Foreign Commerce.

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.

The question was taken; and on a division (demanded by Mr. KEITH), there were—ayes 151, noes 147.

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

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SPRINGER. Mr. Speaker, would the Speaker state what is being voted on?

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

Mr. SPRINGER. Mr. Speaker, a further parliamentary inquiry. May I inquire, is the motion to recommit the bill to the Committee on Interstate and Foreign Commerce?

The SPEAKER. The gentleman is correct. It is a motion to recommit to the Committee on Interstate and Foreign Commerce.

The question was taken; and there were—yeas 226, nays 181, answered "present" 2, not voting 24, as follows:

[Roll No. 188]

YEAS—226

Abourezk	Barrett	Broomfield
Abzug	Begich	Brotzman
Adams	Bell	Brown, Mich.
Addabbo	Bergland	Brown, Ohio
Alexander	Bevill	Broyhill, N.C.
Anderson, Calif.	Biester	Buchanan
	Bingham	Burke, Fla.
Anderson, Ill.	Blackburn	Burlison, Mo.
Anderson, Tenn.	Blatnik	Burton
	Boggs	Byrne, Pa.
Andrews, N. Dak.	Boland	Carey, N.Y.
	Bolling	Carney
Ashley	Bow	Cederberg
Aspin	Brademas	Celler
Badillo	Brooks	Chamberlain

Chisholm	Jacobs	Rangel
Clay	Johnson, Pa.	Rees
Collins, Ill.	Jones, Tenn.	Reid, N.Y.
Conable	Karth	Reuss
Conte	Kastenmeier	Rhodes
Corman	Keating	Riegle
Cotter	Keith	Robinson, Va.
Coughlin	Kemp	Robison, N.Y
Crane	Kluczynski	Rodino
Culver	Koch	Roe
Dellums	Kyros	Roncalio
Denholm	Landrum	Rosenthal
Dennis	Leggett	Rostenkowski
Diggs	Lent	Roush
Dow	Link	Roy
Drinan	Lloyd	Roybal
Duncan	Long, Md.	Ryan
du Pont	Lujan	St Germain
Dwyer	McClory	Sarbanes
Eckhardt	McCloskey	Scheuer
Edwards, Ala.	McCollister	Schwengel
Edwards, Calif.	McCormack	Sebelius
Erlenborn	McDade	Seiberling
Esch	McKay	Shriver
Evans, Colo.	McKinney	Smith, Iowa
Fascell	Mailliard	Smith, N.Y.
Findley	Martin	Stafford
Fish	Mathias, Calif.	Stanton,
Flowers	Matsunaga	J. William
Foley	Mayne	Stanton,
Ford, Gerald R.	Mazzoli	James V.
Forsythe	Meeds	Steele
Fraser	Melcher	Steiger, Ariz.
Frelinghuysen	Mikva	Steiger, Wis.
Frenzel	Mills, Ark.	Stephens
Fulton, Pa.	Mills, Md.	Stokes
Fulton, Tenn.	Minish	Sullivan
Fuqua	Mink	Symington
Galifianakis	Mitchell	Talcott
Gaydos	Monagan	Taylor
Gibbons	Moorhead	Teague, Calif.
Goldwater	Morse	Terry
Grasso	Mosher	Thompson, N.J.
Green, Pa.	Moss	Thone
Grover	Natcher	Tiernan
Gude	Nedzi	Ullman
Halpern	Nix	Vander Jagt
Hamilton	Obey	Vanik
Hammer-	O'Neill	Waldie
schmidt	Patman	Wampler
Hansen, Idaho	Patten	Whalen
Harrington	Pelly	Whitehurst
Hathaway	Perkins	Widnall
Hawkins	Peyser	Wiggins
Hechler, W. Va.	Poff	Wilson,
Heckler, Mass.	Powell	Charles H.
Helstoski	Preyer, N.C.	Winn
Hicks, Mass.	Price, Ill.	Wolff
Hillis	Pryor, Ark.	Wyatt
Horton	Pucinski	Wyman
Howard	Quie	Yates
Hungate	Railsback	Yatron
Hutchinson	Randall	

NAYS—181

Abbitt	Davis, Wis.	Henderson
Abernethy	de la Garza	Hicks, Wash.
Andrews, Ala.	Delaney	Holifield
Annunzio	Dent	Hosmer
Archer	Derwinski	Hull
Arends	Devine	Hunt
Ashbrook	Dickinson	Ichord
Aspinall	Dingell	Jarman
Baker	Dorn	Johnson, Calif.
Belcher	Dowdy	Jonas
Bennett	Downing	Jones, Ala.
Betts	Dulski	Jones, N.C.
Biaggi	Edmondson	Kazen
Blanton	Eshleman	Kee
Brasco	Evins, Tenn.	King
Bray	Fisher	Kuykendall
Brinkley	Flood	Kyl
Broyhill, Va.	Flynt	Latta
Burke, Mass.	Fountain	Lennon
Burleson, Tex.	Frey	McClure
Byrnes, Wis.	Gallagher	McEwen
Byron	Garmatz	McFall
Cabell	Gettys	McKevitt
Caffery	Giaimo	McMillan
Camp	Gonzalez	Macdonald,
Carter	Goodling	Mass.
Casey, Tex.	Gray	Madden
Chappell	Griffin	Mahon
Clancy	Griffiths	Mann
Clark	Gross	Mathis, Ga.
Clausen,	Gubser	Metcalfe
Don H.	Hagan	Michel
Clawson, Del	Haley	Miller, Calif.
Cleveland	Hall	Miller, Ohio
Collier	Hanley	Minshall
Collins, Tex.	Harsha	Mizell
Colmer	Harvey	Mollohan
Daniel, Va.	Hastings	Montgomery
Davis, Ga.	Hays	Morgan
Davis, S.C.	Hébert	Murphy, Ill.
Murphy, N.Y.	Ruth	Stuckey
Myers	Sandman	Teague, Tex.
Nelsen	Satterfield	Thompson, Ga.
O'Hara	Saylor	Thomson, Wis.
Passman	Scherle	Veysey
Pettis	Schmitz	Vigorito
Pickle	Schneebeli	Waggonner
Pike	Scott	Ware
Pirnie	Shipley	Watts
Poage	Shoup	Whalley
Podell	Sikes	White
Price, Tex.	Sisk	Whitten
Quillen	Skubitz	Williams
Rarick	Slack	Wilson, Bob
Roberts	Smith, Calif.	Wright
Rogers	Snyder	Wydler
Rooney, N.Y.	Spence	Wylie
Rooney, Pa.	Springer	Young, Fla.
Rousselot	Staggers	Young, Tex.
Runnels	Steed	Zablocki
Ruppe	Stubblefield	Zion

ANSWERED "PRESENT"—2

O'Konski	Reid, Ill.

NOT VOTING—24

Baring	Green, Oreg.	Pepper
Conyers	Hanna	Purcell
Daniels, N.J.	Hansen, Wash.	Stratton
Danielson	Hogan	Udall
Dellenback	Landgrebe	Van Deerlin
Donohue	Long, La.	Zwach
Edwards, La.	McCulloch	
Eilberg	McDonald,	
Ford,	Mich.	
William D.	Nichols	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Van Deerlin for, with Mr. Nichols against.

Until further notice:

Mr. Daniels of New Jersey with Mr. Landgrebe.

Mr. Eilberg with Mr. McDonald of Michigan.

Mr. Stratton with Mr. Hogan.

Mr. Hanna with Mr. Zwach.

Mrs. Green of Oregon with Mr. Dellenback.

Mr. Pepper with Mrs. Hansen of Washington.

Mr. Purcell with Mr. Baring.

Mr. William D. Ford with Mr. Edwards of Louisiana.

Mr. Conyers with Mr. Udall.

Mr. Danielson with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The report is referred to the House Calendar, and ordered printed.

CBS CITATION

Mr. BURKE of Massachusetts. Mr. Speaker, in casting my vote against the recommital motion of my distinguished colleague, the gentleman from Massachusetts (Mr. KEITH), I do so not because I favor the contempt citation under House Resolution 534 but because I feel this important resolution should be committed to the House Committee on the Judiciary where the grave questions of the Constitution could be decided by the top legal minds of this Congress.

PERSONAL ANNOUNCEMENT

Mr. GRAY. Mr. Speaker, I was inadvertently detained in committee and on the last vote just taken, I voted "no." I intended to vote "aye" and I ask that my remarks appear at this point in the RECORD.

The SPEAKER. The gentleman's statement will appear in the RECORD.

THE SELLING OF CBS

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

Mr. WAGGONNER. Mr. Speaker, I could not help but take exception to the editorial in the Washington Post for July 7 entitled "The Responsibility of Broadcasters," which I am inserting at the close of my remarks.

The Post feels that the chairman of the House Committee on Interstate and Foreign Commerce, Mr. STAGGERS, has no business "to see that fairness prevails on the airwaves," and the president of CBS, Dr. Frank Stanton, was correct in refusing to provide the committee with portions of unused scripts and filmed material from the program, "The Selling of the Pentagon" inasmuch as it would be a violation of the first amendment.

Mr. Speaker, although the first amendment does say that Congress shall make no law abridging the freedom of speech or freedom of the press, nowhere in the Constitution can I find that this freedom of the press guarantees to anyone in the exercise of this freedom the privilege or right to deceive, abuse, or violate other persons' freedoms in that respect. And as everyone who saw the program and who is familiar with the other side of this controversy knows, the program was a gross violation of the freedom of speech and blatant intentionally deceptive distortion of the views of our distinguished chairman of the Armed Services Committee and others.

The Post maintains that although their program is the "public's business, it is none of the committee's business." What I would like to know, Mr. Speaker, is what recourse does the American public have if not through their elected representatives in the Congress, and more specifically, their representatives who have a degree of expertise in these matters as the members of the Interstate and Foreign Commerce Committee most assuredly do. It is because of Federal legislation that the broadcast media exists in its present form.

The Post says that there "is no evidence at all that its 'Selling of the Pentagon' was intentionally distorted." They know better and they have editorialized some distortions. In this connection the Post is about as objective as CBS. There has been sworn testimony by Assistant Secretary of Defense Henkin and others that their views were misrepresented. The extent to which manipulations were used to achieve a different meaning from that which the speakers had intended or attempted to convey is prima facie evidence that the distortions were in fact intended. Although, Mr. Speaker, we are not supposed to accept the sworn testimony of responsible public officials, we are to accept the editorial comments of the Washington Post as the last word on this subject.

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When the House considers this issue, we should have only three questions to answer First, Did the Interstate and Foreign Commerce Committee have the authority to subpena evidence before it; second, did the committee issue a valid and lawful subpena; and third, did CBS in fact refuse to comply with the subpena? The answer to all of these questions is "yes." The committee was correct in holding CBS and Dr. Stanton in contempt and the full House should do likewise.

[From the Washington Post, July 7, 1971]

THE RESPONSIBILITY OF BROADCASTERS

Although the authors of the Constitution could hardly have foreseen television as a technique of news dissemination, their concern when they wrote the First Amendment was in keeping the flow of news to the people untrammeled; and since more people, it is said, get their news today from television than from the printed page, it follows by every consideration of logic and common sense that the content of TV programs must, like the content of newspapers, be free from governmental supervision.

But Representative Harley Staggers, the chairman of the House Committee on Interstate and Foreign Commerce, takes the view that it is the business of his committee to see to it that fairness prevails on the air waves. He did not like a recent Columbia Broadcasting System program called "The Selling of the Pentagon"; and so he has ordered CBS to furnish his committee with all the scripts and filmed material (called "outtakes") that went into the preparation of the program but were not actually a part of the finished product. It is as though he were to demand from his newspaper the rough drafts of this editorial including paragraphs edited out of the final version. The president of CBS, Dr. Frank Stanton, courteously but firmly declined to do so, asserting that the demand, "though aimed at CBS is in effect taking dead aim against the First Amendment."

Mr. Staggers says that all that is involved in this controversy "is simply whether we are going to tolerate calculated deception on television." And he added gratuitously—and altogether inaccurately—that "CBS says it is none of the public's business." In the first place, he has no warrant whatever for the charge of "calculated deception." Whether or not the program, like many another presentation of news in print or on the air, was flawed, there is no evidence at all that it was intentionally distorted. And in the second place CBS has never said, or even intimated, that the program is "none of the public's business." It has merely said that it is none of the House Commerce Committee's business, a very different thing indeed.

A majority of the committee voted last Thursday to recommend that the House of Representatives cite CBS and Dr. Stanton for contempt of Congress. The issue is expected to come to the House floor week after next. Members of the House will be strongly tempted no doubt to demonstrate their loyalty to Mr. Staggers and to the Commerce Committee by sustaining its authority. But they owe their real loyalty to the principle of press freedom which CBS is defending. That principle, so recently vindicated in the courts so far as newspapers are concerned, ought not to be so grossly challenged again. The responsibility of television, like the responsibility of the rest of the press, is not to the government but to the people in whose name the government exercises certain limited, specified powers. And that responsibility can be discharged only through independence of the government.

GRATITUDE OF A NATION

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

Mr. CHAPPELL. Mr. Speaker, speaking in the House of Commons in August 1940, Winston Churchill paid this tribute to the Royal Air Force:

> Never in the field of human conflict was so much owed by so many to so few.

To my mind, this tribute can be applied with equal validity to a man and an institution in our society—a man who has devoted his entire life in an unflagging effort, zeal, and dedication to the pursuit of justice and has created an institution which stands today as the Nation's chief bulwark against crime and subversion.

I have reference to Mr. J. Edgar Hoover and the Federal Bureau of Investigation.

Seldom in our national history has an entire nation owed so much for so many years to a single organization and its employees.

In this day and age, when criticism, derogation, and ridicule often seem to be the fashion of the day, we are apt to forget the great debt of gratitude which we, as a nation, owe to Mr. Hoover and the men and women of the FBI.

In fact, most citizens, I fear, simply take the FBI for granted. It has performed its duties so effectively and efficiently over the years, that we feel it has always been there and will always be.

Most of us, I am certain, have never stopped and asked ourselves these questions: What would happen if the FBI suddenly disappeared or was rendered ineffective? How would my life and the lives of my family and friends be affected?

Let us briefly examine these questions and see just what we owe to the FBI.

First of all, there is a national trust in the FBI as an institution and Mr. Hoover as a person that is without parallel in our history. Citizens throughout the country, in all walks of life, have a deep, abiding feeling of confidence in the FBI—that it will do its job, and do the job not only efficiently, but in the highest traditions of ethics. Time after time, we hear comments, not only from ordinary citizens, but also high officials of local and State government: "Let the FBI handle it." "We have turned it over to the FBI." Frequently, efforts are made to have the FBI investigate matters which are outside its jurisdiction. Why? Because our citizens have a trust and confidence in the FBI which gives them the feeling that the very best investigative agency in the Nation—if not the entire world—is at work.

Second, Mr. Hoover has consistently rejected any suggestion or idea that the FBI become a national police. As an attorney, I have closely watched the FBI's record in the handling of individual rights. Its record is superb. Mr. Hoover's agents are carefully trained in constitutional rights and at all times, as in making arrests and searches, abide not only within the letter but also the spirit of the law. Nothing could be more foolish than to charge Mr. Hoover with being a dictator or having unlimited powers. The FBI is under the direct control of the President and the Attorney General. Moreover, Mr. Hoover must appear before committees of Congress to explain the FBI's activities and justify its appropriations. In addition, when FBI cases come to trial they must meet the scrutiny of our judicial process.

Actually, the FBI, as a Federal investigative agency, has limited powers and is in no way a national police. This is how Mr. Hoover would have it.

Still another accomplishment of Mr. Hoover's FBI is the extension to local law enforcement of what are called cooperative services, such as the services of the FBI Laboratory and the FBI Identification Division. Then there is the field of training, in which Mr. Hoover in 1935 established the FBI National Academy. To date, over 5,800 law enforcement officers have graduated. Another cooperative service is the FBI's National Crime Information Center, a nationwide computerized information and communications network aiding in the solution of crimes, the arrest of fugitives, and the recovery of stolen property.

These cooperative services give validity to Mr. Hoover's concept that we need strong, effective, and well-trained local and State law enforcement, in addition to the FBI, to fight crime in America. Here is still another argument against the fallacy that the FBI is a national police.

Never must we forget the unending battle, day and night, of the FBI against organized crime and subversion. The FBI, despite claims to the contrary, has been the most effective against organized crime. Convictions of gambling, vice, and racket figures in FBI cases have risen in startling manner—from 64 in fiscal year 1964 to 461 in 1970.

Most important today is the battle being waged by the FBI against extremist elements both from the right and the left which would destroy our constitutional form of government.

Extremists, such as the Weathermen and Black Panthers, have engaged in acts of violence. Weatherman adherents, for example, have bombed military and police installations. They operate in an underground status as urban guerrillas. They operate bomb factories. They circulate manuals telling how to assemble homemade bombs. They defy the law and seek to injure and murder police officers.

We can be very thankful that the FBI is engaged in this fight against this Marxist-anarchist-nihilist minority which would terrorize our society. Some misguided individuals would characterize these extremists as "political idealists." I for one would call them dangerous enemies of this country and I am happy that Mr. Hoover is aware of their activities.

Much of the FBI's work is unheralded. Much of its work is of a type not amenable to publicity. In any investigation, there is much routine, matter-of-fact work that is neither glamorous nor unduly exciting. Yet it is important.

It is important why? Because this is the way the FBI is protecting you and me.

As Americans we should be appreciа-

tive and I am happy to salute Mr. Hoover, a courageous American, as he enters his 48th year as Director of the FBI.

Ask citizens in all areas of America. Ask citizens in my district in Florida. Almost to a man they will say, "I'm glad there is an FBI."

This indeed is testimony of the debt which the Nation owes to the men and women of the FBI.

VIETNAM AND LAOS

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. McCLOSKEY) is recognized for one hour.

Mr. McCLOSKEY. Mr. Speaker, this is in rebuttal to a speech of nearly an hour's duration delivered by the gentleman from Santa Clara County, Calif., yesterday. We had originally agreed that a full debate would take place yesterday, but by reason of time limitations, the period of rebuttal was postponed until today.

The gentleman from Santa Clara County made a number of statements yesterday which I believe to be erroneous. I would like to take them up separately and ask him to respond to them so that we may get at the precise truth.

First, the gentleman states that he intends no personal attack on me, but suggests that I broke agreements. Mr. Speaker, I would like to quote from yesterday's speech:

> Mr. Speaker, the contentions I have previously outlined are the only issues involved in this debate. It was agreed in writing that they would be the only issues.
>
> But contrary to the agreement, like a forensic pied piper, my colleague, Mr. McCLOSKEY, has tried to gather issues from every nook and corner to lay a smokescreen over his decrepit and feeble case.

This is nice oratory, but the only agreement as to the subject of this debate was that suggested by Mr. GUBSER in his letter of July 6, 1971. Let me quote from that letter:

> Hon. PAUL N. McCLOSKEY, Jr.,
> *1511 Longworth Building,*
> *Washington, D.C.*
>
> DEAR PETE: I would suggest Monday, July 12, as a date which would be much more convenient for me. Assuming that it does meet with your approval, I shall ask for one hour immediately following your time. I would suggest that I not ask you to yield during your formal remarks and that you afford me the same courtesy during my formal remarks. Following this, we could have an interchange of views.
>
> I hope it can be explicitly understood that the allegations I made in my speech are the sole issue involved. You will recall that I specifically stated that I had no quarrel with opposition to the war in Vietnam and acknowledge your sincerity in that opposition. I therefore do not consider this to be the issue. Your allegations concerning U.S. bombing policy in Laos and the circumstances connected with your recent trip, in my opinion, are the issues.
>
> Yours sincerely,
>
> CHARLES S. GUBSER,
> *Member of Congress.*

I ask the gentleman from California whether I have stated that agreement correctly as he stated.

Mr. GUBSER. What was the gentleman's question?

Mr. McCLOSKEY. I do state your letter correctly, do I not?

Mr. GUBSER. You do.

Mr. McCLOSKEY. The debate yesterday was limited to the issues raised in your speech of June 26.

Mr. GUBSER. Would the gentleman kindly read the last paragraph?

Mr. McCLOSKEY. It is as follows:

> Your allegations concerning U.S. bombing policy in Laos and the circumstances connected with your recent trip in my opinion are the issues.

Mr. GUBSER. That is correct.

Mr. McCLOSKEY. I spent 6 days in Vietnam and 2 days in Laos. You did not intend to exclude the 6 days in Vietnam from that agreement, did you?

Mr. GUBSER. I think the gentleman is able to read the English language carefully. The letter clearly states that the issue is U.S. bombing policy in Laos, and the gentleman's trip to Laos.

Mr. McCLOSKEY. Now, wait just a minute. I will put it to you again.

Mr. GUBSER. May I complete my response, please? When I said the gentleman employed the tactics of a forensic Pied Piper, I meant that more than half of his presentation as rebuttal to my speech of the 26th was concerning U.S. policy in Vietnam, and that was not the issue, and it was previously agreed upon as not the issue.

Mr. McCLOSKEY. I ask the gentleman if I read the agreement correctly:

> . . . and the circumstances connected with your recent trip in my opinion are the issues.

That was the agreement as stated in your letter; was it not?

Mr. GUBSER. In other words, the gentleman feels that because I did not add the words "to Laos," after the word "trip" that it was meant, to include a debate of Vietnam policy. The gentleman will note in my speech of the 26th which was controversial, there was not one word said against the gentleman's opposition to the war in Vietnam or his views regarding Vietnam.

I commended the gentleman for his sincerity with respect to Vietnam. The question at issue I think was clearly understood to be Laos and verbal agreements between us and subsequent conversation clearly pointed out that was the understanding.

Mr. McCLOSKEY. If I am correct, Mr. Speaker, and I will let the agreement speak for itself, the gentleman spoke on two occasions about the violation of an agreement, that the agreement was allegedly solely on Laos. The agreement was set forth in specific language. It was not limited in any way to the bombing in Laos. It specifically set forth the bombing in Laos and the circumstances of the trip to Southeast Asia. Let me go further on that point.

The allegations about war crimes to which Mr. GUBSER referred to in his speech referred to the deliberate destruction of South Vietnamese villages during the years 1965 through 1970. On the trip which Congressman WALDIE and I made to Southeast Asia in April, we spent 6 days in Vietnam and 2 in Laos. It was the deliberate destruction of villages in Vietnam which furnishes one basis for the supposition that we may have likewise deliberately destroyed villages in Laos for the same period. For the gentleman to have suggested that my arguments represented other than a discussion of this speech before the California Republican Assembly is clearly misleading and incorrect. For him to have stated that I violated the agreement he suggested in his letter of July 6, 1971, is a deliberate misstatement of that agreement.

Second, in his remarks yesterday the gentleman described an alleged "great document caper." He stated as follows:

> The significant point is that Mr. McCloskey was told of the report he left. When informed of its existence, he requested copies and was told that the survey could not be furnished him, but a five-page summary could be made available which had already been given to Senator Kennedy. The summary was delivered before his departure. (Please note again, he asked for the survey, knew of its existence, and received the summary before he departed.)
>
> * * * * *
>
> It was in reading it (the refugee book) over at 6:00 o'clock that morning in the Ambassador's house that I came across the reference to this survey for the first time. (Please note the words "for the first time.")

Those were the gentleman's words, if I understood him correctly.

In his speech on June 26, the gentleman from Santa Clara County asked this question:

> How does this square with his request of the State Department before he left Washington for copies of both the survey and the summary?

The gentleman's inference is clear; I was not telling the truth when I said I came across the reference to the survey for the first time on April 14. He later said he believed me, but that I "forgot" the truth.

The gentleman misrepresents.

His key point is that I must have been untruthful, since I had asked for the surveys and been given a copy of the summary of one of them before leaving Washington.

The gentleman knows these allegations were untrue. After his speech on June 26, 1971, he apparently had second thoughts and wrote Ambassador Sullivan to ask if I had indeed requested a copy of the survey.

Ambassador Sullivan replied:

> The Congressman did not at this time formally request a copy of either the two surveys or the summary.

May I ask the gentleman if that is correct.

Mr. GUBSER. Mr. Speaker, I am not going to respond to the gentleman's allegations as to what I have said. I am merely going to respond to the issue.

This afternoon, at 2:35 p.m., I had a telephone conversation with the head of the Laotian desk of the U.S. State Department, Mr. Mark Pratt, and I am going to paraphrase—not quote—what he told me. I am willing to submit that paraphrase, when it appears in tomorrow's RECORD, to Mr. Pratt in the gentleman's presence and with the gentleman accompanying me and ask Mr. Pratt whether that is a correct paraphrase or not.

Mr. Mark Pratt told me at 2:35 this

afternoon that in one of his preliminary meetings with the gentleman from California, that the gentleman from California, (Mr. McCLOSKEY) asked about surveys of refugees, and he asked if they were available, and he was told that they were probably not available in Washington but that a summary had been furnished to the Kennedy subcommittee on Refugees and then later, as Secretary Sullivan states in the letter which I have placed in the CONGRESSIONAL RECORD, "the summary was given directly" to the gentleman from California (Mr. McCLOSKEY).

In my conversation with Mr. Pratt, I asked what that meant, and he said the summary was given directly to the gentleman.

He said—

I won't say it touched his hand. It may have been put on his desk when he was present. But it was given directly to him.

I am not through. I just happened to get a telephone call from another individual who happens to be very, very knowledgeable about Mr. Monteague Stearnes, the Deputy Chief of Mission at our Embassy in Vientiane, Laos. I learned this afternoon that our former colleague, Representative Allard Lowenstein, was in Vientiane, Laos in the middle of February or some time thereabout—but certainly in February—and that he, even as an ex Member of Congress, was shown this refugee attitude survey. He was given every courtesy, taken around and shown everything he wished to see, and he made the statement—and here I paraphrase—"PETE McCLOSKEY is coming to Laos. Will you show this to him?" And they said, "Yes, of course," or words to that effect.

And it has been reported to me that when the gentleman from California now in the well of the House did arrive in Vientiane that instead of acting upon the offers of cooperation which the Embassy proffered he "proceeded to go into his theatrics."

Mr. McCLOSKEY. Whom are you quoting now?

Mr. GUBSER. Let me say this to the gentleman. He has got caught with his hands in the cookie jar. Why does he not admit it?

Mr. McCLOSKEY. Let us talk to the issue on this. I cited you for one point. You said I had requested surveys before Ambassador Sullivan wrote you. His letter, which you put in the RECORD yesterday that I had not requested these surveys. Which is correct?

Mr. GUBSER. I think we are engaged in a game of rather silly semantics.

Mr. McCLOSKEY. Is it the gentleman's statement that before leaving this country I requested the survey from the State Department?

Mr. GUBSER. Yes. I say it on the authority of Mark Pratt and my phone call of 2:35 this afternoon, in that he said the gentleman asked about the surveys.

Mr. McCLOSKEY. Asked about the surveys?

Mr. GUBSER. Does the gentleman deny the fact that he was given the summary of the surveys before he left?

Mr. McCLOSKEY. That is not the point.

Mr. GUBSER. Yes, it is the point. It is the point on which you called William Buckley a liar.

Mr. McCLOSKEY. You are dodging the issue. Let us get back to it.

The gentleman stated yesterday before the House I had requested the surveys before leaving this country. Is it the gentleman's statement today, in view of the Ambassador's letter, that he has any evidence at all I requested a copy of the surveys before leaving the country?

Mr. GUBSER. Does the gentleman deny he asked about the surveys and asked if they would be available?

Mr. McCLOSKEY. I asked about the surveys. I agree with Mr. Pratt. His statement is correct.

Mr. GUBSER. Let us establish that. The gentleman agrees with my paraphrase of Mr. Mark Pratt's statement that he asked if the surveys were available—asked about the surveys and if they were available?

Mr. McCLOSKEY. I asked about the surveys. Mr. Pratt responded that they were not available in this country but were available in Laos.

Mr. GUBSER. Then we will have to clear that with Mr. Pratt, because that is what he told me at 2:35 this afternoon.

I still point out: Is the gentleman attempting to say that when he asked about the survey which was brought to him before his departure that it does not in effect, regardless of all the semantics he wishes to engage in, constitute a request for the survey? And the fact remains he still had it before he left, and that is the real point at issue.

Mr. McCLOSKEY. The gentleman can say what he likes about what is the real point at issue. The gentleman implied to this House yesterday I had been guilty of an untruth in that I had requested copies of surveys before leaving the country. It is a separate point on the summary I was given before leaving here. I would like to proceed to that point.

The gentleman from Santa Clara County is further guilty of a misrepresentation in stating I was told a 5-page summary had been made available, which had already been given to Senator KENNEDY. This is untrue.

I was not told anything of the kind. The summary had not been given to Senator KENNEDY when I finally read the summary for the first time on April 14. Is there any question about the accuracy of that statement?

Mr. GUBSER. I can only again say that I am not prepared to draw a conclusion. It is the gentleman's word against the word of Mr. Mark Pratt, who said to me on previous occasions and who today reiterated again to me that he said the surveys were not available in Washington at this time but that a survey had been made available to Senator KENNEDY and it would be furnished to the gentleman.

Mr. McCLOSKEY. That is a little different from what the gentleman told this House yesterday.

Mr. GUBSER. Would you kindly explain the difference? Perhaps I do not understand.

Mr. McCLOSKEY. If the gentleman would like to step down to the well, he can examine a copy of the summary I was given which bears the notation, "summary of USIS interviews, furnished by the State Department this a.m. We have not yet cleared it. Not yet given to Senator KENNEDY." That is the statement and that is the summary given to me. Are you telling me that it was given to me at the time when it had already been given to Senator KENNEDY?

Mr. GUBSER. I am telling you only what I have been told by a responsible officer of the U.S. State Department. I do not see what particular relevance it has to this argument. The question is, did the gentleman have it before he left Washington or not. When William Buckley on his show asked the gentleman, if he had this in his briefcase a week before he left, and the gentleman said after an interchange, I am telling you, you are not telling me the truth. That to me is the issue. Did you have it before you left for Laos or did you not?

The issue is not when you read it, but did you have it before you left or did you not?

Mr. McCLOSKEY. No question I had before I left.

Mr. GUBSER. Very good. I did not challenge the fact that the gentleman did not read it until the morning of the 14th.

Mr. McCLOSKEY. The gentleman suggested that I had a survey in my hands. You made the reference in the discussion with Mr. Buckley that I referred to the survey and not the summary.

Mr. GUBSER. Yes. The gentleman was very cleverly evasive in his use of semantics.

Mr. McCLOSKEY. I am honored by the fact that you make that contention. Mr. Buckley, who was an adviser to the U.S. Information Agency, asked me after the program, "what was it you had in your briefcase, a precis," and I said, "yes, it was." It was apparently a five-page summary of the survey in question. I informed the gentleman that it was and the difference between the two. He knows the summary does not contain the words that the bombing was clearly the reason those people left their homes.

Mr. GUBSER. Those words were not in the summary, but I point out if any intelligent person reads the survey and also reads the summary, he knows and he could establish the fact that the substance of the survey is accurately reflected in the summary. The figures are all there. The only thing missing is the one-sentence conclusion to which the gentleman referred.

I ask you this: If the figures are all there and the only thing missing is a personal conclusion, then how can the gentleman think that the State Department tried to be evasive? I go back to the fact that there is an overwhelming weight of evidence going back to our former colleague, Mr. Lowenstein, in the middle of February, who said PETE McCLOSKEY is coming out. Will you let him have that? And they said yes. They furnished the summary and sent a telegram on the ninth of the month.

Mr. McCLOSKEY. April.

Mr. GUBSER. April 9. They sent a telegram to the Embassy in Vientienne with a complete transcript of the sum-

mary furnished to the gentleman. Mr. Sterns testified before the Kennedy subcommittee that that telegram was received. Everyone knew about it but the gentleman, apparently.

Mr. McCLOSKEY. You would have assumed, as you have assumed from the language of others, that the Embassy, on the arrival of Congressman WALDIE and myself, would have been only too anxious to tell us about the survey, would you not?

Mr. GUBSER. I was not privy to the conversation and did not attend the dinner.

Mr. McCLOSKEY. Let me inform you of some of the events that did occur and see what the gentleman thinks about them.

Mr. WALDIE and I arrived in the late afternoon of the 13th. We went with the Ambassador to talk to Souvanna Phouma, the Premier of Laos, and later attended a gracious dinner party with him that lasted until 2 o'clock in the morning. During that dinner party we were handed a briefing book by the head of that group which had specific sections in it. Three of the sections referred to refugees from the Xieng Khouang Province, which is the Province in the Plain of Jars. It was suggested to us at numerous times during that evening that that briefing book could tell us all that might be known about the refugees. The following morning we read that book, that alleged briefing book that had been given to us, and found that none of those references to this refugee report were in it.

Can the gentleman tell me why the Ambassador did not disclose to Congressman WALDIE and me the facts about the bombing in this refugee report, knowing that we received the summary by telegram 2 days before? Why would it not contain that reference to the bombing or refugees in Xieng Khouang Province?

Mr. GUBSER. I can only speculate, but it ought to be clear as a bell that the summary had already been given to you and the American Embassy had been notified by the State Department in Washington that it had been furnished to the gentleman.

Mr. McCLOSKEY. Can the gentleman say why, in response to our repeated questions they did not furnish us this information, even in the presence of Mr. Stearns and Mr. Godley when we asked if they had any of the data as to why people had become refugees?

Mr. GUBSER. I cannot respond with respect to a conversation at which I was not present, but I can say that it seems mighty strange to me that a man would say that there were no such refugee surveys when he, of course, had been advised by telegram that the gentleman had been furnished with a summary of such survey. This to me is something I could not explain and I cannot understand it, but I was not there.

Mr. McCLOSKEY. The summary that had been furnished, and I knew had been furnished, referred not to the fact that the bombings——

Mr. GUBSER. Did the gentleman say he knew it had been furnished?

Mr. McCLOSKEY. They knew but we did not learn this until later. It was inadvertently disclosed to us, I might say.

Mr. GUBSER. The gentleman is absolutely wrong when he says "inadvertently." It was done on purpose by the State Department and it was handed directly to him. It was not inadvertent whatsoever that he was furnished this information before he left Washington. The gentleman knew that a decision had been made to give it to him and it was handed directly to him.

Mr. McCLOSKEY. Why, then, in a letter to JOHN SCHMITZ, our colleague, from the U.S. Information Service, May 20, does the U.S. Information Service say it was handed inadvertently to Mr. McCLOSKEY?

Mr. GUBSER. The U.S. Information Service is the agency which conducted the survey and which did the leg work. The State Department gave the gentleman the summary and Congressman SCHMITZ requested copies of it. Inadvertently, two of the summaries which were used on compiling the major survey were given to him.

I do not think that the State Department ought to have to answer for the terminology of the USIS.

Let us get down to the logic of this thing. What the argument is all about. I guess in all frankness, it does go to the gentleman's credibility. After all, I think it is logical to question credibility when you are questioning conclusions by the individual. The real issue is did the gentleman know that a survey of refugee attitudes had been conducted before he left Washington. I think the evidence is overwhelming that the gentleman did know.

Mr. McCLOSKEY. Why, of course; it was in the testimony on May 7 of the Senate subcommittee here that the Royal Laotian Government and the USIA had made such studies. Those studies, however, reflected that there was no single reason why refugees left their homes or no single type of combat. This survey contained the sole record and the official U.S. documentation that anyone has ever seen that reflects that bombing was clearly the compelling reason why these people left home.

Mr. GUBSER. Does the gentleman also admit that this came from the camps of the refugees who came from approximately 200 villages in the area of the ground fighting on the Plain of Jars?

And that the reason for taking the survey in the first place was that these people had lived under the Pathet Lao domination so many years, and were somehow different than the other refugees. Does the gentleman deny that?

Mr. McCLOSKEY. I have no idea why the study was taken. But let me ask the gentleman to bear this in mind: that the State Department and the Defense Department had testified to the Senate on May 7, 1970, that they had no indication of information as to why people left their homes, but that bombing was not a traceable cause of that. And then within 2 months after this hearing the State Department have surveys taken—

Mr. GUBSER. Of one area.

Mr. McCLOSKEY. Let us be careful.

Mr. GUBSER. To the camps where—

Mr. McCLOSKEY. They referred to the several surveys, one covering Sam Neua and Luang Prabang Province, and the other to the survey in the Xieng Khouang Province.

Mr. GUBSER. Were they 48 percent, or 28 percent?

Mr. McCLOSKEY. Only 82 out of the 97 people in the second survey said that bombing had made their life difficult, and that they had to work their farms at night, and they had to live in holes in the ground. And that number is not dissimilar from the Plain of Jars.

The point of the matter is this: I do not believe the gentleman wants to defend a Federal Government policy which proceeds to testify on one subject within the Senate on May 7, and then on July 10, about 2 months later, finds as a result of a survey of 213 refugees from 96 different villages that bombing is the compelling reason why these people left their homes. It is understandable, perhaps, why the State Department that says "We are not bombing villages" does not want to release for 9 months the only survey that says clearly that "bombing was clearly the most compelling reason for moving." That is the very kind of administration that the gentleman so strenuously defended yesterday, and on wh'ch he bases all his evidence.

Mr. GUBSER. Let me correct the gentleman. I am not defending any administration. I am not defending any policy of any State Department. I am merely attacking the gentleman's reckless and irresponsible charges that this Government has engaged in a policy of indiscriminate bombing of villages. And that is all I would say.

Mr. McCLOSKEY. If the gentleman will answer this question, it is certainly a fact——

Mr. STEIGER of Arizona. Mr. Speaker, if the gentleman will kindly yield to me, I would ask him to do so, because I want both of the gentlemen to settle down. And in order to do so I would say that I have an ancillary side view on this.

Mr. McCLOSKEY. I yield for an anecdote by the gentleman from Arizona.

Mr. STEIGER of Arizona. In the review of the refugees with respect to the bombing, was there any distinction—and I ask this, believe it or not, conjecturally—was there any attempt to make a distinction between bombing by the friendly forces, that is, the friendly Royal Laotian forces, and the American forces and the South Vietnamese forces, and shelling provided by the North Vietnamese? Was there any attempt to make such a distinction? Was there a recognition of the bombing of the Laotian villages by the North Vietnamese?

Mr. McCLOSKEY. If I can respond to the gentleman as accurately as I can, in the interviewing of 16 refugees that Congressman WALDIE and I interviewed—and Congressman WALDIE interviewed eight, and I interviewed eight, and I might add that there were a considerable number of people standing around participating in the discussion—I tried to ask them what kind of bombs had caused the destruction of their villages. In each case to me they described the cluster bombs, the little bombille, that is the French word for these 750-pound cluster bombs that throw out some 132 of

these small bombs and which cover an area of some 25 acres in a doughnut shape. I talked to several persons personally who described the wounds that they suffered from these small bombs. Some of them described the larger bombs, and some of them the white phosphorous. We did not receive a description of villages attacked through the use of napalm. We saw several people who had obviously suffered from shrapnel wounds, but they described the bombille, and none of these described to me what would be described as artillery fire, machinegun fire, and the ordinary types of weapons that accompany infantry combat forces.

All of the articles I cited yesterday by Mr. Strock from New Republic magazine, and Mr. Greenway from Life magazine and Mr. Southerland from the Christian Science Monitor, and the others, all of them described bombing, and there was also mention of the fact that there had been small attacks by infantry combat forces in Laos since 1962, generally by small units skirmishing with one another. I could not ascertain the amount of artillery that existed on both sides, but it appears that most of the fire support was air rather than artillery.

Mr. STEIGER of Arizona. Did the refugees refer to the aircraft? Were the aircraft visible? You mentioned the types of explosions.

Did the refugees ever refer to the aircraft? You mentioned the type of explosion—but did the refugees ever mention the aircraft?

Mr. McCLOSKEY. Yes. They described both the T–28 flown by the Laotian Air Force. But the bulk of it was described to me as the American type jet aircraft.

That is also true of the articles that I cited.

Mr. STEIGER of Arizona. Is the gentleman aware of the item that came over the wire this morning with regard to the apparent slaughter of some 412 Laotian civilians by the North Vietnamese infantry.

Mr. McCLOSKEY. No, I am not.

Mr. STEIGER of Arizona. This item came out this morning. I, myself, do not know anything more about it than that. But it was apparently something that occurred yesterday.

I would suggest to the gentleman that maybe herein lies a significant address to the question as to whether or not the gentleman was aware of the refugee attitude before he left the country.

But as to whether the gentleman rendered a disservice to himself and to his country in going over with apparently a preconceived notion that would not permit the gentleman objectively to interview anybody, I submit that only the gentleman himself can answer that question. I do submit that there is ample evidence that there are many reasons why people leave home. I would suggest that many of us in this body have left home for one reason or another—some good and some bad reasons, but I would say to the gentleman in my view his greatest service was not in misrepresenting a preconceived notion about his information with regard to the refugees that brooked—that was intolerant and brooked only one view prior to his going over. He cast in on that with cold political foresight.

I suspect the fact that nobody referred to the Laotian, North Vietnamese use of Laotian civilians would at least cause one to suspect that his was not a balanced view.

Mr. McCLOSKEY. Let me respond to the gentleman in this way.

I said yesterday that it seems to me regrettable when people espouse different views on an issue that one person's motives should be challenged and that one person's credibility should be challenged.

The factual issue that we are intent on trying to determine is very simple—whether or not there has been bombing and indiscriminate bombing of villages in northern Laos.

There were 3,500 villages and many were bombed and hundred of people so advised the U.S. Government, the USAID employees, the IVS volunteers, the U.S. Information service.

In one survey, there were 213 refugees from 96 villages.

In another there were 97. In another there were 30.

I spoke yesterday of the public press which contained numerous articles by prominent writers. There was the New Republic and the Christian Science Monitor and the Washington Post and Life magazine. All of those articles described interviews with villagers—not mine and not Mr. WALDIE'S, but interviews by people who have a dispassionate attitude toward this question as to what has been happening.

These villagers repeatedly said that their village was destroyed by American bombers. Some of their testimony was that nine out of 10 were American bombers and the remaining one-tenth by the T–28's.

There is no question about this tremendous amount of testimony by the Laotian villagers that the villages in at least seven out of the 16 provinces of Laos—off the Ho Chi Minh Trail—were bombed heavily by U.S. Air Force jets.

The testimony and the statement of the Department of Defense is counter to that. Following the testimony of U.S. Ambassador Sullivan: he would go to say that perhaps some of the villages were hit "after the villagers had moved out."

There is a question of fact here as between what these people are saying—that come from these villages and what the State Department are saying.

It is the resolution of that question of fact, it seems to me, that this body should make and it is not a question of the motives or the political ambitions of one person or another.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield further?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. STEIGER of Arizona. There is no question that I certainly as an individual find myself always questioning the motives of somebody who is in my view intelligent and literate and, yet, who comes to a conclusion that is at odds with the facts.

But even more important than that, I think, is I recall the gentleman's own questioning of the President's character, of his fitness to serve as President of the United States, his suggestion of his being impeached, his characterization of the President as a traitor.

Mr. McCLOSKEY. The gentleman is wrong. I have never questioned the President's fitness or character. . . .

Mr. STEIGER of Arizona. Yes, in Baltimore last year, to the Businessmen for Peace Dinner.

Mr. McCLOSKEY. That is absolutely incorrect. I have never referred to any American elected official or American officer in such terms.

Mr. STEIGER of Arizona. The point is the gentleman himself is engaged in this very thing. I share the gentleman's concern that it does detract from the basic issue. The basic issue is this: The gentleman made some conclusions, made them publicly, received a great deal of attention as a result of them, and the end result was twofold: It brought attention to the gentleman and harm to the American image. Whatever else it did I guess only the gentleman can qualify to say. But those two facts are irrefutable. The gentleman profited politically. The country suffered internationally.

Mr. McCLOSKEY. I suppose the country also suffered because of the My Lai disclosures. The gentleman from Santa Clara joined in the investigation that disclosed the treatment of civilians at My Lai. Granted that the American image was hurt. But were we not reaching for the truth? Are we not now seeking the truth rather than attempting to decide who it might hurt?

Mr. GUBSER. The gentleman has picked a good theme. He has put his finger on an important subject. The search for truth is a laudable pursuit by anyone, particularly by Members of Congress. But do we get the truth when we make accusations that this country is committing a very dishonorable act which amounts almost to genocide, and then saying, "Prove that you did not"? I ask the gentlemen, is that a responsible position for a Member of Congress?

Let us get back. It does not really matter whether the gentleman had this study, summary, or survey before he left. It does not really matter whether the State Department fully revealed all of the facts. What really matters is whether or not the gentleman's alleged proof constitutes a reasonable presumption at least that he was correct. I should like to ask the gentleman some questions at this point.

Mr. McCLOSKEY. Does the gentleman have any objection to the truth?

Mr. GUBSER. Absolutely not. I am seeking the truth. But I am saying that the gentleman's technique is beclouding the issue and making it difficult to find.

Is it not true that the same report from which the gentleman is quoting states that more than 95 percent of the refugees would not go back to their homes even if peace were declared if the Communists were still in control?

Mr. McCLOSKEY. The report does say that. But if the gentleman will note, we are not talking about why these people left their homes. We are talking about whether American bombers de-

stroyed their homes. The question is, did American bombers destroy their homes?

Mr. GUBSER. Is it not true that this was occupied country, that there was heavy ground fighting, and is it not entirely possible that these villages could have been destroyed by groundfire?

Mr. McCLOSKEY. It is possible, but not a single one of the villagers who were asked this question mentioned that.

Mr. GUBSER. Will the gentleman admit that this was an exceptional group coming from area of the heaviest fighting?

Mr. McCLOSKEY. May I finish my last statement? The seven provinces where the villagers were asked questions, both in this survey and elsewhere, disclosed not a single statement by a single villager that his village or home was destroyed by infantry combat or support fire for those engaged in infantry combat. In every single case the villagers said that their villages and homes were destroyed by the T–28's or jet aircraft, by cluster bombs, by 500-pound bombs. That is the evidence. If the gentleman contests that and if he says the people who left their homes did so because they feared the Vietnamese, yes, in part he is correct.

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

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

Mr. WALDIE. Yesterday I participated in the debate. Unhappily, everybody ran out of time. I have reserved an hour also this evening, but I want to use a good portion of that hour to ask Mr. GUBSER some questions. I ask through the gentleman who has the time I am not utilizing to request of Mr. GUBSER whether, after the expiration of your hour, he will be present to respond to some questions I intend to ask during the hour I have reserved subsequent to your time.

Mr. GUBSER. I am at your disposal, gentlemen.

Mr. WALDIE. I appreciate that.

Mr. McCLOSKEY. The question I should like to ask of the gentleman is simply this: Are we out to find the truth? If we are to get at the truth as to whether bombings occurred or did not occur, what does the gentleman do with several hundred refugees from several hundred villages who say their villages were destroyed by American bombing? Do you disregard that entire body of testimony?

Does the gentleman disregard that entire testimony?

Mr. GUBSER. I certainly do not, nor has anyone disregarded it, but we do not completely eliminate all other facts which could lead to a different conclusion.

For example, did the gentleman tell his public when he got home that all those who did the interviewing complained of the fact that there was probably a lack of statistical validity due to the fact that there was not time, there was trouble with the weather, that the language problem presented a difficult situation, and that villagers would gather around and try to participate in the answers that the interviewees were giving to the interviewers? Should not the gentleman, if he were fair, state that every one of the people who conducted the surveys has said there was serious doubt of the statistical validity of these surveys?

Mr. McCLOSKEY. But is this a question as to whether the bombing occurred or whether it did not?

Mr. GUBSER. Well, certainly there was bombing, but I can understand a villager who had seen a bombing attack perhaps 500 yards from his village, who had seen a POL dump or rice storage dump blown up—I can understand that this was to these people the most vivid thing that exemplified war to them. In the last 10 years they have been used to having their villages alternately held by friendly and enemy forces. Obviously they could mention bombing because that is the most spectacular thing, and that is what they express as their primary fear.

But I ask the gentleman how he explains the fact that he completely misrepresented his conversation with Captain Michel at the Udorn Air Force Base the day before his visit to Laos and an interpretation which Captain Michel has completely repudiated.

Mr. McCLOSKEY. The gentleman keeps going back to the alleged misrepresentation and misconduct in attempting to divert the issue as to whether the bombing occurred and whether what the gentleman from California said is proper or not.

Has the gentleman said that I improperly quoted an Air Force captain on April 13 in quoting as follows:

> I have flown over a lot of river valleys in Northern Laos these past four months, Mr. Congressman, and I haven't seen any villages along LOCS (Lines of Communication).

On July 7 the gentleman talked personally with the captain, Marshall L. Michel III, and appended the transcript of that conversation as exhibit B to his remarks yesterday. In that conversation Mr. Gubser asked Captain Michel as follows:

> GSG: I see. Well, now, it's been reported that you told Representative McCloskey that you personally had never seen an active village along the LOC or Route 7.
>
> Capt. M: Yes, sir. I said that I had never, I personally had never seen an active village along this route.

The captain went on to say that he had not intended to imply the villages along that route were destroyed by bombing and I certainly did not attribute such a suggestion to him.

The captain stated that he had been flying over northern Laos for a period of only 4½ past months, as I recall, and all of the evidence we have accumulated of the destruction of Laotian villages ended as of the early part of 1970. I was told by Maj. Gen. Andy Evans, commander of the 13th Air Force, at the same time, that no villages had been bombed since he took command in late 1970. I believe General Evans completely and do so today, but this does not explain what happened between 1968, when the United States diverted all this airpower over to Laos, when we stopped bombing in Vietnam and early 1970.

The testimony of all these witnesses was that the period of heavy bombing was in early 1969 and 1970. That does not in any way contravene Captain Michel's statement to me. My quotation of his statement was absolutely accurate. There is the inference the gentleman tries to draw—he sets up a strawman and then tries to knock it over.

Mr. GUBSER. Would the gentleman in the various times he quoted Captain Michel in "Face the Nation" and other instances when the gentleman was quoting Captain Michel say that he has not used it as support for his contention that we have indiscriminately bombed villages—I do not think the gentleman can argue about this.

Mr. McCLOSKEY. There is no question about that, because every time the villages are shown on the map and then they are no longer in the photographs Captain Michel takes on a daily basis—something destroyed those villages.

Mr. GUBSER. If the gentleman will permit, let us pursue this on an orderly basis.

The gentleman has just admitted that he used this quotation of Captain Michel for the purpose of fortifying his contention that there were no villages in that area and impliedly they were destroyed by bombing. Would the gentleman tell me whether that is fair?

Mr. McCLOSKEY. Something destroyed those villages.

Mr. GUBSER. That is right; and your point is that it was bombing.

Mr. McCLOSKEY. My supposition is that it was bombing. The statement of the people who lived in the villages was that they were destroyed by bombing.

Mr. GUBSER. Let us go from there, to the transcript of my phone call with Captain Michel. I have invited the gentleman to make a phone call with me, with the press and the whole world listening in, and I hope he will do it.

Does the gentleman deny that Captain Michel was quite offended by the fact that his statement was taken out of context and used to imply something which he definitely did not mean? I would be surprised if the gentleman, as a very intelligent lawyer, felt at the time he meant it.

Mr. McCLOSKEY. There is no question that Captain Michel, General Evans and every other Air Force officer that was there—none of them has been telling us there has been bombing in the last 7 months in Laos. I am sure Captain Michel would properly say, "We are not bombing the villages in northern Laos. We have not bombed them since I have been here." I believe he is entitled to say that, because there is no evidence in the last 7 months.

Mr. GUBSER. The gentleman talks about a time frame. All of this happened before Captain Michel came to Thailand. Yet he uses the testimony of Captain Michel to prove what happened some time previous.

Mr. McCLOSKEY. If there were no villages——

Mr. GUBSER. If the gentleman misrepresented Captain Michel he knows it.

Mr. McCLOSKEY. Misrepresented him?

Mr. GUBSER. Yes. You used Captain Michel's statement to you out of context to prove a point Captain Michel did not mean. And I believe the gentleman knew he did not mean it.

Mr. McCLOSKEY. Is not the quote

that I have read what I said Captain Michel said, and is that not exactly what he said?

Mr. GUBSER. Yes; exactly right. And how many times, as an experienced politician, does the gentleman know one can take something out of context and take part of a quote and in effect prove black is white? And that is what the gentleman did.

Mr. McCLOSKEY. The only thing Captain Michel's statement shows is that now, in 1971, for the last four and a half months before Captain Michel told us this in April, there was no bombing of the villages, and the map of northern Laos which was showed to me shows a number of villages.

Mr. GUBSER. Did not Captain Michel also say he had done a study on this when he was a student at Georgetown University in 1961? There was fighting going on even then, and these people were seminomadic and moved about, and sometimes villages were destroyed by ground fire? Did he not say all that to the gentleman?

Mr. McCLOSKEY. He did not say that.

What the situation might have been in 1961 is not really relevant to the question of whether between 1964 and 1970 the U.S. Air Force bombed and destroyed these villages. The villagers tell us that they did.

The maps of northern Laos, contrary to the gentleman's statement, do not show these villages are seminomadic villages of Meo tribesmen. There are perhaps one-fifth, or perhaps one-fourth, who live in the Burn and Slash agricultural areas, where they move from time to time, at the elevations above 3,500 feet. At least three-quarters of the people are ethnic Lao, who live in the river villages, in the very mountainous areas, and have fixed villages.

Mr. GUBSER. In the Plain of Jars?

Mr. McCLOSKEY. The Plain of Jars had about 250,000 of the 1 million people who once lived in the area. The villages in question, about 3,500 villages, I would guess—and I base this on the estimate that Ambassador Sullivan gave; he said at other times there were perhaps 2,000 or 3,000 which existed in this area.

The gentleman should understand that three-fourths of these villages are located along the roads, along the trails, and that the villages themselves are fixed villages, with fixed names at fixed locations. They are not moved from time to time, as the Slash and Burn mountain tribesmen and Meo tribesmen do.

It is these villages along the lines of communication which constitute perhaps three-fourths of the villages of northern Laos. It is these villages which have been destroyed by American bombing.

It is significant, I think, that the American bombing people admit their primary targets have been lines of communication.

As a matter of fact, the express mission in their bombing is along lines of communication, which puts them in this kind of a predicament. If along 20 kilometers of a narrow river valley there happens to be 10 villages and they are bombing that highway for 20 kilometers, somebody has to make a decision that perhaps every 2 kilometers they will pull up and not bomb within 500 meters of the villages. The fact of the matter is the people who live in these villages said that the villages were destroyed by bombing.

In all of this argument the gentleman has tried to shift away from the fact that the villagers said they were destroyed that way. You can accuse other people of being politically motivated and having axes to grind and so on, but what do you say about the testimony of hundreds of villagers, all of whom say that their villages were destroyed by planes which dropped bombs containing white phosphorus and cluster bombs and so on?

What is the gentleman's comment on that evidence?

Mr. GUBSER. Ground fighting occurred along the line of communication for more than 10 years. That is where the fighting takes place, because that is where the supplies move. You do not move supplies on a hilltop where the people live. I also challenge the gentleman's statement, that three-quarters of the people live along the lines of communication, because every person that I have talked to with expertise says the opposite in the area which we are discussing.

Mr. McCLOSKEY. Well, now——

Mr. GUBSER. Will the gentleman let me finish? I know it is his time, but do not let us use one argument for one area and then, when it is convenient, shift the action and get on a course where we are going from mountain to mountain. We are talking about where the refugees came from one area which is the Plain of Jars.

Mr. McCLOSKEY. Granted.

Mr. GUBSER. I am saying that most of the people do not live along the lines of communication. I am saying that those lines of communication are the contested areas and that bombing has taken place there, but destruction is primarily due to ground combat. That is the most intensely fought over piece of real estate in the whole wide world, I think. This has been going on for years there. What does the gentleman say to that?

Mr. McCLOSKEY. I am saying—

Mr. GUBSER. He says on the basis of an interview or interviews with 226 refugees and on the basis of his personal interview with 16 of them that in effect 76 percent of 3,500 villages have been destroyed. That is about what the gentleman has said. And certainly there is not the testimony of one pilot or one State Department official or anyone that will back up that extrapolated implication from these figures. I challenge the gentleman to do this: He has quoted several newspapermen. One of them is Carl Strock. Another one is a gentleman who was a former U.S. AID employee who testified before the Senate committee. It is rather interesting to note all four of the incidents this particular gentleman described and which the gentleman placed in the RECORD and relies upon took place before 1967. That is not the time which is in controversy by the gentleman's own admission. We are talking about, 1969, and 1970.

Mr. McCLOSKEY. Let us take that.

Mr. GUBSER. Wait a minute, is the gentleman going to tell me every one of these other people are lying and that the survey of 226 villages, from an unusual area, taken under very questionable statistical circumstances, with a language problem involved, and based upon his interviews with only 16 people, he is justified in making his charge that we have indiscriminately bombed Laotian villages? I think the gentleman would be ashamed to go into court with that kind of statement.

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

Mr. McCLOSKEY. I yield to the gentleman.

Mr. RIEGLE. I thank the gentleman for yielding.

I cannot believe there is any reason why the gentleman from California (Mr. GUBSER) would have any objection to joining us in asking for photographs so that we could find out.

Why not get the pictures because the pictures will tell us exactly what the situation was.

Mr. GUBSER. Will the gentlemen tell me what the pictures will show?

Mr. RIEGLE. First of all, they will show whether there were people in these villages and, if we find that a substantial number of villages have been destroyed, then we can go further and find out how they were destroyed—by bombing or as you suggest, by ground fighting. But would it not be wiser to ask for photographic evidence so we would know, first of all, how many villages are in existence? Will the gentleman sign a letter to that effect?

Mr. GUBSER. I will respond to that.

Mr. RIEGLE. Will you help us get those photographs?

Mr. GUBSER. I will respond to the question.

Mr. RIEGLE. In other words, you will not ask for those photographs?

Mr. GUBSER. I will, if you will give me time.

In answering the question, let me point out that the gentleman from California (Mr. McCLOSKEY) was offered a flight over two areas where he could see refugees other than those which he interviewed. He had the opportunity to go to other camps. He was offered a flight over the Pathet Lao city of Attopen—and he turned down all of those and only wanted to go to one camp. That is all he went to.

Now, I will answer the gentleman's question and I will be happy to join in a request for photographs, provided you will allow me the opportunity to insert a paragraph in that letter which at least states that I know how ridiculous the request is.

Mr. RIEGLE. Mr. Speaker, if the gentleman would yield further, I would certainly be willing to accept the gentleman's desire to want to insert such a paragraph with the notation that that is his paragraph.

Mr. GUBSER. That is right.

Mr. RIEGLE. Let me understand for the record that the gentleman is willing to join with us in a formal request for photographic evidence of the villages in question; is this correct?

Mr. GUBSER. Does the gentleman want before or after photographs?

Mr. RIEGLE. I would hope they give us everything they have.

Mr. GUBSER. I hope you bring a magnifying glass.

Mr. RIEGLE. Photographs of what exists today.

Mr. GUBSER. I would be glad to join in the request, and with the statement that I know for the six reasons I inserted in my remarks yesterday that such a request is absolutely ridiculous and it amounts to a situation where a couple of Congressmen are saying to this country, "You are committing genocide."

Mr. McCLOSKEY. The gentleman continues to use the term "genocide." I do not think he has ever heard me use that term or that I have been quoted as using that term, has he?

Mr. GUBSER. No, I have never heard the gentleman use the word "genocide." I have heard you use terms and expressions of U.S. policy which certainly amount to genocide.

Mr. McCLOSKEY. I have referred to the U.S. policy which was referred to by the 21 young IVS volunteers as the destruction of the social fabric of 3,500 villages in that nation. It is easy to see that the only way you can accomplish that is by bombing those villages. That is the statement of these IVS volunteers. I cannot say that we have any written U.S. policy to purposefully destroy these villages, because the rules are clear that there shall be no bombing within 500 yards of the lines of communications. But it is hard to understand that it was reported that we bombed only eight villages by mistake when we get a report that 76 percent of the population were hit by bombs. That information was not submitted to the Senate subcommittee. They concealed that information. They testified that bombing could not be identified as the cause of any refugees when the report says clearly that the bombing was the cause. I cannot understand the discrepancy which exists between the State Department testimony and the Department of Defense testimony that they hit a few villages by mistake in the last 7 years, as compared with the testimony of hundreds of refugees that their villages were destroyed by bombing. If they had said that they had experienced battles taking place between tanks and artillery and infantry assaults and so forth, that would be one thing. But the villagers from the Plain of Jars did not talk of their villages being destroyed by infantry warfare that raged across the Plain of Jars, although they were under Pathet Lao domination for a period of 3 or 4 years.

The description of the infantry fighting in this area is not that of combat between two mechanized armies, but it is skirmishes between small units on both sides by people who went around the Plain of Jars rather than who fought through it. That is the information I have.

In any event, there is no testimony by any of these refugees, the hundreds of interviews and reports by American Government officials of the USIS that in any of these situations that their villages were destroyed other than by bombing.

So on what basis does the gentleman proceed to suggest that these villagers are not telling the truth and that their villages were destroyed by artillery and by infantry when you consider the fact that they have described so faithfully the type of bombs that were used, the types of aircraft that were used, and the bombs that specifically are the kinds of bombs that we use in that area?

Mr. GUBSER. I have never questioned the testimony of the villagers.

Mr. McCLOSKEY. Then bombing has taken place in these villages?

Mr. GUBSER. I never questioned the testimony of the villagers. I only question the extrapolated conclusions that the gentleman makes from this very small and very unusual sampling.

I say that I do have confidence in what our Ambassadors tell us, and what the church people tell us. I do have confidence in them, and I do not believe that we have indiscriminantly destroyed villages. I think that the gentleman has rendered a disservice in jumping to that conclusion.

The Speaker pro tempore (Mr. HUNGATE). The time of the gentleman from California (Mr. McCLOSNEY) has expired.

THE BOMBING IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 60 minutes.

Mr. GUBSER. Mr. Speaker, will the gentleman yield so that I may conclude my statement?

Mr. WALDIE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

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

I think it is about time that we read into the RECORD something which is different than the allegation that this is a U.S. war against the Pathet Lao.

One of the authorities quoted by the gentleman from California (Mr. McCLOSKEY) is Ronald J. Rickenbach, former refugee and relief officer for the Agency for International Development. I shall read parts of his testimony, but I am not going to take them out of context—I can assure you of that.

This appears at page 23 of the report entitled "Refugee and Civilian War Casualty Problems in Laos and Cambodia." In speaking of the Meo tribesmen, he says:

> From conception, the Meo "cause" has simply been an effort on their part to protect their homeland from outside incursion. Their intended purpose: merely self-preservation.
>
> The Communist North Vietnamese moved into Laos, and in force.
>
> The armed presence of the North Vietnamese Army was enough to put the Meo on the defensive, in line with tradition.
>
> However, their options were limited; accommodate themselves, fight or flee. They could not very well fight without arms, and assistance; they could flee, but to nowhere as suitable to their way of life than where they already were; or they could accommodate themselves in some peaceful, subservient way to the Vietnamese presence. . . . .
>
> It is at this crucial juncture that the American Government's involvement can be traced.

That was in the late 1950's.

Then the gentleman concludes his testimony, and this is Mr. Rickenbach:

> But I feel, at the same time, that it is of paramount importance that we do not compound our mistakes—

And he meant in Southeast Asia—

> by not, in some form, showing a continuing commitment to those people who over the years have shown the greatest loyalty to our presence, whether history eventually justifies that presence or not.
>
> No single group, I am sure, has been as true an ally to America during this conflict as the hill tribesmen of north Laos. I firmly believe that it is the responsibility and obligation of this committee to insure that, in one way or another, they are given a more just repayment than pure abandonment, in this, their hour of truth.

Let us not forget that this war is going on in Laos for one reason—the North Vietnamese are invading it. The North Vietnamese are invading it and the Meo tribesmen are resisting that invasion.

Mr. WALDIE. Can the gentleman tell me from his vantage point of superior knowledge and information, and I say that seriously as a member of the Committee on Armed Services, if the Meos are being employed by the Central Intelligence Agency?

Mr. GUBSER. First of all, let us talk about this question of superior knowledge I do not have a thing in the world that is not available to the gentleman from California—not a thing. Ask Congressman HÉBERT and he will show you anything that I am privileged to see. So I am not in a superior position of having any superior knowledge.

The Meo tribesmen are supported by the U.S. Army and the U.S. advisers and they have been for many, many years.

Mr. WALDIE. Are they not employed by the Central Inteligence Agency?

Mr. GUBSER. As to whom they are directed by or financed by, I am not prepared to say, but at this time they have the support of the United States and they have fought valiantly.

Mr. WALDIE. Let me ask this question. Do you know whether they are in the employ of Central Intelligence Agency or whether you are at liberty to say so—you do not know that?

Mr. GUBSER. No, I do not know that.

Mr. WALDIE. Were I to ask that question of Mr. HÉBERT, would that knowledge be within his purview? Do you know?

Mr. GUBSER. I cannot answer for the gentleman from Louisiana.

Mr. WALDIE. Certainly, this may be a peripheral issue, but I understand members of the Committee on Armed Services are very privy to the appropriations for the Central Intelligence Agency.

Mr. GUBSER. Not on the Committee on Armed Services—we do not have a thing in the world to do with appropriations for the Central Intelligence Agency.

Mr. WALDIE. Do you have anything to do with the authorization for the Central Intelligence Agency?

Mr. GUBSER. I would presume—yes. However, I do not know about the authorizations for the Central Intelligence

Agency. There are facets of the bill that could be that—I do not know.

Mr. WALDIE. Let me ask you a question or two before I yield to my good friend, the gentleman from California (Mr. DELLUMS). I ask this question as a Member who is not frankly committed to the view that our colleague and my friend, the gentleman from California (Mr. MCCLOSKEY) has advanced. But I ask this question based upon my own personal knowledge of some of the facts you have alluded to, having accompanied Mr. MCCLOSKEY to Indochina and having been present on several occasions as described by other parties who were present. I do not suggest to you that you have misrepresented what was told to either Mr. MCCLOSKEY or me because you were not there and you were of necessity required to rely on third persons. But I can say to you that in several instances those third persons have misled you.

The first instance is as to Reverend Roffe and it pains me as I know it pains you to hear suggested that a man of the cloth would mislead you, but that is precisely what he has done, if you have reported his conversation with you on page 24596, where you recite in your statement, and I am not quoting this but it is in the second column about two-thirds the length down, where it says that Reverend Roffe has told Mr. Hecht that he detected no discrepancy between the answers given by Father Menger and those which he heard from the refugees themselves.

Is that your understanding?

Mr. GUBSER. That is what Mr. Hecht told me; yes.

Mr. WALDIE. The fact of the matter is that I think these statements by Reverend Menger ought to be clearly brought out for your information.

I guess you have apparently relied heavily on their version of the refugee situation in Laos.

I only add this information to your well of intelligence, of their background, and of their credibility as I personally experienced it.

In the first place, the 16 refugees involved in about a 4-hour period of interviewing, eight of whom were interviewed by me and eight of whom were interviewed by Mr. MCCLOSKEY are an interesting parallel to the refugee conclusions that you stated—a church group did interview 350 people.

Mr. GUBSER. No, 150.

Mr. WALDIE. It was 150 in 1 day and we were only able to interview 16 between the two of us in 4 hours.

Now I want to go into their interviews later to see whether they have showed you their interviews. You have seen the statement. Did they have statements of those interviews?

Mr. GUBSER. I was not furnished with that.

Mr. WALDIE. They only gave you an assessment of the interviews.

Mr. GUBSER. Exactly, as quoted; yes.

Mr. WALDIE. Let me tell you a little bit about Reverend Roffe. They flew down into the village, that sleepy refugee village. You are absolutely right. You have been on enough trips overseas, as I have, to know that if you do not select where you want to go, you will go where they want to go. They wanted us to go to a large party. They wanted us to fly up north to the capital where we could go to a party and have some dancing done by Laotian dancers.

That was not the purpose for which we were there. It was not the purpose we should have been there. We said. "Thank you, but we will select the places we want to go." It was rude, perhaps, but it was our own consensus—and I shared Mr. MCCLOSKEY's view that the information that would be derived from our selected itinerary would in all probability establish more accurate or informative information than we would have gleaned from sources that they delivered to us.

We flew to this refugee site in two helicopters. Both interpreters, Rev. Ed Roffe and Father Menger, provided us by Ambassador Godley, were warranted to us as independent, excellent interpreters that had been used by the embassy on similar occasions in the past. Father Menger was in my helicopter and next to me. Reverend Roffe was in Mr. MCCLOSKEY's helicopter. My first exposure to Father Menger, I confess to you, was not a very palatable or a very warm exposure.

On the way down the Father was discussing the problems in Indochina. His statement to me was precisely these words:

> The trouble with the American youth of today is they are yellow. They are not willing to shed their blood for other peoples.

My reaction to that was, as your reaction would have been, one of being aghast at such an accusation. My comment to the Father was this:

> Father, you may be familiar with the Laotian situation, having been here 20 years, but you have been away from America for a long time and are not familiar with the American situation now. You do not have to go that far, however. Go to Vietnam, from where Mr. McCloskey and I have just come. Go to the hospital we visited and take a look at the Americans who have shed their blood for causes in which I do not believe and probably they do not believe.

That was the basis on which I was introduced to Father Menger.

During the interview of the eight refugees, four of them in the first round I was interviewing with Father Menger's assistance and one other reporter, who unfortunately did not speak Laotian and neither did I. With Mr. MCCLOSKEY was Reverend Roffe and several others who spoke Laotian to check his translation. We met after 2 hours and he commented to me, he said, "It is remarkable."

I said, "What is remarkable?"

He said:

> The fact that there was not in one instance of one interview that I conducted an enemy soldier either within the village or closer than 2 to 10 miles from the village at the time of the bombing attack on the village that produced the wounded refugees or the evacuated refugee.

I said, "That is remarkable."

Among my four interviews there was not one who did not say in his village that in fact there were either both Laotian or North Vietnamese soldiers.

We decided that coincidence was remarkable, so remarkable that it should be tested.

He then took Father Menger on the next round of interviews. I took Reverend Roffe along with two men who also spoke Laotian. I tried to find all four of the refugees whom I had first interviewed to check Father Menger's translation. This was a massive village of refugees, and they had faded into that population with the exception of one. I found that one refugee.

I asked the identical questions I had asked in the presence and with the assistance of Father Menger. The responses as to the presence of enemy soldiers in the village were entirely contrary to what Father Menger had testifid.

The next three groups of refugees that I interviewed, not one said that there were enemy soldiers in the village. So Reverned Roffe to you was telling the truth when he said there was no distinction between the translations of the refugees given to me and those given to Father Menger.

What he was saying is that there was no difference between the translation of refugees given to him than given Father Menger when he accompanied "PETE" MCCLOSKEY with a backup interpreter, because in the second round of interpretations with Father Menger interpreting for "PETE" with a backup interpreter, in fact, there were no enemy soldiers in the village.

So let me suggest to you from personal experience, as a fairly neutral observer, not total, and becoming less so as the days progress on this issue, Father Menger in my view is not a credible translator. He either does not understand Laotian or is not willing to translate it as it was given.

Reverend Roth translated it as accurately as it was delivered, according to the interpreter along with us.

The question that I asked of the Embassy people all along involved the question the gentleman has constantly posed about this survey on which the gentleman from California (Mr. MCCLOSKEY) has relied, that it was a very limited survey of a very limited group of people in a very limited period of time in a very limited space. They claim that to base the conjectures and the extraction of the hypothesis on that, which the gentleman from California (Mr. MCCLOSKEY) has—that is a matter that concerned me. I asked the Embassy officials about it when this report finally came to light—and it seems a question that should concern us all, but I am not going to dwell on the details as to how it came to light or whether it was probably concealed or not. That is not of interest to me.

The fact is that once it came to my attention it was immediately disclaimed as not being a valid refugee report, as the gentleman suggested was claimed by the Embassy people. They said that it was done in an inadequate manner, there were an insufficient number of samples, and conclusions therefore should be distrusted. I suggested that could very well be so, but I asked why they did not attempt to take additional polls to confirm or deny the results of that poll.

They have it within their power. They own that country, and they really own that, I will say to the gentleman from

California (Mr. GUBSER). The Ambassador runs that country as if it were a fiefdom, and the Central Intelligence Agency runs it as if it is a fiefdom also.

But the fact of the matter is all the resources are under their control to take the polls and to say whether that poll is inaccurate.

It may very well be a fact that it is, but it is the only poll they have.

I have one more response—and I am sorry I have not yet yielded to the gentleman from California (Mr. DELLUMS) as he requested, but I have one more comment.

I was pleased to hear the response to the gentleman from Michigan (Mr. RIEGLE) that the gentleman would join in requests for photographs. As I read this testimony quite closely, it is not the gentleman's belief, I gather, that the photographs that have been sought to confirm or deny the existence in the first instance of villages in the area in question are not in existence—those photographs are not.

It is the gentleman's argument, as I understand this, that although they may be in existence, they are so difficult to interpret, that there is a danger in releasing those photographs, because they may be misinterpreted.

In response to that, I think that is a valid argument, the conclusion at least, that any photograph might very well be susceptible of a variety of interpretations as to what happened to the villages if, in fact, the villages have been destroyed. But it does seem to me as a lawyer that the determination is within the hands of the jury as to whether the evidence is credible or not. If it is in the possession of the lawyer, he should present it to the jury, unless he desires that jury not to see it. As a defense lawyer, one might not want the jury to see the evidence. But we are not defense lawyers or prosecutors here. We want the people to know the facts.

What is wrong with procuring the photographs as they exist and letting judgments be made as to what happened to the area in question? The gentleman's judgment may differ from mine, or we may agree. But in respect to that, may I ask the gentleman simply this question. He has referred to two photographs that he displayed to the House of Representatives, and he discussed a survey of 26 square kilometers as to the density of structures. I presume in the survey of the 26 square kilometers, a description or conclusion as to the density of structures would have required some visible evidence of the existence of structures in that 26 square kilometers?

Mr. GUBSER. Mr. Speaker, if the gentleman will yield, I presume—and I am quite sure it is correct—that was calculated from bomb damage assessment reports.

Mr. WALDIE. Would that include photographs?

Mr. GUBSER. I would think so, yes.

Mr. WALDIE. Do you know whether in that 26 square kilometers there are photographs of structures?

Mr. GUBSER. I do not.

Mr. WALDIE. Of the two photographs the gentleman presented to the House of Representatives, it was artillery damage? I presume it was the gentleman's conclusion of the damage, that it was caused by artillery .

Mr. GUBSER. Artillery and mortars.

Mr. WALDIE. Who provided the gentleman with those photographs?

Mr. GUBSER. They were from the Office of the Secretary of Defense.

Mr. WALDIE. Were they taken by American reconnaissance planes?

Mr. GUBSER. I cannot answer the question, but I presume they were.

Mr. WALDIE. The American forces were not, in fact, bombing those?

Mr. GUBSER. No, nor were the Laotians. The purpose of those two photographs was only to show the extent of damage that can be caused from ground action.

Incidentally, those two photographs were not even up in the PDJ area but were in the panhandle.

Mr. WALDIE. My curiosity is as to how you obtained them. No American forces were involved in that action. No American air power was involved in that action. Yet there is, within the possession of the Secretary of War, two photographs of villages, which relate to a totally Laotian action, I presume.

Mr. GUBSER. Of course, we fly reconnaissance many times a day over that area because that is where the Ho Chi Minh Trail is.

Mr. WALDIE. I presume so. And I presume equally there would be photographs covering the area in question, as to whether structures exist in that area.

Mr. GUBSER. I would say to the gentleman, it is my belief there would be ample photography along the LOC, lines of communication.

Mr. WALDIE. Yes.

Mr. GUBSER. But I seriously doubt that there is reliable, up-to-date photography of the areas away from the LOC's. I think Captain Michel told Representative MCCLOSKEY he had just flown a mission the day before along LOC route 7.

Mr. WALDIE. You mentioned in your testimony yesterday that the bomb craters would not necessarily be evidence or that the crater would not necessarily be evidence of a bomb. I suspect that is correct. There might be a question as to a bomb crater, an artillery crater or a mortar crater.

M. GUBSER. Or, if I might add, a question as to whether the bomb crater was caused by a Laotian pilot.

Mr. WALDIE. There is no question of that.

Mr. GUBSER. Or whether when a village happened to be evacuated, it was at the time a military target.

Mr. WALDIE. There is also the question that no photograph can honestly answer at its inception. The area as to which I was confused was Mr. MCCLOSKEY's question to you which was not able to be developed because time expired. I am not sure, militarily, but I gather from the question Mr. MCCLOSKEY was asking, and information provided to me, that a cluster bomb does not leave a crater. I am talking about CBU, not phosphorous.

Mr. GUBSER. The gentleman is correct. Incendiary, on occasion, and antipersonnel.

Mr. WALDIE. Antipersonnel bombs do not.

Mr. GUBSER. Some do, but these I understand do not.

Mr. WALDIE. Then to add further to the gentleman's understanding of our dilemma in interpreting what is happening in Laos, almost every one of the refugees I interviewed who possessed wounds on their bodies or who had lost members of their families from the bombing lost them from cluster bomb wounds, from antipersonnel bombs. The one exception was the white phosphate wound that had scarred a Meo, now a 9-year-old boy, from his toe up through his back, that killed his sister and burned him.

Mr. GUBSER. Is the gentleman referring to a boy whose name I previously misspelled? I called him Ba Son Di, but I understand his correct name is Thao Som Dii.

Mr. WALDIE. I do not know. I have that in my notes.

Mr. GUBSER. A 10-year-old boy who had a burn on his right leg, whom you saw?

Mr. WALDIE. Yes.

Mr. GUBSER. I am sure we are talking about the same person. I believe it is rather interesting, if the gentleman will permit me no more than 2 minutes of his time, to go into this.

Mr. WALDIE. Surely.

Mr. GUBSER. I asked about that young person. On the morning of July 6 a USAID officer interviewed the father of this boy.

Mr. WALDIE. That is the man I interviewed, the father, not the boy. I did not interview the boy.

Mr. GUBSER. From the description I have heard of the boy's injury, I think it probably was a phosphorous bomb, because I understand it was rather localized. But the father of Thao Som Dii told the USAF officer this morning on July 6 that his son was burned by napalm dropped by jets while the family was walking along the road near the rice fields at some distance from their village.

As I understand it from the documents—I have never seen the boy—the burns could not have been napalm, because it would have enveloped him and would have been much more widespread and not localized. The point that I make here is an example of how unreliable information is when you get it from nomadic and primitive peoples like even the father who says that it was napalm when we know it was not.

Mr. WALDIE. Let me suggest to you it is unreliable if you are not careful in the interviews. The father said that it was napalm. We suspected that he was incorrect because of the nature of the wound. We went into it in much greater detail and ultimately found out that he was talking about a white phosphorus bomb.

Mr. GUBSER. Here is another part of the same information that I requested.

Mr. WALDIE. Although I suspect that if you are burned by napalm or by white phosphorus——

Mr. GUBSER. Neither are very nice.

Mr. WALDIE. That is right.

Mr. GUBSER. This wire says "It is

also possible that the child in question was in fact playing with undetonated phosphorus parachute flares or smoke markers, which sometimes occurs."

We know that phosphorus is only used for marking and screening. There are two other weapons, which are cluster bombs and which are never used except against supply dumps and military targets and are not used against personnel.

Mr. WALDIE. Wait a minute. I do not yield further. I want to comment on that. They should never have been used, and our policy would never permit them to be used. If in fact they were used it was a violation of our policy, was it not?

Mr. GUBSER. May I read in response another portion of this telegram which I have and which came from Mr. Sterns, the Deputy Chief of Mission. It says:

Phosphorus ordnance is never—repeat—never used as antipersonnel weapon in Laos. It has been used on one occasion we know of in 1969 in an attempt to burn Pathet Lao North Vietnamese army rice storage area.

Mr. WALDIE. The point of the matter is I know what the policy is and I know the policy is extremely humane. The regulations of engagement are as magnificient documents of humanitarianism as you could possibly find in warfare. It is not the policy I am concerned with but the practice. I suppose every interview I received and which was contained in that refugee report could be discounted as maybe somebody who was motivated in the refugee stations, by other reasons, but there is sufficient basis in my mind—and I left Indochina, as I mentioned to you yesterday and as Mr. McCLOSKEY knows, genuinely concerned that the conclusions he had drawn from what I considered to be limited evidence were not warranted.

However, the failure to provide the Congress with evidence that is within their prerogative—not only the failure to provide that evidence but the actual policy to keep this House of Representatives from knowing about Laos—causes me to be highly incredible as to their actual representations. I do not even understand my good friend from California (Mr. GUBSER). I do not understand the majority of my own colleagues in their refusal the other day to ask questions about what we are doing in Laos.

The administration will not provide us with these answers. I do not cast all of the blame on this administration, because the prior administration and the two prior administrations, both leaders of whom were in my own party, were equally adamant in their refusal to let the American people and their representatives know what is happening there in Laos. It is for that reason that I am becoming increasingly of the belief that Mr. McCLOSKEY's charges have been far more credible than the effort today to destroy him suggests is the case.

The evidence you have used to attempt to refute Mr. McCLOSKEY's charges has been reports on the evidence being insufficient. I grant you that the evidence was insufficient. I granted that from the start, and it did not have to be diminished further to be insufficient. But you have not answered why the administration did not produce the concrete evidence of photographs and additional refugee surveys showing how erroneous the conclusions of this survey were. There must be evidence other than that which has been presented, other than a mere attack on the limited evidence Mr. McCLOSKEY has presented, that would refute the charges.

Mr. GUBSER. Mr. Speaker, will the gentleman yield further?

Mr. WALDIE. I would be happy to.

Mr. GUBSER. Before I respond to the concluding part of your statement, let me say to the gentleman that I admire the manner in which he has approached this problem and I admired the statements he made upon returning. In fact, the gentleman really makes my case which provoked this entire interchange.

I have always said that Mr. McCLOSKEY has not proven his point and that he had an obligation to prove the serious charge he made before injuring the image of his country. That is what this argument is all about. But, nevertheless, it has evolved into something else.

Mr. WALDIE. Let me interrupt the gentleman at that point because I surely do not want my silence to indicate or to suggest that Mr. McCLOSKEY has injured this country by his statements. I do not believe that at all, and make no mistake about it. It is my opinion that Members of Congress can debate passionately and with conviction policies of this country and when he expresses that disagreement with passion and conviction, all of which I happen to believe fit your colleague and mine admirably and completely, then I feel he is entitled to do so.

Mr. GUBSER. But, again, getting down to the conclusion which the gentleman made, I would like to go back to one other point. I, certainly, was not a party to the interviews. I cannot comment upon the honesty of Father Menger or Reverend Roffe because I was not there.

Mr. WALDIE. But I was.

Mr. GUBSER. I accepted the gentleman's statement as being an accurate reflection of what he sincerely believes to be true. But it seems to me that the main issue which was wrapped around the credibility of Father Menger and Reverend Roffe is whether or not there were Pathet Lao in the villages. Now, the survey—the famous USIS survey upon which Mr. McCLOSKEY places so much emphasis and relies upon so heavily says that 95 percent of those who lived there and were refugees did not go back when the war ended if it were occupied by the Communists. More than 50 percent gave a variety of reasons for their becoming refugees which included the protest against the 15-percent rice tax imposed by the North Vietnamese and the Pathet Lao and the fact that they were forced to become military porters and were treated as slaves and cattle.

The other thing—I think it is clearly established, regardless of what the testimony may have been when Father Menger and Reverend Roffe were translating for you is that the Pathet Lao had occupied those villages. Perhaps, at the moment they were not there, but we all know that every dry season the Pathet Lao and the North Vietnamese alternately occupy this region and that during every wet season the Meo tribesmen come back. In other words, it changes hands every year. These people have been used as slaves and their rice has been taxed and at the time this is what they were protesting against.

Mr. WALDIE. There is no question, however, that almost every refugee with which I had contact expressed his thorough distaste of the practices you have described.

Mr. GUBSER. Is it not a fair statement to say that almost every refugee had at some time known that the Pathet Lao or the North Vietnamese were occupying these villages?

Mr. WALDIE. Oh, surely, but that does not mean if they were there last month the villages should be destroyed this month.

Mr. GUBSER. Certainly, but I want to clear up the point and the implication that Reverend Raffe and Father Menger were deliberately concealing the fact that the Pathet Lao had been there. The facts are that they were there.

Mr. WALDIE. It is certainly my own personal opinion that Reverend Menger was deliberately misinterpreting. He said at the time of the bombing there were no North Vietnamese or Pathet Lao in the village. Reverend Raffe said subsequently that in fact they were there.

So I appreciate the generosity and courtesy of the gentleman in yielding to me.

At this time, Mr. Speaker, I plan to yield to the gentleman from California (Mr. DELLUMS) for 10 minutes, but before I do so may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. WALDIE) has consumed 33 minutes.

Mr. McCLOSKEY. Mr. Speaker, will the genleman yield?

The SPEAKER pro tempore. Does the gentleman from California (Mr. WALDIE) yield to the gentleman from California (Mr. McCLOSKEY)?

Mr. WALDIE. Mr. Speaker, I would ask the gentleman from California (Mr. McCLOSKEY) whether he would permit me to yield first to the gentleman from California (Mr. DELLUMS) who has a very important mission to perform on behalf of the Democrats in that he has to go out and practice his pitching talents.

Mr. McCLOSKEY. Certainly.

Mr. WALDIE. I yield 10 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from California (Mr. WALDIE) for yielding to me.

Mr. Speaker, I commend the gentleman from California (Mr. McCLOSKEY) on his actions, his courage and his convictions with respect to what I consider are some very critical issues, and problems.

I for one do not question your integrity nor your motives. I think your activity typifies the highest and the best in a public official who diligently attempts to inform the American people and challenges his colleagues in the House of Representatives to discuss some very serious problems, and that is the serious allegation of war crimes and war atrocities in Indochina.

I commend the gentleman for specifically raising the issue of bombing in

Laos, but I would like to deal with the broader question of war atrocities because I personnally believe that to attack your credibility in exercising your right to know as a public official is tragic, ludicrous, expedient, and sometimes even theatrical.

It would seem to me that if we are concerned about the critical issues that one of our colleagues raises here on the floor of the House of Representatives, such as in this matter, then I, for one, seriously question the value of personal debate with seven or eight Congressmen on the floor, and perhaps 30 people in the galleries. If we are serious about the allegations then why have not the Members of the Congress joined in calling for a full-scale open inquiry into the war crimes and other atrocity allegations in Indochina? If we would, then we could solve the matter. But standing here on the floor with nine people discussing the technicalities of bombing in my estimation is rather absurd, it is playing games as courtroom lawyers, grandstanding for the record, and does not seem to me to solve the critical problem of whether or not we actually committed war crimes in Southeast Asia.

Before I go to the general issue of war crimes in Indochina I would just like to make one set of comments as the chairman of 4 days of ad hoc hearings on war crimes in Southeast Asia.

One of the Marine captains who flew many missions in Indochina mentioned that one of the most precise bombing missions is ostensibly the computer bombing runs, generally flown at night. He indicated that, given variations in wind velocity, variations in speed and the human time lapse response, that it is possible that bombs could have been dropped as far as 6 miles away from strategic military targets.

The point is that if you understand computer bombing runs, someone is on the phone who tells the pilot to push the button. If they push it late, either one of them, if there are variations in the speed or in the wind velocity, that bomb does not have to drop as depicted on a piece of paper in a computer, it could drop 6 miles down the road.

Second, the testimony further reveals that the unwritten policy is never to return to base with any bombs still attached to the plane. And on questions from the Chair——

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

Mr. DELLUMS. The gentleman has spoken for 3 hours. Please give me 10 minutes.

Mr. GUBSER. I have seen a lot of them come back to base with their bombs.

Mr. DELLUMS. On questions from the Chair and other members of the ad hoc committee as to "what do you do with the bombs?" The response was, "We drop them."

The Constitution grants Congress virtually unlimited control with respect to the military and military policy. War policies and war crimes responsibility fall well within congressional purview over the military. Thus far, though, that authority has meant very little.

There are many reasons.

First, as with just about all congressional functions, Congress has evolved into a client, not a regulator. The military dangles both carrots and sticks before Congress—usually locating of or closing down of installations, defense contracts, and so forth. After a while the message gets across. Even when the Executive has dared to slice funds from questionable defense projects, Congress not only reinstates money, but projects as well. Throughout the early 1960s, Congress continually budgeted the B–70 bomber even though the administration had decided to let the project die, and in 1970, Chairman Rivers successfully led a drive to fund a carrier that the Navy had not requested.

This philosophy carries through to war atrocities. The military committees mirror the sentiments of the Defense Establishment. But, only so far. For example, the House Armed Services Committee report on My Lai:

> From its inception, the . . . investigation has been hampered by a generally uncooperative attitude of the Department of the Army.

Usually, though, the military committees agree with the Military Establishment's perspective that it is individuals, not policies, that commit war atrocities. The Establishment and committees fight every effort to investigate ultimate responsibility for war crimes.

Second is the ethics of Congress itself. Survival—reelection—not the public interest, is the motivating force in Congress. Posturing aims to avoid stands, avoid involvement. Closed-door negotiating, "the art of compromise," these are rewarded.

War crimes were—and are—an extremely sensitive topic. Remember that Ronald Ridenhour sent a number of Representatives letters detailing My Lai before any action was taken. Standard operating procedure dictates that so-called crank mail will be brushed aside, thrown out, or referred to the Congressman who represents the writer's home town.

It took almost 8 months from Ridenhour's letter reaching Congress until before mention was made of My Lai on the House floor. And that notice came about only because the Cleveland Plain Dealer broke the story. The House Armed Services Committee had received Ridenhour's letter in early April 1969; on November 24, the then chairman of the House Armed Services Committee, Chairman Rivers, made a brief speech:

> We do not know what there is to this or what the Army has in their files in Washington. If, the investigating committee, and we will be setting as a kind of quasi-grand jury—if we see that this warrants further inquiry and should be brought out into a larger investigation, the subcommittee will do this.
>
> But, for the moment, exercising our jurisdiction over the Army and as a subcommittee created for this purpose, we are making the first move. I think the House ought to know it, because I am sure you are getting a lot of inquiries on just exactly what we are going to do in the House of Representatives on this matter which seems to be catching the headlines at this time.

In blunter terms, had it not been for press reports of My Lai, Congress would have probably shunted aside the whole incident.

Once out in the open though, congressional rhetoric gushed forth. Within 2 weeks of the first public arousal over My Lai, approximately 40 Representatives and Senators made floor statements on the slaughter.

In general, Congress reacts rather than leads. When I joined with a group of other concerned Congressmen to propose and conduct open ad hoc hearings on command responsibility for war atrocities, there was expected criticism and opposition from the right and a general silence and avoidance from many Members termed "liberal."

A third reason comes from the procedural nature of Congress. Of our essentially conservative governmental structure, I view Congress as the most traditional and slow-acting branch. Eventually, Congress does act on most pressing national problems. But so much time has passed between the initial causes of a problem, the development of an issue as an issue, the recognition by Congress that some problem exists, real action by Congress, and, finally, administration of whatever new policies or remedies are established to meet the problem, that by the time this lengthy process is completed, the original problem is considerably changed or enlarged but the remedy is only tuned to its earliest stages.

I am reasonably sure that Congress will eventually openly deal with the question of ultimate command responsibility for war atrocities. Yet, I am almost just as sure that whenever Congress would undertake such an analysis, it would be too late to have an impact on the shape of U.S. policy in Southeast Asia. Instead, the whole effort would wind up as a mere academic exercise—but with great fanfare from the Congress.

Finally, I see much of Congress'. reticence resulting from the basic philosophies of the men who hold the key positions in the House and Senate. Most of them received their basic and deepest political educaiton in the 1930's and 1940's. Simply put, their general philosophy is that they "know" what is right for America—and because, for them, American is the richest, strongest, most influential nation, therefore, also, what is "right" for the world.

For them, it is implausible that American soldiers could have been involved in large-scale war atrocities. They accept My Lai as an isolated aberration, but they also believe that the war in Southeast Asia is the same type of war they knew and fought in, and that war crimes therefore are invariably punished.

War atrocities in Southeast Asia are not aberrations. They are an integral part of the basic type of conflict in which America became so foolishly entangled. Strict military judicial enforcement may reduce a marginal percentage of atrocities, but I do not forsee any significant reduction in war crimes as long as U.S. forces continue an active role in Southeast Asia.

From testimony presented at the ad hoc hearings, and from my other studies, I single out five important factors which are causing the continuation of atrocities.

First. A key part of the psychology of our involvement is one of treating all Vietnamese people—whether South Viet-

namese, Vietcong, or North Vietnamese—as subhuman beings. Everyone who is Vietnamese is perceived as a "gook," "slant-eye," or "slope," as less than human. Therefore, no real effort is made to distinguish between civilians and combatants, between friends and enemies. In blunter terms, the racism pervasive in this country is obviously pervasive in Indochina.

Second. Therefore, I find it a blatant falsehood on the part of those persons who tell the American public that we are "helping" the Vietnamese.

Third. On the operations level, conventional warfare in a people's guerrilla struggle results in multiple and continuing atrocities. People, old women and children are shot down in a village: For what military purpose? Bombs are indiscriminately dropped on innocent human beings: For what military purpose? The conventional warfare concept means that GI's perceive all human being as their enemy; otherwise, the concept is flawed.

Fourth. If we are to assume any responsibility for war atrocities, then it must be laid at the highest military and civilian policymaking levels. I think that any time this country does not see fit to deal with fundamental problems that it will create at that moment a scapegoat. Black people, brown, red, yellow, students, poor people all have been convenient scapegoats. Lieutenant Calley is a scapegcat for the military command.

Fifth. Fixing responsibility is not enough. I think it falls critically short of the most necessary close examination of institutional factors that give rise to American involvement and adventurism. We have to deal with racism, militarism, and sexism in this country which is extended into the conduct of our foreign affairs. Too many people wring their hands in guilt, but do not see the need to go beyond dealing with symptoms and effects.

My hope is that no other young person will have to go through the same kind of evil, the same kind of insanity, the same kind of wanton death as we have suffered in Indochina. The proper role of Congress is to deal with basic causes, and the inability of Congress to confront the issue of ultimate responsibility for war atrocities must be seen as a serious flaw in our ideals of a democratic state.

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

I have been perplexed as the debate proceeded to try to come to grips with the real issue involved—as to whether these villages had been bombed or not. I think the gentleman from California (Mr. GUBSER) who contests my view would concede the bulk of his concern is that I have made too extensive conclusions from the evidence before me. I, in turn, have not been able to get the gentleman to address the evidence itself, the evidence of hundreds of people who have said their villages have been destroyed.

I noted in the argument yesterday the gentleman quoted William Hecht, special assistant to a U.S. delegation of churchmen, who had been in Vientiane interviewing refugees at the same time we were. I quote his statement:

Our assessment was that refugees considered the bombing a blessing.

That was remarkably parallel to what Father Menger, who had been there 15 years and who had interviewed a number of these refugees with us and translated some for me, had stated, and I would like to state his precise statement off a tape we had with the concluding interviews of the refugees there. This was the final refugee interview, and I would like to read it into the record, if I may at this point. These are my comments and I am stating them from a tape that was made by one of the members of my staff:

Congressman McCloskey. "Finally, we got from them the fact that a study had been made of refugee attitudes and when I saw that study of refugee attitudes and it summarizes the information we are verifying today, I said I would like to take this list of names and places and go up to these refugee villages. We were set to leave at 1:00 in the afternoon to come up to 272, to go up to Luang Prabang which would have given us a chance to see the northern refugee camps.

At 1300 it turned out that the papers were not ready and we didn't get them actually until 3:00 in the afternoon. Because of that, we are limited to getting one camp rather than site 272 and Luang Probang. There is nothing I would have liked to do better.

One question I'd like to ask you—why would the Embassy deliberately prevent us from getting this information when I first came here? If I had followed their schedule that they laid out for me, I wouldn't have learned a single thing I learned today. Why would they do that? Why would a visiting Congressman—why wouldn't they be the first to tell me what these facts are?"

A: (Father Menger) "You work for the government, I don't. I don't know how they operate."

Q: "Why do they do this? You know? You know the Ambassador. You know Ambassador Godley. Why in the Lord's name wouldn't he want me to know this information?"

A: I don'tknow.

Q: Could I ask you a question? As I recall, Father, your testimony to the Kennedy Committee, you said that the bombing was not responsible for the refugee movement but that Communist terrorism was. How do you feel about it now that you've talked to these people?

A: Same as before.

Q: Which means you don't believe what these people have said?

A: Let me tell you. I have lived with these people. They will tell you one thing. You go back to the same people. You sit down with them, you have lunch with them, you live with them for a couple of days, you will find the real story. You're not getting the real story.

Q2: You don't think they were really bombed?

A: Look. Wait. You want the real story. The immediate cause of their leaving was probably the bombing. But that is the immediate cause. But the ultimate cause—the real reason is because they do not want to lose their freedom . . .

Q2: Why didn't anybody tell us that?

Q: Nobody has said that. These people—every single one of these villages has been destroyed. There hasn't been a village we've . . .

A: This is very Communist area.

Q: The villages themselves are Communist villages?

Q2: Why did they leave then to get away from Communists? You said they left to get away from Communists, because they are Communist villages. I don't get it.

A: You never lived under Communists? Well, I have.

Q: I couldn't live if my house disappeared—was blown up.

A: Like Laktuan. I lived up there. 57, 58, 59. Bon Bon, Kai Kai, I know this area.

Q: That's irrelevant. It's irrelevant whether you lived there. The question is whether those villages were bombed without Communist troops being there.

A: I say you cannot understand. I will be very honest—I might hurt your feelings. You will not get a true picture—unless they know who you are—you will not get a true picture of this country in three days.

Q: Wait just a minute. These things which you just interpreted—when we asked these questions and these answers were given. In your judgment, were those answers truthful?

A: Some of them yes. Many of them no.

Q: All right. Let's take them. I asked them their name and I asked the village from them. Were they truthful on that?

A: Yes.

Q: What about their age?

A: No.

Q: That's not truthful. It could be anything.

A:

Q: I've got to get some specific things. When they said they were bombed many, many times. Were they being truthful?

A: I don't know.

Q: When they said they saw T-28's and jets, were they truthful?

A: Yes. Oh, sure.

Q: When they said they saw big bombs and bombers, were they truthful?

A: Yes.

Q: When they say all their villages were destroyed, were they truthful?

A: I don't know.

Q: You don't know whether all their houses were destroyed?

A: I would . . .

Q2: You haven't been out there since the bombing, have you? You'd be out . . . between August 1969 and 1970?

A: I know the church was destroyed.

Q: When they told him the number of people killed and the number of water buffalo killed, do you believe those answers?

A: The exact number—no.

Q: What about this woman saying her husband was killed?

A: Probably true.

Q: How about the people who showed us their wounds?

A: Possibly true.

Q: Possibly true. Possible they got their wounds some other way?

This is the answer I want you to note:

A: No. What I will say, and you should put it out—even though it is true—even though our American bombing has, in some instances, killed people—I don't care if it is 100's or thousands—all I can say—I wish you would print this—quote me—thank God for that bombing. Otherwise, this country would not be free today.

This concludes Father Menger's testimony.

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

Mr. WALDIE. I yield to the gentleman from California, Mr. GUBSER.

Mr. GUBSER. Is the gentleman introducing that quotation from Father Menger as proof of his allegation that we have engaged in indiscriminate bombing in Laos?

Mr. McCLOSKEY. I cite that citation because it puts both Father Menger and Mr. Hecht, whom the gentleman quoted yesterday, in context when they indicate in their judgment, regardless of the bombing or how many people are killed, that the bombing is justified.

Mr. GUBSER. That is not the point at issue.

Mr. McCLOSKEY. Much of the argument the gentleman made is to the effect that the North Vietnamese are invading the country, that the people do not like living under the North Vietnamese, and even if we are bombing it might be justified.

Mr. GUBSER. No. The gentleman is reading conclusions into my statement which I never uttered. I wish the gentleman would cease and desist this constant practice of reading interpretations into what somebody else says.

Mr. McCLOSKEY. Let me conclude with a piece of evidence I did not present yesterday. This is a report by a United Nations expert, which seems to me to sum up everything we tried to produce yesterday to indicate that villages of seven provinces had been destroyed by bombing.

This is by U.N. expert Georges Chapelier, who conducted during 1970 interviews in depth with some 50 refugees from the Plain of Jars. The results of his findings were published in the fall of 1970 in a study entitled: "Plain of Jars: Social Changes Under Five Years of Pathet Lao Administration." Excerpts from this report follow:

All these efforts tended to enhance national consciousness, but perhaps what contributed more than anything else to forge an in-group feeling were the heavy and recurrent bombings. A brief account of what we consider as the major event in the five years under the Pathet Lao will make it easier to understand the reaction of the people and the further Pathet Lao politics of portage responsibilities and restriction of consumer goods.

Prior to 1967, bombings were light and far from populated centers. By 1968 the intensity of the bombings was such that no organized life was possible in the villages. The villagers moved to the outskirts and then deeper and deeper into the forest as the bombing climax reached its peak in 1969 when jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. All of the interlocutors, without any exception, had his village completely destroyed. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society. Harvests burned down and rice became scarce, portage became more and more frequent. (pp. 18–19).

These people seem to be fed up with bombing and unable to foresee the end of this tragic epoch. It must be noted that these observations are valuable at a behavior level and do not engage the author about the inner feelings of the refugees. A genuine assimilation between communism and bombing is frequent in Vientiane, even amongst Western-educated people. A meaningful example is given by the answer of a Deputy whom we were asking, "Do you think that Lao personality fits well in the communist system or, more simply, that Lao peasants are pathy in PL territories?' He replied with a large smile: 'But don't you know that they are bombed day after day, live in holes like animals and work in their paddy field at night? Is that a good life?' Obviously, he assimilated communism and bombing and his reaction is typical of the Lao social climate in Vientiane. (p. 36).

That is a quote from pages 18 and 19 of the Plain of Jars paper by Mr. Georges Chapelier of the United Nations.

Mr. Speaker, I think that sums up the nature of the testimony given by hundreds of refugees. Nowhere in this debate has the gentleman from California, from Santa Clara County, challenged the fact that these refugees from seven different provinces accurately described the devastating bombing by U.S. Air Force jets of their villages climaxing in 1969, the same year when this country dropped over half a million tons of bombs in the country of Laos, doubling the bombing in the previous year of 1968. This circumstance I cannot say establishes with clarity or establishes beyond any reasonable doubt that we pursued a deliberate policy of destroying the villages, but it does show from the testimony of the witnesses who were there and saw it that the bombing was deliberate and was intended to destroy the structure of that society and confirms the testimony of the United Nations experts who said that the bombing was systematically attempting to destroy that society. It seems to me it establishes a prima facie case that the program and the activities of the United States over Laos in 1968 and 1969 were attended by the destruction of hundreds if not thousands of villages in northern Laos.

Mr. Speaker, I state there is no evidence in the record that shows anything to the contrary.

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. The Secretary of Agriculture reported that—

Perhaps the brightest aspect of the agriculture picture was the rise in exports to a record $7.2 billion in calendar year 1970, 22 percent above 1969.

Exports in fiscal year 1971 are estimated at $7.5 billion, compared with $6.6 billion a year earlier, and $5.7 billion in fiscal year 1969. The report states that during the past 2 years the United States has done more than ever before in the history of mankind to combat hunger and malnutrition among large numbers of people.

MAILING LIST BILL SAFEGUARDS INDIVIDUAL PRIVACY AND PUBLIC'S RIGHT TO KNOW

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

Mr. HORTON. Mr. Speaker, on June 3, I introduced H.R. 8903, a bill to prohibit the Government from indiscriminately selling or distributing mailing lists. Today, I am reintroducing this measure together with 64 of my colleagues.

If enacted, this legislation would limit Federal agencies from distributing or selling any list of names of Federal employees, past or present members of the Armed Forces, or persons who are licensed or required to register with any Federal agency unless there is certification that such a list will not be used for commercial or other solicitation or for any unlawful purpose.

The bill is the result of an independent study I conducted of mailing list sales by the Federal Government. The survey of 50 departments and agencies revealed that there is not established Government policy on the sale of mailing lists. Some agencies provide such lists routinely; others do not. Each cite the Freedom of Information Act as the basis for their decisions.

The Freedom of Information Act was enacted in 1967 to provide the public with as complete access as possible to public records. Its purpose is to prevent Government agencies from unjustifiably withholding information that should be reasonably available for inspection by the news media and the public. Information can be withheld if it involves national security, proprietary business information, investigatory files or personnel or medical files. Other statutes protect the confidentiality of income tax and census data. However, the Act overlooks completely the mailing lists complied by Federal agencies in carrying out their proper roles.

This gap in our Federal laws encourages the invasion of an individual's privacy and, in some cases, jeopardizes his safety. The legislation we have introduced today will provide the missing policy while maintaining a positive balance between the public's right to know and the individual's right to privacy.

Mr. Speaker, I am gratified that this legislation has received broad-based support from 35 Democrats and 29 Republicans and that the Government Operations Subcommittee on Foreign Operations and Government Information intends to hold hearings on the measure before the year is out.

At this point, Mr. Speaker, I would like to list the sponsors of the bill:

LIST OF COSPONSORS

Joseph P. Addabbo, Democrat, of New York, William R. Anderson, Democrat, of Tennessee, Frank Annunzio, Democrat, of Illinois, Bill Archer, Republican, of Texas, Herman Badillo, Democrat, of New York, Edward P. Boland, Democrat, of Massachusetts, Shirley Chisholm, Democrat, of New York, Don H. Clausen, Republican, of California, Barber B. Conable, Jr., Republican, of New York, R. Lawrence Coughlin, Republican, of Pennsylvania.

W. C. (Dan) Daniel, Democrat, of Virginia, Ronald V. Dellums, Democrat, of California, John H. Dent, Democrat, of Pennsylvania, Robert F. Drinan, Democrat, of Massachusetts, John N. Erlenborn, Republican, of Illinois, Marvin L. Esch, Republican, of Michigan, Hamilton Fish, Jr., Republican, of New York, Walter Flowers, Democrat, of Alabama, William D. Ford, Democrat, of Michigan, Bill Frenzel, Republican, of Minnesota.

Louis Frey, Jr., Republican, of Florida, Cornelius E. Gallagher, Democrat, of New Jersey, Edward A. Garmatz, Democrat, of Maryland, Barry M. Goldwater, Jr., Republican, of California, Ella T. Grasso, Democrat, of Connecticut, Kenneth J. Gray, Democrat, of Illinois, Gilbert Gude, Republican, of Maryland, Seymour Halpern, Republican, of New York, Orval Hansen, Republican, of Idaho, Michael Harrington, Democrat, of Massachusetts, James F. Hastings, Republican,

of New York, Ken Hechler, Democrat, of West Virginia, Henry Helstoski, Democrat, of New Jersey.

Craig Hosmer, Republican, of California, William L. Hungate, Democrat, of Missouri, Norman F. Lent, Republican, of New York, Joseph M. McDade, Republican, of Pennsylvania, Jack H. McDonald, Republican, of Michigan, Romano L. Mazzoli, Democrat, of Kentucky, Abner J. Mikva, Democrat, of Illinois, Parren J. Mitchell, Democrat, of Maryland, F. Bradford Morse, Republican, of Massachusetts, Charles A. Mosher, Republican, of Ohio.

Thomas M. Pelly, Republican, of Washington, J. J. Pickle, Democrat, of Texas, Otis G. Pike, Democrat, of New York, Bertram L. Podell, Democrat, of New York, Tom Railsback, Republican, of Illinois, Peter W. Rodino, Jr., Democrat, of New Jersey, Robert A. Roe, Democrat, of New Jersey, Benjamin S. Rosenthal, Democrat, of New York, Fernand J. St Germain, Democrat, of Rhode Island, Herman T. Schneebeli, Republican, of Pennsylvania.

Fred Schwengel, Republican, of Iowa, Garner E. Shriver, Republican, of Kansas, B. F. Sisk, Democrat, of California, Robert T. Stafford, Republican, of Vermont, Louis, Stokes, Democrat, of Ohio, Robert O. Tiernan, Democrat, of Rhode Island, Guy VanderJagt, Republican, of Michigan, Jerome R. Waldie, Democrat, of California, G. William Whitehurst, Republican, of Virginia, Larry Winn, Jr., Republican, of Kansas, Lester L. Wolff, Democrat, of New York.

MILITARY CREDITS TO MARXIST CHILE

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, I find it hard to comprehend the logic and basis for responsible action which lies behind the recent announcement by the State Department that the United States is extending $5 million in military credits to the Marxist regime of Chile. I find it especially hard to comprehend this move in view of Chile's announced nationalization of American copper interests and the well-publicized concern by Argentina and other South American countries, all friendly to the United States, that Chile has mapped plans to wage war against them.

I understand that our announced intention of extending the military credits is being made in response to a request for this assistance by the Chilean Government and that the funds will be used to purchse new C–130 transport aircraft and paratroop equipment.

Apparently, there are still those in the White House and the State Department who minimize the theories set down so long ago by Karl Marx that total Communist domination of the world is the ultimate goal. Perhaps they have minimized Fidel Castro and what his Communist island stronghold of Cuba represent. And, perhaps they have completely forgotten the Cuban missile crisis of 1962.

Chilean President Salvador Allende is, whether we want to believe it or not, nothing less than another well-oiled cog in this Communist plan for world conquest.

Nickolai Lenin once said that the United States would spend itself to death. Apparently, our State Department policymakers are not too concerned about the outcome of this grave prediction. We are not spending ourselves to death, but some of that money is going to assist Communist governments. While it is hard to justify excessive spending any time, this question pales into insignificance when it comes to the question of helping our enemy. This is totally unacceptable and all aid to Chile must stop now.

INTRODUCTION OF DOMESTIC EXPLORATION INVESTMENT TAX ACT OF 1971

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

Mr. PRICE of Texas. Mr. Speaker, I rise today for the purpose of introducing the Domestic Exploration Investment Tax Act of 1971. This legislation will establish a 12.5-percent tax credit to encourage domestic exploration for oil and natural gas.

The primary purpose for this legislation is to help reverse the present dangerous trends which appear to be leading toward a growing reliance of this country upon Middle East sources of crude oil. These sources could literally "go up in smoke" either as a result of resumption of Arab-Israeli hostilities or as a result of the internal political instability which plagues many Middle East countries.

Unlike the depletion allowance, which has been the target of many uninformed persons through the years, the tax credit proposed in this legislation would apply only to wells drilled in unproven fields.

According to the U.S. Geological Survey, there are sufficient oil reserves in the United States, approximately 430 billion barrels, to meet all our needs in the foreseeable future. In addition, a 4- to 6-year leadtime will be necessary to develop new natural gas reserves.

Estimates of the investment necessary to develop these oil and gas reserves mounts into the billions of dollars. Because of the high risk to investors, there must be additional incentive to draw the necessary capital into exploration.

I regret, Mr. Speaker, that the issue of tax allowances to the petroleum industry becomes mired in the same morass of sectional politics as do certain Government programs to benefit agriculture. We always hear of the million-dollar windfalls that big oil and big agriculture are receiving from the Government. Mr. Speaker, I contend, however, that it is the constituents of the very Members who "rail" the loudest about these Government programs who are their real beneficiaries.

I urge my colleagues from all sections of the country to try to visualize what could happen if we become dependent, to any great extent, upon foreign oil. Sure, their constituents might get gasoline for automobiles or their heating oil cheaper for awhile. But, what if we have another 7-day war in January instead of June? What if some sheik decides he can get a better deal by selling his oil to the Russians?

It is in the interest of the public generally, the oil industry, and the many thousands of men and women who earn their livelihood in the Nation's petroleum industry that I urge my colleagues to adopt this legislation. The petroleum industry needs encouragement if it is to properly supply the quantities of oil and gas we must have within the next 30 years.

As in any business, the most important incentive for additional exploration is an adequate price for the product. In the long run, a price increase would benefit the consumer, for it would insure a continued supply of energy. One need look no further than the fact that our own producing reserves are no longer sufficient to sustain normal consumption should our imports be disrupted to realize that the present price is too low.

It could be that the increase in the price of domestically produced oil may have to be increased by dollars rather than pennies, per barrel. The prospect of price increases of this magnitude should not alarm the consumer. The alternative to such an increase could be rationing or disruption of supplies.

Another incentive for exploration could be tax credits. The bill I introduce today is focused in that direction. It provides for the reduction of an oil and gas operator's yearly income tax by 12.5 percent of any money spent that year in exploring for or developing new domestic reserves of oil and natural gas. The credit would be only temporary, expiring automatically in 10 years after enactment of the bill.

The legislation is designed to help reverse the present dangerous trend toward reliance upon insecure Middle East sources of crude oil, and to guarantee the consumer the energy supplies he requires.

I have written the following letter to President Nixon expressing my concern about the present state of our petroleum industry and petroleum reserves.

I urge prompt consideration of this legislation; not in the special interest of "greedy oil barons" but in the special interest of all Americans.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 13, 1971.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I continue to be alarmed by statements from responsible officials that a dependence on foreign petroleum supplies is necessary or advisable. The evidence is persuasive that domestic oil and natural gas can be made available at substantially lower costs to the consuming public than imports from foreign nations.

I would urge that the Administration establish a peril point for dependency on imports. This would stabilize the market and inform the domestic industry as to what portion of our needs it is expected to supply. Our present 25 percent dependency on imports in my opinion is already beyond the peril point. Unless a peril point is set we can expect past experience to continue, namely, a drifting into greater and greater dependency.

I plan to introduce legislation providing special tax incentives for increasing domestic reserves of oil and natural gas, such as an investment tax credit for expenditures (1) for exploration and development and (2) for improved recovery of known reserves; or any other tax treatment that would result in increased reserves of oil and natural gas.

I would certainly appreciate any suggestions that you might have with regard to the formation of such legislation.

I am taking the liberty of forwarding a copy of this letter to General Lincoln and other members of your Oil Policy Committee and look forward to any comments you or members of this Committee might have.

Sincerely,

BOB PRICE,
Member of Congress.

LOCKHEED AIRCRAFT CORP.

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

Mr. DAVIS of South Carolina. Mr. Speaker, hearings began this morning before the Committee on Banking and Currency regarding proposals that the Government guarantee up to $250 million in private bank loans for Lockheed Aircraft Corp.

As I understand this problem, it is simply a matter of assuring financing that Lockheed needs over a temporary period of 3 or 4 years. This financing would enable Lockheed to convert an inventory worth several hundreds of millions of dollars into finished aircraft. When the airplanes are delivered—airplanes for which Lockheed holds firm orders—the payments from airline customers will produce the cash flow needed to pay back the guaranteed loans.

The aircraft involved here is a new model, the L–1011 TriStar, a commercial passenger plane of the intermediate range wide bodied transport type, which is expected to be one of the dominant airliner types of the coming decade. The market is estimated, conservatively, at something like $20 billion.

There seems to be no question that if Lockheed does not get the additional financing, it will have to abandon the L–1011 and leave that entire market to its competitor, McDonnell Douglas, which would have a monopoly in the market for this particular type of aircraft.

One of the things that I think is most important in this whole matter, however, is the number of jobs involved. This is especially significant at a time when everyone is concerned about our high level of unemployment throughout the Nation. The problem of unemployment is even greater in the aerospace industry than it is in the Nation at large.

The chairman of the board of Lockheed Aircraft Corp., Mr. Daniel J. Haughton, said in his testimony before the Banking and Currency Committee this morning that the aerospace industry now employs a little over 1 million people. This represents a reduction of about 400,000 employees in that industry just since 1967. Unemployment in the industry is estimated at 24 percent—about four times as high as the over-all national rate.

And there may be more to come. The authoritative aerospace trade journal—Aviation Week & Space Technology—reported in its issue published yesterday that it has just completed an industry-wide survey of employment. While the rate of layoffs is slowing somewhat, the magazine says the individual company forecasts indicate reductions of more than 75,000 employees during the current year.

As for the job impact of the Lockheed TriStar program, Mr. Haughton said in his testimony this morning that 34,000 workers were employed on the project—at Lockheed and supplier companies throughout the Nation—in January of th's year. Shortly after that, work on the project was suspended or slowed down because of delays in engine development, and several thousand of those employees have already had to be laid off. If the program has to be abandoned, all those who have been laid off will lose their opportunity to be recalled, and those not yet laid off will also lose their jobs. That means the direct loss of some 34,000 jobs. And when you take into account the ripple effect that loss of manufacturing jobs has on service workers and others only indirectly related, we are talking here about something like 60,000 jobs in all.

Now, the Department of Labor has a program underway at this time, for which it has allocated $42 million, to retrain workers who have been displaced and become unemployed as a result of the decline in Government and other orders for the aerospace industry. The money in this program is considered sufficient to retrain about 10,000 workers. It would also help pay the costs of searching out jobs to which workers' existing skills might be suitably matched, and to help defray costs of moving a man and his family to a new area if he finds a job some distance away from his present home. This program might help, in all, as many as 20,000 people in finding new jobs.

It is popular to talk these days about "cost effectiveness"—which seems to be just a fancy way of saying what folks down where I come from call "getting the most out of your money."

The Labor Department program I have just described is a fine effort. But I wonder which is really more cost effective. Spending $42 million of taxpayers' money to set up a new program to retrain unemployed aerospace workers and perhaps find jobs for 20,000 of them? Or giving the backing of the U.S. Government so the banks will lend their own money, at very little risk that it will ever involve any cost to the taxpayer, to assure the continuance of 60,000 jobs—more than half of them in aerospace?

There is no Government money involved in the proposed loans. Only the banks' money. And airline customers for the TriStar are prepared to do their part by putting up an additional $100 million in advance payments to keep this program going. The banks already have $400 million on loan to Lockheed, and if the Government guarantee is approved, the banks are ready to subordinate their position and let the Government have first claim on a collateral pool that would provide ample security—just in case Lockheed unexpectedly did have to default on the loan.

So the taxpayer is well protected.

But, getting back to the jobs aside of this question—the union that represents most of Lockheed's TriStar employees conducted a survey to see how the laid-off TriStar workers were getting along. Four months after the layoffs began, they found that only one out of every 10 had been able to find a job. Put another way—90 percent of them could not find work and were having to exist on unemployment checks or, in many cases, where the unemployment checks were not enough to buy groceries and pay other necessary family expenses, they were on welfare.

Who pays these unemployment and welfare costs? The taxpayer, of course.

Cost effective? Getting the most for the taxpayers' money? I think not. Not when we have the alternative of preventing the loss of up to 60,000 more jobs by simply authorizing the Government to guarantee loans to be made by private banks. In that way, we can keep these people productively employed, enable them to contribute to the strength of the economy, and maintain them as a source of tax income for the Federal Government and their own local governments—rather than adding the cost of maintaining them on already overburdened unemployment and welfare rolls.

Mr. Speaker, I hope that my remarks have served to underline the dimensions of this problem. In effect, I am saying that, should this body fail to enact the Lockheed loan guarantee, we will be making a most expensive mistake—one that will cost the people of this country dearly.

SEARS, ROEBUCK EQUAL EMPLOYMENT OPPORTUNITY CONFERENCE

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

Mr. HAMILTON. Mr. Speaker, I am pleased to have recently learned of a 2-day educational conference held by Sears, Roebuck & Co. with 50 of its major suppliers with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance of the Department of Labor.

To my knowledge this is the first time a major corporation has invited its suppliers into such a meeting with Government officials responsible for the enforcement of equal employment legislation in an effort to encourage them to undertake effective affirmative action programs to ensure equal employment opportunity.

This is the kind of cooperative effort by Government and the private sector so vitally needed to begin to solve the enormous problems of discrimination in employment against minority group persons and women.

I hope that this conference will be emulated by other major corporations and be the beginning of a series of similar meetings where the private and public sector join together in an effort to make equal employment a fact and not a promise.

RALPH NADER DISCUSSES $3 BILLION A YEAR DEPRECIATION GIVEAWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the June 21, 1971, issue of the Nation contains an

article by Ralph Nader discussing the Treasury's $3 billion a year rapid depreciation giveaway scheme for businesses and corporations. As Mr. Nader predicted, the Treasury has adopted the "proposed" regulations virtually unchanged, seemingly oblivious to the flood of economic and legal opinion opposing the new rules:

BILLION-DOLLAR TAX SUBSIDY—MR. NIXON'S TRICKY BONANZA

(By Ralph Nader)

WASHINGTON.—"Make it complex and make it dull" is the sure formula for putting unjust government policies into effect with little public or Congressional notice. A perfect example of the technique was provided by the Asset Depreciation Range (ADR), announced on January 11 at the San Clemente White House. It sailed out and through the press corps with the efficiency of a mimeograph machine, giving the reporters, and therefore, of course, their readers, little reason to suspect the enormous unilateral power of the executive branch which the move embodied, or the great revenue bonanza—more than $3 billion a year—it augured for large corporations. Although this tax gift transgresses the constitutional separation of powers, there is every indication that the Treasury Department is about to issue regulations to enact the ADR system.

Three billion dollars is a considerable amount of money, even in this era of astronomical expenditures. It is more than the entire amount budgeted next year for the Environmental Protection Agency. The President's welfare reform proposals were to have cost only $2.1 billion. Total U.S. aid to preschool, elementary and secondary education for next year is priced at only $3.6 billion.

The foundations for this expensive tax subsidy were laid by a Presidential task force, led by John Alexander of President Nixon's former Wall Street law firm. Last September, that task force recommended basic changes in the tax laws concerning depreciation write-offs. Businesses were to be allowed to recover their capital costs in a short time rather than according to the actual useful life of the machinery written off. The task force noted explicitly that Congressional action would be required for a change to capital cost recovery system from the depreciation deductions currently allowed by Section 167 of the Internal Revenue Code.

The Administration doubted that such a proposal would fare well with the legislators. Only two years earlier President Nixon had asked for a repeal of the investment tax credit, a device that is generally considered a more effective economic stimulus than accelerated depreciation schedules, and the White House did not want to lose face, either by asking for a reinstatement of the investment credit, or by asking Congress for the less efficient ADR.

It was therefore decided that the task force recommendations would be implemented, so far as possible, by administrative fiat. On January 11, 1971, President Nixon announced that he had approved basic changes in depreciation policy. As Don Oberdorfer of *The Washington Post* recalls, "the news release and the briefing by Treasury officials was dry-as-dust, and most reporters found themselves scratching their heads and wondering what the story was all about."

The Administration was relying upon the complexities of tax law to protect itself from public debate as to the value and propriety of this multi-billion-dollar tax subsidy. Presenting ADR as an accomplished fact, the President made statements which have since been studied and found to be erroneous. Mr. Nixon declared that "A liberalization of depreciation allowances is essentially a change in the timing of a tax liability. The policy permits business firms to reduce tax payments now . . . and to make up these payments in later years."

Prof. Robert Eisner of Northwestern University, an economics expert on the determinants of capital investment, made this blunt rejoinder: "There is no knowledgeable expert in the Treasury or out of it who can stand by . . . the concluding clause of that sentence. . . . It is unfortunate that such a flat contradiction of what is an unambiguous matter of arithmetic and mathematics was made in the name of the President of the United States." The Treasury itself has acknowledged the arithmetic cost of the tax break by estimating an annual revenue loss of $3 billion and upward.

There is reason to believe that the Administration knew of the defects in the multi-billion-dollar tax subsidy before it made the announcement. In a confidential memorandum of December 11, 1970, a senior Treasury Department attorney—the Acting Assistant Secretary for Tax Policy, Mr. John Nolan—warned the White House that considerable revenue could be given to business, but that there were limits. He stated his serious fears that breaking the link between tax depreciation and the useful life of the machinery in question would involve an unlawful extension of executive authority. Exactly a month later, the President's ADR system did precisely that. The proposed system shortened guideline tax lives by 20 per cent. It also abolished the reserve ratio test—a correction factor based on the validity of earlier depreciation deductions—which was the link between those guidelines and the actual life of equipment in the hands of the taxpayer.

There is a disturbing word for an attempt to get a tax break that your attorney says is illegal. When Sen. Edmund Muskie released Mr. Nolan's secret memorandum to the press, he set off a display of bureaucratic fireworks. The Acting Assistant Secretary claimed that he had later telephoned the White House to say that he had changed his mind. Perhaps so, but President Nixon made no reference to this change of mind when the matter came up with the press. Rather, he told reporters that he had received memos from other people in support of his position. He acknowledged that legal opinions differed on the matter of authority, but concluded: "Now I, as President, and I may say, too, formerly one who practiced a good deal of tax law, I considered that I had the responsibility to decide what the law is. And my view is that while they had expressed a different view, that the correct legal view . . . was to order the depreciation allowances."

In the weeks following the President's exercise of legal judgment, more than a dozen tax authorities across the country expressed their view that the multi-billion-dollar tax break is illegal. These men include Boris Bittker, Sterling professor of law at Yale, Dean Bernard Wolfman of the Pennsylvania Law School, Oliver Oldman of Harvard Law School, and Mortimer Caplin, former Commissioner of Internal Revenue.

Shortly before President Nixon spoke on January 11, the Secretary of the Treasury was formally served with papers, notifying him that a suit had been filed to enjoin the ADR system. Attorneys at the Public Interest Research Group had been following the activities of the President's task force with considerable interest. The task force recommendations entailed a fantastic loss of tax revenues with the promise of only limited benefits to the country as a whole. One of these attorneys, Tom Stanton, expected to submit comments before Congress if the recommendations were proposed as legislation. The White House decision to act by administrative fiat meant that there would be no airing of the pros and cons through such testimony before Congress.

Working on the basis of an early report in the Washington *Star*, Stanton and Sam Simon, also of the Research Group staff, filed suit on January 11 and thus generated the necessary public discussion. They contended that the Administrative Procedure Act required that an agency such as the Treasury publish advance notice of its intentions in the Federal Register. The agency was then required to allow public participation through the submission of data, views and arguments about the proposals. No mention of public participation was made by the President or by the Secretary of the Treasury at a subsequent press conference on January 11.

However, shortly after the suit was filed, Treasury officials called in the press to explain that the President's announcement of "approved changes" did not mean that there would be no public hearings. The Treasury had simply forgotten to mention them. Attorneys Stanton and Simon withdrew their motion for preliminary injunction when the government attorney presented affidavits from the Commissioner of Internal Revenue and the Assistant Secretary for Tax Policy assuring that hearings would be held.

On the very day that the motion was withdrawn, Asst. Secy. Edwin Cohen announced through the press that the possibility of any basic changes in the proposed regulations was "remote." He added: "We don't anticipate changing our mind. As a very practical matter, a businessman can rely on this going into effect, in its broad outline."

In short, the Assistant Secretary—who had served large business clients for thirty years as a Wall Street attorney—was assuring his constituents that the public would remain powerless to prevent the $3 billion tax subsidy, regardless of the merits of the case, or what was brought out at the forthcoming hearings. Like its budget, the Treasury's prejudgments come big.

The public hearings were finally held on May 3, 4 and 5. The hearing room was packed with spectators, primarily attorneys from businesses favoring enactment of the regulations. The hearing panel sat at a long and imposing table in front of the hall. Edwin Cohen, the senior official present, was flanked by his two deputies, by Commissioner Randolph Thrower of the Internal Revenue Service, and by nine other Treasury and IRS officials. Among supporters of the Treasury position were speakers representing the U.S. Chamber of Commerce, the Association of American Railroads, AT&T, and the textile industry. On the other side were such speakers as Dean Bernard Wolfman on behalf of Common Cause, Nathaniel Goldfinger of the AFL-CIO, George Wiley of the National Welfare Rights Organization, John Kramer of the Council on Hunger and Malnutrition, and economists Robert Eisner of Northwestern, Martin David of Wisconsin, and Richard Pollock of the University of Hawaii.

Mr. Cohen and his colleagues remained true to his word. The hearing was conducted in an atmosphere of strong partisanship. Witnesses in favor of the ADR system—almost always speaking on behalf of clients—were complimented on their expertise and the fine cases they had presented. Witnesses against the proposals were roughly cross-examined and tested for their verbal agility rather than for their expert knowledge.

Dean Wolfman had come on behalf of Common Cause to discuss his serious concern that the proposals were illegal. He was deliberately scheduled for late in the day, and finally spoke at six o'clock, after reporters had left to write their stories. As Sen Birch Bayh put it, the hearing was a "charade."

During testimony at the hearings, I urged that Mr. Cohen's prejudgment had been so overt as to constitute a violation of the Treasury's own Minimum Standards of Conduct. Those provide that, "an employee shall avoid any action . . . which might result

in, or create the appearance of: . . . (d) Losing complete independence or impartiality; . . . or (f) Affecting adversely the confidence of the public in the integrity of the Government."

As a lawyer, Mr. Cohen knew that members of the public do not yet have standing formally to invoke the Minimum Standards of Conduct against an official acting to the contrary. Thus, he has not removed himself from further participation in ADR decisions. But his response at the hearings, it seemed to me, did reflect his dawning realization that the simultaneous roles he was playing of proponent, advocate and judge might be too heady a mix for administrative fairness.

The ADR controversy continues. It is almost certain that the Treasury will issue ADR regulations in final form. After that, a group of concerned plaintiffs will probably have to take the Treasury to court. Most likely, some modifications will then be made by the Treasury to avoid the most blatant evidence of illegality. On the other hand, the revenue loss will surely be close to that promised by Mr. Cohen.

The Treasury responded to the White House in the December 11th memorandum that "you inquired whether these are the maximum we could do." The Treasury has steadfastly done the maximum for the White House; it remains to be seen whether it can be moved to serve the citizen taxpayer with similar zeal. For the first time those citizens had a presence at a Treasury hearing. Numerous lawyers and groups who became involved in the ADR issue on the public's side are now determined to change the ways whereby Treasury makes such decisions.

NEW CAMPAIGN SPENDING BILL INTRODUCED

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

Mr. ASPIN. Mr. Speaker, today I am introducing in the House a new campaign spending bill which would allow a challenger in a congressional race to spend 50 percent more than an incumbent. This bill is similar to ones reported out by Senate and House committees but it allows a challenger in a House or Senate race to spend 15 cents per voter, while an incumbent would only be allowed to spend 10 cents per voter. The bill does not affect the 10-cent-per-voter limit for presidential candidates the Senate and House bills impose. But there is one very basic element which, I believe, has been virtually ignored during the discussions of the various campaign spending bills; that is, the incredible advantage you give to the incumbent in a House or Senate race by holding his lesser known opponent to the same spending limits as the incumbent.

Under my bill a challenger would be allowed to spend 15 cents per voter or $90,000, whichever is higher. An incumbent could spend only 10 cents per voter or $60,000, whichever is higher.

Studying the election statistics for recent years, especially in the House, it becomes quite clear that the advantage of an incumbent is just enormous. In the last five Congresses, starting in 1962, there have been a total of 329 freshmen in the House. But only 150 of them got to Congress by defeating incumbents. This is an average of 30 per Congress, which means that on an average only 7 percent of the incumbents lose in a congressional election.

I am sure that the great majority of Congressmen would be more than happy to impose even a zero spending level on both themselves and challengers since it is the challenger who has the tremendous burden of, first, getting his name known and, second, of getting some sort of image and platform across to the voters. The incumbent on the other hand is in the public's eye for 2 years, has a large staff, a large operating budget at his disposal, has the privilege of the frank, and has the prestige of his office.

In any election where an incumbent is running there are three basic possibilities concerning campaign spending: First, if the challenger spends significantly more than the incumbent then, all other things being equal, the challenger might stand a chance at being the incumbent; second, if the challenger spends approximately as much as the incumbent, then the chances of his defeating the incumbent will be very slim; third, if the incumbent spends significantly more than the challenger, the chances of the challenger winning are almost zero.

One reason, I believe, that the House has been so often unresponsive to the public will is because it is too stable an institution. In other words, Congressmen know that it is highly likely they can remain in power simply by using the privileges of their office, not necessarily by being active and effective. If we are not careful, we might find ourselves passing a campaign spending bill which makes it next to impossible for a challenger to overcome the enormous disadvantage he is at in running against an incumbent, especially one who has been in Congress for more than a couple of years.

Mr. Speaker, I fear that many campaign spending bills that have been proposed so far may indeed have the effect of further entrenching incumbents. The real trick to writing a good campaign spending bill is finding methods of keeping campaign spending within reason without making Congressmen more entrenched than they already are.

EQUALIZING OVERTIME PAY

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

Mr. DULSKI. Mr. Speaker, Chairman Robert E. Hampton of the U.S. Civil Service Commission has written you in support of legislation to equalize the law respecting overtime pay for Federal employees.

The purpose is to put part-time and intermittent salaried employees on the same footing as wage board and full-time salaried employees.

I am introducing suggested legislation today with the cosponsorship of the gentleman from New York (Mr. HANLEY) and the gentleman from Maryland (Mr. HOGAN), the chairman and the ranking minority member, respectively, of our Subcommittee on Employee Benefits.

Mr. Speaker, as part of my remarks, for the information of the Members, I am including Chairman Hampton's letter to you, the section analysis, and the Commission's statement of purpose and justification:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., July 7, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: We are submitting with this letter for consideration of the Congress proposed legislation to provide overtime pay for intermittent (i.e., no regularly scheduled tour of duty) and part-time General Schedule and other salaried employees who work in excess of 40 hours in a week. There are enclosed a draft bill, section analysis of the draft bill, and a statement of purpose and justification.

It is the purpose of this proposed legislation to place part-time and intermittent salaried employees on the same footing, with respect to premium pay for overtime work, as wage employees and full-time salaried employees.

Under existing law a part-time or intermittent salaried employee can be paid overtime pay for work in excess of eight hours in a day, but not for work in excess of 40 hours in a week. In many cases part-time and intermittent salaried employees work with full-time, part-time or intermittent wage employees and full-time salaried employees. The latter two groups are entitled to premium pay for either hours worked in excess of eight hours in a day or hours worked in excess of 40 in a week, whichever is the greater number of hours. The fact that the salaried part-time and intermitten employees find themselves deprived of premium pay for work beyond 40 hours in a week causes a serious morale problem. More importantly, we feel that there is no justification for permitting such an inequity—performing work in excess of 40 hours in a week is just as onerous for a part-time or intermittent employees as it is for a full-time employee.

The Office of Management and Budget advises that from the standpoint of the Administration's program there would be no objection to the submission of this proposal.

A similar letter is being sent to the President of the Senate.

We urge enactment of this proposal in order that all salaried employees can be treated equally in paying premium pay for overtime work, without regard to the employee's tour of duty.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

SECTION ANALYSIS

The single section of the draft bill amends section 5542(a) of title 5, United States Code, by inserting at the beginning of that section the words, "For full-time, part-time and intermittent tours of duty,".

This language will have the effect of enabling salaried employees with part-time and intermittent tours of duty to earn overtime pay for work in excess of 40 hours in an administrative workweek; at present, only full-time General Schedule and other salaried employees and part-time, full-time and intermittent wage employees are entitled to earn overtime for work in excess of 40 hours in a week.

STATEMENT OF PURPOSE AND JUSTIFICATION

PURPOSE

It is the general purpose of this bill to place full-time, part-time and intermittent salaried and wage employees on the same footing with respect to earning overtime pay.

The Comptroller General has ruled that while part-time and intermittent General Schedule employees are entitled to overtime pay for work in excess of eight hours in a day, they are not entitled to overtime pay

for work in excess of 40 hours in a week. (See 46 Comp. Gen. 667.)

The proposed bill would extend to part-time and intermittent General Schedule and other salaried employees the right to overtime pay for work in excess of 40 hours in a week by amending that section of title 5, United States Code, dealing with overtime pay for salaried employees to specifically cover part-time, full-time and intermittent tours of duty.

JUSTIFICATION

In many cases part-time or intermittent salaried employees work with full-time, part-time or intermittent wage employees and full-time General Schedule employees. The latter two groups are entitled to premium pay for either hours worked over eight in a day or hours worked over 40 in a week, whichever is the greater number of hours.

The fact that the salaried part-time and intermittent employees find themselves deprived of premium pay for work in excess of 40 hours in a week (they are entitled to overtime pay for work in excess of eight hours in a day) causes a serious morale problem.

Pay inequity and consequent dissatisfaction affect productivity and cause increased turnover. The problems connected with lower productivity are obvious.

Increased turnover creates a double problem: first, it is difficult to find qualified people in sufficient numbers who will work part-time or intermittent tours of duty; and second, program expenses are greatly increased by the need to recruit and train new employees.

From the standpoint of simple equity, there is no justification for paying full-time salaried employees for work in excess of 40 hours in a week but not part-time or intermittent employees. Hours worked in excess of 40 hours in a week are equally onerous to the individuals working the hours, without regard to their tours of duty.

With respect to what additional costs will be incurred by enactment of this bill, it is estimated that the total cost to the Government will be approximately $1.1 million annually.

MIRV DEPLOYMENT FREEZE

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

Mr. FRASER. Mr. Speaker, when this legislative body considered the Defense procurement authorization last month, I offered an amendment that provided for a freeze on deployment of multiple independently targetable reentry vehicles—MIRV's. If necessary, I intend to introduce a similar amendment to the Defense appropriation bill and will shortly seek cosponsors for this MIRV deployment freeze amendment.

Some of my reasons for pursuing this course are well outlined in the conclusion of the Institute for Strategic Studies Adelphi Paper, No. 75, first published in February 1971, "Soviet Attitudes to SALT," written by Lawrence T. Caldwell. I find the first paragraph of the third conclusional point especially persuasive:

(3) TWO PRESCRIPTIONS FOR THE FUTURE

To the extent that a trend towards "modernism" has been observable in the Soviet Union during the last two years, the United States should exercise the greatest possible restraint in deploying weapons systems. The costs of possibly reversing that trend are heavy ones to weigh against the marginal gains to "security" which an ABM may provide. Similarly, decision-makers in the Kremlin must weigh the effects of its continued strategic programmes, and especially the gains it achieves from secrecy about them, on the evolution of politics in the United States. If only the "strategic balance" were at stake in the context of SALT, the case for each super-power to hedge on the side of "greater security" in terms of its own resources and its autonomous decision-making processes would be difficult to rebut. But each system's future is bound up with the internal developments of the other. The case for restraint depends as much on the effects of strategic arms competition *within* each system as it does on the effect of that competition on the balance of power between systems. Furthermore, it does not depend on either side regarding the opponent's intent or the balance of political forces within the other side as finally settled. The reason for restraint in deployment is that the perception effects, and intra-systemic effects of this interaction between the systems, are all uncertain.

I recommend the paper to my colleagues. The complete conclusion is reprinted following these remarks:

CONCLUSION

(1) SUMMARY OF THE MODERNIST-ORTHODOX THESIS

That SALT should have taken place at all, and that these talks should appear to have a possibility of success, says a great deal about the modulation of Soviet foreign policy in the period since the Czechoslovak intervention two and a half years ago. In 1968, there was the intervention itself, the parallel Soviet claim of a right to intervene elsewhere in the socialist states in the interest of proletarian internationalism, and the actual attempt to extend that claim to justify, under the United Nations Charter, the right of intervention in the Federal German Republic. In 1970 a non-aggression pact was signed with the Federal Republic, negotiations, however difficult, are continuing over the status of Berlin and agreement on the limitation of strategic weapons seems conceivable. The contrast is considerable.

This adjustment of Soviet foreign policy since August 1968 clearly reflects the interaction of domestic and international factors within the Soviet system. On the international side, new governments in France, Germany and Britain have altered Soviet expectations in Western Europe. These changes have coincided with a further deterioration of Soviet relations with China, and with series of technological developments which have placed the necessity for choice between an agreement on arms limitation, and a costly new investment in weapons systems firmly before the Soviet leadership. Internally, the Soviet economy has developed difficulties in meeting its targets for the 1966–70 five-year plan. More importantly, these difficulties have arisen precisely at a time when the recognition has grown that the Soviet economy has emerged into a qualitatively new phase of its development, in which the old prescription of 'steel, more steel and then some steel' will not suffice to ensure continued growth. Rather, it is now conceded that science and modern technology will provide the keys to growth in this new phase.

These alterations in the Soviet Union's perspective on its external and internal environment have had three specific effects. First, capitalism is seen now as a more complex phenomenon, and more "sober" or "realistic" forces are conceived to exercise occasional, if inconsistent, influence over the policy of imperialist states. This development offers opportunities for the achievement of Soviet foreign policy aims by carefully combining co-operation with "positive" elements in capitalism and opposition to the aggressive policies of imperialism. Second, the incentive to seize this opportunity for co-operation with "realistic" forces within the capitalist societies is strengthened by the perception of an increased danger from China and by the possibility that improved relations with advanced capitalist countries will facilitate the acquisition of that new technology which is now thought to hold the key to economic vitality at home. Third, the sense that current Soviet economic difficulties may persist, even for rather a long time, has led to a preoccupation with domestic concerns and thus to a desire to stabilize the international environment, including relationships with the main capitalist countries, in order to permit a concentration on "communist construction" at home.

All these forces tend to turn Soviet policy in what has been defined as the "modernist" direction. In particular, an internal "modernist"—"orthodox" conflict has clearly occurred with respect to SALT during the period since the Czechoslovak intervention and, although the relevant issues are still in debate Soviet policy has tended to veer towards the modernist orientation. There are several strands of evidence for this. First, the case for Soviet participation in SALT has involved formulations which argue domestic preoccupations, a highly differentiated view of capitalist society, and confidence that the strength of socialism will secure its interest in the struggle with capitalism. Second, the shape of the internal debate—that opponents of SALT had necessarily to alter the form of their opposition once talks had begun in the late fall of 1969—suggests a shift of political forces in a modernist direction in the top leadership. Third, both the alteration in Soviet formulations of "proletarian internationalism" during the spring of 1969 and the treaty with the Federal Republic of Germany in August 1970 (issues not elaborated here) depended on some of the same evaluations of interest as those which support the SALT policy. Fourth, formulations with a modernist slant can be found in public pronouncements by leading Soviet decision-makers and in Party organs (examples have been abundantly presented elsewhere in this study).

The issue of SALT has necessarily interacted with many others. Political ideas are interconnected in every political system. For a Communist state, ideas are even more intertwined than in non-Communist states, because they are presumed to fit into a comprehensive doctrine which legitimates the ruling élite and mobilizes popular support for its policies. Although political ideas perform these legitimization and mobilization functions also in Western countries, they do so more overtly and directly in the Soviet Union. The concept of SALT therefore makes no sense as policy unless it is supported by a broadly similar *tendency* on other issues. On the other hand, policy-making in the Soviet Union is no less fluid than it is in any other system. The Soviet Union, like all political systems, requires compromise, requires that national policies be hammered out by a brokerage process, combining the viewpoints of many people. Moreover, even if policy issues are thought of as represented by spectra each with orthodox-modernist poles, the position of individuals on separate issues will fall at different points along the various issue spectra. The combined effect of these factors is that while a tendency towards modernism on SALT does not prescribe just one possible policy for the Soviet Union on any particular issue—for example, the Middle East or Berlin—it does limit the range of the spectrum within which a particular Soviet policy, say, towards the Middle East, might fall, because that policy also interacts with the same issues as does SALT—for example, domestic preoccupation, analysis of capitalism, assessment of the balance of forces between capitalism and socialism. It does for instance, probably exclude some policy options which would require for their justification a re-

definition of policy on e.g., the danger of war, the analysis of capitalism.

This Paper, then, suggests that a modernist view has emerged as the dominant source of Soviet foreign policy. That fact does not preclude a wide range of conflict between the Soviet Union and the West, but it does provide a basis for co-operation on the grounds of mutual self-interest. The notion of modernism helps to define the framework by which that self-interest is understood in Moscow. More importantly, this study defines that framework as a range of *issue-positions*, and argues that a general tendency towards a modernist orientation can be detected by a careful examination of Soviet policy towards SALT.

The major current policy related directly to SALT which seems most vigorously to call this thesis in question, is the continued deployment of Soviet ICBM forces. It is precisely in this context, however, that a view of how issues might present themselves to a Soviet leader is necessary to sharp analysis. The overall strategic balance must look very different to a Soviet leader than to President Nixon or Secretary Laird. In terms of total numbers of strategic delivery vehicles, the Soviet Union is still measurably inferior to the United States, although the differential has narrowed and one might reasonably doubt the significance of even 10 and 20 per cent differentials at the absolute levels of strategic capability each power has achieved. That persistent inferiority gains added importance when one considers the prospects of large scale MIRV deployment, in which area it is imagined on both sides that the United States enjoys the technological advantage. In such circumstances it is conceivable that the current Soviet ICBM deployment programme may not be aimed at 'superiority', and that it may seem, from the Soviet perspective, to be both a prudent hedge against the failure of arms limitation talks and a step towards achieving a less unfavourable position in the strategic 'balance' of the future. If that were indeed the case, the issues of MIRV and *Safeguard* would have to be looked at rather differently, since these systems, which are justified in the United States as a response to the Soviet ICBM programme, would tend to be regarded in Moscow as part of a renewed effort to establish or to maintain American strategic superiority.

(2) MISREPRESENTATION—ANOTHER DIMENSION

This assessment of current Soviet ICBM programmes raises the complicated issue of the interaction between the mutual perceptions, and misperceptions, of the superpowers. This is a major hazard on matters so intricate as the issues under negotiation in SALT. Steps which seem to be merely prudent when judged by one party from its own point of view alone are likely to be misperceived. Indeed, it could be argued they are certain to be misperceived. The process of negotiation is not in itself a guarantee against that misperception. Even if the negotiators take elaborate pains to communicate the intent of a given set of moves to the other side, the problem of making this understanding operative in the Congress or in the Secretariat or in the Central Committee will remain considerable. The chances in either system that the relevant publics will not have sufficient information or sophistication to support agreements tacitly arranged in negotiations are very substantial. A change in environmental conditions—either internal or external to either system—could make those agreed perceptions, hammered out in the negotiating process, inoperative.

How one state "perceives" the action of another depends heavily on its particular cultural and strategic outlook. However, there are some common elements, simple enough in themselves, which are almost never spelled out explicitly. Much discussion of the process of interaction between the superpowers errs in ways which have practical consequences because it omits one or more of the following dimensions of the perceptive process.

First, there exists a technological bias upwards in the levels at which strategic confrontation takes place. Lead-times in weapon development being what they are, by the time one system perceives a threat to its position in the strategic balance and takes countermeasures, it is conditioning the shape of the interaction five to ten years hence and providing the shape of another round of perception–reaction. For example, the American perception of a missile gap in the late 1950 and early 1960s led to the *Minuteman* and *Polaris* programmes. By their completion they constituted, in turn, the perceptive input which led to the Soviet build-up in strategic forces between 1963 and the present. That programme has served as justification, in turn, for the development of the American *Safeguard* and MIRV options, which in turn will induce . . . There is, therefore, a kind of inter-nation lag, in which the action-reaction process spirals upward.

Second, this technological escalator in the overall level of strategic forces is reinforced by an ancient diplomatic practice which has taken on special importance in the nuclear age. This is the process of competitive risk-taking on which all bargaining depends. In international politics one side in the bargaining process attempts to influence the perception by its adversary of its commitment to an outcome in their confrontation. To make credible that commitment each side engages in an escalation of threats often denominated in terms of force. Both the Soviet Union and the United States have developed habits of 'escalating' moves along a ladder of 'threatened violence', although the threats are often implicit, in an effort to get political leverage on a situation.

Thus, the United States developed a careful campaign in early 1965, escalating its military involvement in Vietnam and coupling that escalation with a variety of diplomatic messages, all in an effort to communicate to the Hanoi Government and its supporters in Moscow and Peking the American commitment to a particular range of outcomes in the Vietnam confrontation. The Soviet Union undertook a counter-campaign, moving up along both escalation ladders of "threatened violence" and actual hardware support in an effort to discredit the American commitment and to persuade Washington to accept an outcome less favorable in its view. Similarly, the Soviet Union undertook an escalation campaign during the summer of 1969 on both diplomatic and hardware planes to communicate to Peking its commitment to a range of outcomes in the border confrontation between those two states. This practice, designed precisely to influence perceptions, has given the whole United States-Soviet Union process of interaction a bias towards the statement of diplomacy in terms of force.

Third, the perception process has normally been thought of as operating between two or more nations seen as monoliths. But the reality is nearly always more complex: the Soviet deployment of the SS–9, for example, is variably perceived within the American decision-making process. Similarly, a given US action, say the "Laird offensive" described in this Paper, is variably perceived in the Soviet Union. Obviously in the American case the perception of a given Soviet action is not the same for Senator William Fulbright and for Secretary of Defense Melvin Laird.

In the main, the point relates less to personality differences, although these have an impact, than to institutional differences. The functions of the State Department, the Defense Department, the academic community and the Senate Foreign Relations Committee are sufficiently diverse for their perceptive apparati also to vary. Hence, for both the American and Soviet political systems a kind of dual process of perception exists—one stage relates to a shared perceptual field defined by the political culture (Marxism-Leninism or simple nationalism, for example) and the other stage is the particular field of vision of the institution in either society which has responsibility for making a perception on which policy recommendations are based. Since several institutions have that responsibility, one of the features of the decision-making process is to hammer out an agreed perception of the actions by an adversary.

Some institutions, however, have a more consistent responsibility than others. One of the important factors which has imprinted a dismally upward bias on strategic misperception between the super-powers is that they both assign important responsibilities to defence institutions whose function it is to "over-perceive" threats and to fashion responses with a "margin of safety." Together, these naturally produce a kind of *mirror-effect*, by which each reinforces the misperceptions of the other. Policies which give weight to institutional defence biases in one society make it more likely that the institutions with the same defence biases in the other society will also receive relatively greater weight in the decision-making process there. In this way, the defence institutions mutually generate self-fufilling prophecies. If one side decides in choosing between conflicting assessments of its adversary that it is "safer" to err on the side of the judgment of its defence structures, it makes it more likely that the other side will also decide to hedge by assigning more weight to the judgment of its defence structures.

Virtually the whole history of the nuclear-missile age can be taken as illustrative of this mirror-effect. There have been two stages of action-reaction, and we are presently in the third stage. First, there was the threat to American interests represented by the initial Soviet success in 1957–58 with its ICBMs. Khrushchev exaggerated these capabilities and thereby reinforced the natural insecurity caused by this technological development in Washington. Hence, this Soviet threat was perceived by the United States as greater than it was. However, the United States did not merely respond to this "agreed" perception which the administrative system must produce in order to construct its policy. It over-reacted even to its own perception; and in addition, undertook, because of the institutional bias already described, to achieve an extra margin of safety. Accordingly, the actual American response, the *Minuteman* and *Polaris* programmes, was, in some sense, three rungs of perception above the threat actually posed. These programmes in turn became the threat to the Soviet Union, which no doubt similarly misperceived, over-reacted and added a margin of security to its over-reaction. The Soviet Union's SS–11 and SS–9 programmes which resulted and its build-up of its ocean-going fleet, have become a new threat to the United States, which is again over-perceived, and so on.

This, of course, is an over-simplification. But that the mirror-effect continues to operate has been illustrated by the Nixon-Laird campaign for *Safeguard* in 1970. It projected the ambiguous threat of the Soviet SS–9 programme to 1974–75, and argued that if that programme continued unabated, the strategic balance by that year would be adjusted unfavourably to the United States. It is the responsibility of the Defense Department to anticipate "negative futures" and to prescribe programmes to counter their effects. But 1970 was a delicate moment of great uncertainty, and to undertake a programme designed to counter the specific

effects of the current SS–9 and SS–11 programmes *if they were continued to 1974–75* could have two results:

(a) to make it more likely that those programmes would be continued in future as a counter to the proposed threats;

(b) to make it more likely that the Soviet leaders would assign relatively more weight to their own defence structures in dealing with the 'new' threat of the *Safeguard* and MIRV programmes (the 'mirror-effect').

The *Safeguard* and MIRV decisions have clearly risked producing an impact counter to the interests of 'modernism' in the Soviet Union.

As the United States and the Soviet Union, with their vastly different political cultures, grope their way towards some kind of agreed strategic stability, neither can be certain of the effects of its actions either within its own system or within that of its adversary. Each power is aware that its actions have some impact within the other system, and speculation about the nature of that impact is an unspoken—or seldom spoken—question in the decision-making processes of presumably both Moscow and Washington. But, to judge by the public evidence, this question has relatively little effect upon policy, partly because of the bias of the government system itself and also because of insufficiently active awareness of the mechanisms involved. These difficulties have to be faced if the upward bias of the arms race is to be contained.

(3) TWO PRESCRIPTIONS FOR THE FUTURE

To the extent that a trend towards 'modernism' has been observable in the Soviet Union during the last two years, the United States should exercise the greatest possible restraint in deploying weapons systems. The costs of possibly reversing that trend are heavy ones to weigh against the marginal gains to 'security' which an ABM may provide. Similarly, decision-makers in the Kremlin must weigh the effects of its continued strategic programmes, and especially the gains it achieves from secrecy about them, on the evolution of politics in the United States. If only the 'strategic balance' were at stake in the context of SALT, the case for each super-power to hedge on the side of 'greater security' in terms of its own resources and its autonomous decision-making processes would be difficult to rebut. But each system's future is bound up with the internal developments of the other.

The case for restraint depends as much on the effects of strategic arms competition within each system as it does on the effect of that competition on the balance of power between systems. Furthermore, it does not depend on either side regarding the opponent's intent or the balance of political forces within the other side as finally settled. The reason for restraint in deployment is that the perception effects, and intra-systemic effects of this interaction between the systems, are all uncertain.

However the particular issue of SALT is resolved, the nations in the West in general and the United States in particular cannot evade the fact that their foreign and defence policies have a domestic relevance within the Soviet Union. Nor can the Soviet Union and its allies ignore that their policies have a similar impact within the United States and the West. The problem is difficult and poorly understood on all sides. At a minimum, the analysis by which all parties weigh their foreign policy decisions needs to be extended to encompass the effects on the relations, both between and within the different systems.

It is possible that the present moment in history offers a rare symmetry of interests between the super-powers in particular and the "cold war" blocs in general. In the Soviet Union, a delicately balanced modernist orientation has emerged which is based on cautious optimism that developments in the capitalist world are favourable to it and provide a reasonably secure opportunity to turn toward urgent domestic preoccupations. In the United States, also, a broad bipartisan (in fact, multipartisan) consensus has developed that the most pressing national requirements are domestic. Each, then, has a chance to place the kind of "bet" of which President Kennedy spoke in 1964. They share a mutual interest in "going to the 70s" having achieved relative stability, at least at the nuclear level, in their adversary relationship.

THE SHARPSTOWN FOLLIES—XIII

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, not very many banks get into trouble with the supervisory authorities, and when they do, they generally make every effort to tighten up and fly right. Not so with the Sharpstown State Bank. Once Frank Sharp started running his bank into the ground he carried out a steady course.

There are about 13,382 FDIC-insured banks in the country today. Of these only 244 or so are in any kind of trouble at all with the FDIC. Just 54 banks in the whole country, as of June 30, 1970, were classified as having serious problems—that is to say, problems that could lead to their closing, and could lead to the FDIC making any kind of payout to cover the deposits of bank customers. The Sharpstown State Bank was one of these. Very few banks get in trouble with the FDIC; very few stay in trouble; few ever get into serious trouble; very few big banks ever get into trouble, and very, very few big banks collapse. Sharpstown State Bank was one of a tiny fraction of problem banks in the whole United States; one of the handful of banks its size that had any trouble at all; it was practically the only one of its size that had any serious problems. Sharpstown was a strange bank indeed, and it was the habitat of real sharpies—sharpies in the sense that they knew how to commit fraud on a grand scale.

The specialty of Sharpstown State Bank was loans to its own officers and directors. The bank went to extraordinary lengths to get money to lend to its officers and directors, through the use of brokered deposits. Of recent bank collapses a goodly number are attributable in some part to the use of brokered deposits. Sharpstown State Bank had $31.6 million in brokered deposits at the time it collapsed—and it also had loans to Frank Sharp and his companies totaling perhaps $30 million. So frantic were these inside dealings that near the end of Sharpstown State Bank's decline, Frank Sharp increased his loans from $22 million to $30 million within the span of 30-odd days.

All of this wheeling and dealing started back when Frank Sharp was chairman of the board of the Sharpstown State Bank and Will Wilson was its general counsel.

The FDIC examiners first noted this tendency toward wheeling and dealing at Sharpstown State Bank about 6 years after the bank opened for business. At that time the bank examiners found "marked deterioration in asset quality and sharp increase in loans to officers, directors, and their interests." It was then, early in 1967, that Sharpstown State Bank changed in FDIC's eyes from a fair bank to a problem bank—one that had to be watched closely.

But the vigilant eyes of the FDIC did not deter the sharpies from their determined self aggrandizement. Even as the FDIC tightened its watch on the Sharpstown State Bank and issued more and more severe warnings, Sharp and his pals drove the bank deeper and deeper into the hole.

Within a year after the FDIC noticed the strange behavior of Sharp's bank, they felt compelled to take the rare step of meeting with Sharp and the bank president, Joe Novotny, to warn about the dangers of certain practices and excesses, and to urge the bank to turn itself around. But Sharp and Novotny simply said that they were not breaking any laws. In other words, they had no intention of listening to the warning.

At the time Sharp was telling the FDIC to get lost, that he was not violating any laws, his legal adviser was of course Will Wilson.

Wilson had every reason to know that the bank was in trouble. After all, he was a former banking commissioner, and he was supposed to know what a troubled bank looked like; he had seen enough problem banks and failed banks to know the difference between sound banking and silly banking. And he also should have known that problem banks are few and far between, and that he was in sharp company. But to the signs of trouble and the warning, his client was blithely saying, "Well, we aren't breaking any laws."

If Wilson knew what the situation was, he must have known that it was rare, and it was serious. Yet his client was telling the bank examiners not to bother him with technicalities, he was within the law.

If Wilson warned Sharp about the seriousness of the situation it did not take. Within weeks Sharp was using the bank to buy up the National Bankers Life Insurance Co. And Wilson certainly had impressed Sharp as a lawyer, because not long after Sharp lectured the FDIC on the banking code, Wilson got the job of setting up the purchase of National Bankers Life Insurance Co., for which he, of course, became general counsel.

Wilson must have known what was happening to the Sharpstown State Bank. He must have known that Sharp was flirting with disaster. He must have known, but he seems not to have tried to stop his benefactor.

It is this same Will Wilson who is now Assistant Attorney General of the United States. It is his boss who decided to grant Frank Sharp immunity, and to see that he got the best of all possible deals—a suspended sentence and a $5,000 fine for looting tens of millions of dollars from banks, insurance companies, investment companies, realty companies, and even an order of priests.

Frank Sharp must know a great deal about Will Wilson—and vice versa.

CFR MISSION—TRANSFER BLAME TO MILITARY

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

Mr. RARICK. Mr. Speaker, yesterday in speaking on the sham of the CBS concern over the American people's right to know, I raised the question as to why the national opinion molders do not tell the American people about the CFR and the secret plan underway to shift the responsibility for the failures of our bankrupt foreign policy from the CFR to the military.

Last evening's Washington paper, the Evening Star, carried a classic example of the transfer of the war responsibility by developing an image of scorn and rebuke against the military while at the same time promoting CFR spokesmen as peacemakers.

On page 1 of the paper appears a picture captioned: "At the Paris Meeting." It portrays Henry Kissinger and Ambassador K. A. Bruce, both smiling to give the American people an image of confidence that something is being done in the name of peace.

Immediately beneath the Kissinger-Bruce photo are the pictures of two U.S. Army generals in a story captioned: "Leader of Americal Division is Relieved of Command." The article infers that the reprimand was due to the loss of too many American men in a recent no-win battle.

No one tells the American people that the two "peace envoys," Kissinger and Bruce, are members of the CFR—the financial-industrial-intellectual aristocracy which has consistently been at the controls of all policies in Vietnam, including that for which the military generals have been made the scapegoats.

So that Members may see for themselves the amassment of wealth, intellect, and power concentrated in the some 1,450 members of the CFR, who just by coincidence always seem to come into top decisionmaking positions in our government. I placed the 1969 CFR membership list of the CONGRESSIONAL RECORD, July 12, 1971 at page 24681.

I insert the two newsclippings at this point:

[From the Washington Evening Star, July 12, 1971]

U.S. PARIS NEGOTIATORS MEETING WITH KISSINGER

PARIS.—Henry Kissinger, President Nixon's adviser for foreign affairs, conferred for two hours today with U.S. peace negotiators on the implications of the latest Communist proposals at the Vietnam peace talks.

Emerging from the meeting at the U.S. Embassy, Kissinger refused to answer newsmen's questions as to whether he would meet, or be in touch with anyone from the Communist side of the Paris talks.

Kissinger scheduled an intensive round of consultations with chief U.S. peace negotiator David K. E. Bruce and his aides before flying to San Clemente, Calif., late tonight to report to the President.

U.S. officials earlier had ruled out the possibility of Kissinger seeing Communist representatives, although both Viet Cong Foreign Minister Mme. Nguyen Thi Binh and Hanoi's special adviser Le Duc Tho have stated their readiness to meet him.

Kissinger flew to Paris just after midnight on the last stop of a 10-day fact-finding trip that took him to Saigon, Bangkok, New Delhi and Rawalpindi.

He was welcomed at the airfield by Bruce, U.S. Ambassador Arthur K. Watson and members of the U.S. diplomatic corps.

In Paris, Kissinger's main interest is a detailed study of the new Viet Cong peace plan submitted at the conference July 1 The seven-point plan offered includes provision for release of American prisoners of war simultaneously with the withdrawal of U.S. troops provided President Nixon sets a terminal date for the pull-out before the end of the year.

[From the Washington Evening Star, July 12, 1971]

LEADER OF AMERICAL DIVISION IS RELIEVED OF HIS COMMAND

SAIGON (AP)—Maj. Gen. James L. Baldwin has been relieved of command of the Americal Division, and military sources suggested today that it was because of the heavy toll taken by North Vietnamese sappers in an attack on Fire Base Mary Ann in which 33 Americans were killed and 76 were wounded.

An official statement said Baldwin is "being reassigned by the Department of the Army," and a spokesman for the U.S. Command refused to comment.

An Army spokesman at the Pentagon said he had no information on Baldwin's new assignment, and conceded that this is unusual.

However, other military sources said there were "unusual circumstances" surrounding Baldwin's replacement and suggested that it was the outcome of an investigation into the attack March 28 on Fire Base Mary Ann, a battalion headquarters base of the Americal Division's 196th Infantry Brigade 25 miles west of Chu Lai.

The toll was the highest of any such attack on a U.S. base in the war. Some officers and enlisted men claimed that the base's defenses were lax and the troops were not prepared for an enemy attack. The men had not seen much fighting in the previous few months and were about to turn the base over to the South Vietnamese.

Maj. Gen. Frederick J. Kroesen, who had been assistant chief of staff of operations at the U.S. Command in Saigon, took command of the division in Chu Lai on Friday, while Baldwin was in the United States on leave.

Baldwin had the command less than eight months, since Nov. 23. Generals' periods of command of combat units in Vietnam have varied widely, from a few months to a year.

Baldwin left on leave in June and was due back day after tomorrow. But informants said the division's officers were told Thursday that he would not return.

The attack on Mary Ann was one of a series of events that have smirched the record of the Americal Division since it was organized in Vietnam in late 1967. The most notorious of these incidents was the MyLai massacre on March 16, 1968.

CHARGES OF REPRESENTATIVE McCLOSKEY OF DELIBERATE POLICY OF INDISCRIMINATE BOMBING HAVE NOT BEEN ESTABLISHED

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from California (Mr. GUBSER) is recognized for 5 minutes.

Mr. GUBSER. Mr. Speaker, it has been a long day and I shall proceed to a conclusion quickly.

I was delighted to hear my colleague (Mr. MCCLOSKEY) say—and I hope I paraphrase him accurately—that the evidence he has presented does not establish a deliberate policy that we are indiscriminately bombing villages in Laos. I think that is a very fair statement and one of the few areas of agreement that we have had today.

The gentleman took certain views with him to Laos which alleged such an indiscriminate policy. He concludes that he was deceived by the U.S. Embassy and our consular officials there. He concludes that he has been deceived by Father Menger, by Reverend Roffe and by U.S. Air Force officials. He banks upon a U.S. Information Service report which admittedly was taken from a limited few refugees who were unusual, and who came from the area where there was the heaviest ground fighting, 95 percent of whom said they would not go back to their homes if the Communists still controlled the area.

There was some question about whether that report was valid, and whether the summary which he now admits he received before leaving accurately reflected the survey. I have read them both, and they do.

Then, he bases his case upon interviews through an interpreter with 16 refugees when others were around egging the respondents on, and when the people who took the survey admit the statistical inadequacy of their effort.

Then he says, They will not show me photographs to tell me I was wrong.

Mr. Speaker, I hate to use an overworked phrase, but at what time did the gentleman stop beating his wife?

Now, there are new Members in this Congress who are young and enthusiastic, and I commend them for it. They are anxious to get at the truth, and I commend them for that. But believe me, the conscience of human beings who serve as Members of Congress is not something that is unique and new. It has been present right along over the 19 years I have served here. We have not suddenly become moral indigents who do not want to get at the truth and who try to suppress it.

I know about the climate which exists today. People are disgusted with this war and the policy of involvement in Vietnam which I think is probably one of the worst mistakes we have made. But we cannot seize upon this climate and start from the presumption, start an investigation from the presumption, that the United States is guilty of horrible acts.

I think the gentleman has not proved that there was a deliberate policy of indiscriminate bombing of villages. I think he made a charge which does serious harm to this Nation. He had the responsibility to seek more of the truth and present a case better than what he today admits does not establish a deliberate policy of indiscriminate bombing of villages. That is what this argument has been all about.

Perhaps this is the issue. Who is the enemy? Is it North Vietnam? Is it the Vietcong? Is it the Pathetlao? Or is it the United States of America?

I hope that in this climate of frustration which permeates this entire Nation

that we can sometime start giving our country the benefit of the doubt.

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

HELP FOR LAGGING AREAS NEED NOT WAIT

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from Montana (Mr. MELCHER) is recognized for 10 minutes.

Mr. MELCHER. For more than 2 years now, the Governors and congressional delegations from the Upper Missouri Basin States have been attempting to get the Secretary of Commerce and the White House to announce the establishment of an Upper Missouri Basin Development Commission.

The Governors, Congressmen, and U.S. Senators from the five States—both Republicans and Democrats—have been unanimous in this endeavor.

When the five Governors met at Rapid City, S. Dak., June 30, they joined in a resolution reaffirming their support of a commission and joined in another urging distribution of opportunity to States where outmigration is a serious problem.

Here are two more examples, Mr. Speaker, where there is need to "put your money where your mouth is."

We have a law authorizing regional commissions. Congress has even earmarked $300,000 to start the Upper Missouri Basin Regional Development Commission. Congress has voted to extend the Economic Development Act, and specifically title V which authorizes such commissions, rather than put the money in a revenue sharing jackpot.

There is no good reason not to authorize the commission this afternoon—but it does not get done.

DISTRIBUTION OF OPPORTUNITY IS JUST AS POSSIBLE

The Federal Government now procures over $85 billion in goods and services annually. It is spending nearly $20 billion on research and development.

If we are serious about rural development, we can send billions in contracts out to firms and factories in the smaller communities of rural America and we can transfer a few Federal agencies out to the country where the air is fresh and pure instead of having more skyscrapers built privately, for lease to the Government, here in the problem-ridden Washington metropolitan area.

I include the resolutions adopted by the five Governors of the Upper Missouri Basin in the RECORD, Mr. Speaker, with the suggestion to the administration that the response to them can be immediate if there is a real intention and determination to do something about rural development:

RESOLUTION ON MISSOURI RIVER REGIONAL ECONOMIC DEVELOPMENT COMMISSION

Present: Governors Anderson, Montana; Exon, Nebraska; Guy, North Dakota; Hathaway, Wyoming; and Kneip, South Dakota.

To the congressional delegations of Montana, Nebraska, North Dakota, Wyoming, and South Dakota:

Be it resolved that we unanimously support the continued effort of our congressional delegations on a big-partisan basis to continue their efforts for the establishment of the Missouri River Regional Economic Development Commission.

Be it further resolved that the five Governors wish to express their appreciation to the Congressional Delegations for their past efforts in this regard.

Moved by Governor Anderson, seconded by Governor Exon.

Passed unanimously.

RESOLUTION ON DISTRIBUTION OF OPPORTUNITY

Present: Governors Anderson, Montana; Exon, Nebraska; Guy, North Dakota; Hathaway, Wyoming; and Kneip, South Dakota.

Whereas our states including North Dakota, South Dakota, Wyoming, Nebraska and Montana have for decades experienced a serious outflow of people, especially our well educated youth who pursue opportunity elsewhere because of limited opportunity here; and,

Whereas the United States is experiencing a severe and persistent dislocation and shift in population which is causing mounting problems of out-migration from farms and small towns causing a decreasing tax base and insufficient people to maintain minimum services such as schools, hospitals, parks, sewer and water systems, etc., on the one hand, and on the other hand this outmigration is causing, in part, problems of urban glut, such as increasing crime, smog, racial tension, water pollution, clogged mass transit, crowded schools and hospitals, etc; and,

Whereas these opposite sides of the same coin—under population and congested population—are root causes of high social and economic costs involving a diminishing quality of life in America; and,

Whereas out-migration from our states of our own youth is not a phenomenon of nature but is man made and too often the result of inadequate, inadvertent, and uncoordinated national government policy, planning and programming:

Now, therefore, we call for a congressional declaration of a national policy on distribution of opportunity which solicits effort by the private sector as well as state and local governments to recognize and aid in distribution of opportunity and hence stabilization of population through such devices as:

A. Interstate Commerce freight rate adjustment to allow the midwest to be competitive

B. Regional multi-state economic planning and action through organizations such as the Missouri River Economic Development Commission

C. Small Business Administration type loans with preferential interest rates to industry in under populated states

D. Preferential tax programs for such industry

E. Manpower on the job training for new industry

F. Water resource development through regional effort

G. Agricultural programming recognizing the social and economic value of individual, non-corporate farming

Moved by Governor Guy, seconded by Governor Exon. Passed unanimously.

REFORMING FEDERAL AID TO URBAN AREAS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include an article written by the National Journal.)

Mr. BARRETT. Mr. Speaker, the July 3 issue of National Journal contained a fine article by William Lilley III concerning the commitment of both parties to comprehensive reforms in the delivery of Federal aids to urban areas. The administration, the Senate Banking, Housing, and Urban Affairs Committee, and the House Banking Committee are all involved in seeking new ways to rebuild our cities, both large and small.

As Members of the House know, the Housing Subcommittee, of which I am privileged to serve as chairman, is a leader in this effort. Our report, "Housing and the Urban Environment," sets forth a very comprehensive series of far-reaching proposals for improving our Federal housing and urban development efforts. This report is the product of more than 9 months of study, field trips, and meetings by three panels of the subcommittee, chaired by three outstanding Members of the House—Mrs. LEONOR K. SULLIVAN, of Missouri; Mr. THOMAS L. ASHLEY, of Ohio; and Mr. WILLIAM S. MOORHEAD, of Pennsylvania. They were most ably assisted by Mr. HENRY S. REUSS, of Wisconsin, one of the House's outstanding leaders in revenue sharing and efforts to reform and revitalize State and local government.

The article by Mr. Lilley reviews the efforts of both the Congress and the administration in this wide-ranging effort. I commend his article to your attention:

URBAN REPORT/BOTH PARTIES READY TO SCRAP GRANT PROGRAMS IN FAVOR OF "CITY STRATEGY" PACKAGE OF AID

(By William Lilly III)

Republican and Democratic policy makers are shedding old beliefs in a scramble to rebuild completely a $2-billion-a-year package of programs to help the cities.

Nearly everybody involved in urban programs in Washington now rejects present approaches as inadequate and intellectually bankrupt.

The change in attitude has been quiet and sudden. And it has profound implications for both major parties, for the nation's cities and for their mayors.

Sweeping legislative and administrative reforms, all being developed by relatively independent clusters of politicians and technicians, are in the works.

Both parties are revising, at increasing speed, their traditional ideas of what the federal government should do for local government.

Reform Democrats are willing to scrap the urban programs of the past three Democratic Presidents: Truman's Fair Deal urban renewal program and the congeries of New Frontier-Great Society extensions of urban renewal, including model cities.

Republican reformers, in turn, are changing their party's historically frugal position on federal aid to the cities.

A top aide to Sen. John Sparkman, D-Ala., chairman of the Banking, Housing and Urban Affairs Committee and a key man on housing and urban legislation in the Senate, said:

"I've been in this (housing and urban affairs) game for 14 years—since 1957—but this is the greatest year for change that I've ever seen.

"Nobody seems to be talking about it in the press, but more is going on in the way of sweeping changes than ever before. This year makes the whole Democratic package of 1961 look like a once-over-lightly job, and that was the year that the federal government went along for the first time with housing subsidies for lower-middle-income families and not just for the poor.

"This mood of reform is not just a result of a new Republican Administration; it's much more fundamental. Pretty much everyone is unhappy with the way that things are going."

REFORM

The new urban affairs catchword in Washington is "city strategy." It describes a new

approach to the use of federal dollars. The goal is to promote comprehensive urban planning in city halls, not in Washington.

Democrats: Moving toward "city strategy" is an important political shift for Democrats. It represents an admission that the categorical grant-in-aid approach has failed.

Ashley—Rep. Thomas L. Ashley, D-Ohio, a nine-term veteran widely regarded as the leading Democratic expert on housing and urban development policies, said:

"The present urban development programs have just about reached their ultimate funding plateau. They are not contributing to a rational growth policy. In fact, some are even counterproductive. Even with all our vast expenditures, we're not making much progress in the central cities.

"Almost nobody believes that if we fully funded urban renewal—jacking it up annually from approximately $1 billion to $3 billion—and met the mayors' backlogs, that we would make much progress. We either reshape the urban development programs, or we have real political difficulties."

A member of the House Banking and Currency Committee. Ashley is chairman of an ad hoc subcommittee on urban growth and chairman of the Housing Subcommittee's panel on delivery and consumption of federally aided housing.

Republican nudge—House Democrats already were studying new approaches to city programs when the White House sprang revenue sharing on them, but the threat of having some mayors wooed away by President Nixon gave urgency to their study. (For reports on the earlier stages of Housing Subcommittee activity, see No. 2, p. 59, and Vol. 2, No. 50, p. 2691).

Rep. William S. Moorhead, D-Pa., chairman of another Housing Subcommittee panel on metropolitan development, said, "The Democrats, and especially the Speaker, are on the spot politically to come up with an alternative to revenue sharing—both general and special, which are being touted as aid to the hard-pressed cities.

"Well, the Speaker thinks that revenue sharing is dead, but we believe that the Democratic Party just has to have a reasonable alternative."

Package—Moorhead said Rep. Wilbur D. Mills, D-Ark., chairman of the House Ways and Means Committee, "is working on one part of it with his recently proposed $3.5-billion aid package for the cities; public service jobs are another part; and bigger block grants are another."

Ashley, Moorhead, Rep. Henry S. Reuss, D-Wis., another senior member of Banking and Currency, and Rep. William A. Barrett, D-Pa., chairman of the Housing Subcommittee, have met twice with Speaker Carl Albert, D-Okla., and Majority Leader Hale Boggs, D-La., to hammer out party strategy on the reform package once it clears the full committee.

"We are going to try to have a bill by the end of June," Ashley said. "When it's ready, Albert will hold a TV press conference to announce it as the Democratic alternative to help the cities. Each of the panel chairmen has made presentations to him. He's quite pleased that we've got a constructive alternative to revenue sharing.

"If everything goes right for us, we have a good chance of getting this thing to the floor this year."

Roadblock—Some factors beyond the subcommittee's control could block the package.

For example, hearings on an Administration request for a $250-million loan guarantee for Lockheed Aircraft Corp. have disrupted the calendars of the banking committees of both houses. If they were occupied with the Lockheed bill until the August recess final action on the housing package might be deferred until 1972.

Republicans: The Nixon Administration is just as active as the Democrats in the reform movement.

HUD Secretary George W. Romney and Richard P. Nathan, assistant director of the Office of Management and Budget, have repeatedly and emphatically characterized the existing categorical grant-in-aid system for the cities as unworkable.

Another important figure in the Administration reform move is Floyd H. Hyde, the HUD Department's assistant secretary for community development. Formerly assistant secretary for the embattled model cities program (1969–71) and before that mayor of Fresno, Calif., (1965–69), Hyde has emerged as one of the principal spokesmen in the Administration demanding new approaches and a greater national effort to help solve urban problems.

Now the top federal administrator for HUD's entire range of hardware programs, such as urban renewal (42 USC 1450 *et seq.*) and water and sewer (42 USC 3101), Hyde is blunt about the shortcomings of these programs.

"I believe that we could greatly expand the funding of existing categorical-grant-in-aid programs like urban renewal and make almost no improvement," Hyde said. "The problem is simply stated, but it has profound implications, such as a whole new national definition of what makes a city better.

"We now can say that the categoricals just treat the symptoms. As a result, while we are busy putting Band-Aids on one neighborhood, the cause is at work in an adjoining neighborhood, creating more of the same decay. We have to start reorienting our thinking so as to give priority attention to the human aspects of community development.

"This change will involve a long-overdue but radical change in our intellectual perception of how to help the urban communities," Hyde said. "And what is starting with the HUD package of programs is going to have to expand to the HEW, Transportation and Labor Departments, where they have significant responsibility for urban problems."

Winners and losers: Working drafts of various legislative proposals make it clear who will win and who will lose with a new approach.

The big winners will be the nation's hard-pressed cities, which will get more money, and their mayors, who will get more power.

The big losers will be the semi-autonomous agencies which have traditionally controlled urban aid programs—the public housing authorities, urban renewal agencies, water and sewer districts, transit authorities and others.

Said Sparkman's aide: "There is no question about the general direction of all these reform currents—the upgrading of the politicians and the downgrading of the technicians."

Moreover, all the plans under consideration—whether Democratic or Republican—propose to decentralize power, leaving Washington less and the mayors more.

Contest: So pervasive is the struggle for change that Patrick Healy, executive director of the National League of Cities, said: "It has taken on all the aspects of a contest between the two parties."

Major entrants in the contest are the Democrats on the Senate Banking, Housing and Urban Affairs Committee, led by Sparkman; Democrats on the House Banking and Currency Committee, in league with some Republicans; and the HUD and OMB Administration team.

Bending: In the contest, Democrats have come closer than ever before to the Republican position on decentralization of power; Republicans have moved toward the Democratic approach to funding.

Reforms by both sides have been developed either along revenue-sharing lines—which the Republicans prefer—or along block-grant lines—backed by Democrats.

By definition, either would redistribute power which the categorical grant approach has concentrated in Washington.

Orthodoxy—Decentralization is a major element in Republican orthodoxy. In keeping with that, the Administration proposed a special revenue-sharing plan in which no community would need to apply for funds, and in which there would be no federal review of plans for their use. The aspect of the reform came relatively easily for Republicans.

Labor block—Democrats have found it hard to come around to decentralization.

According to Healy, the Democratic block-grant reforms represent "a new Democratic initiative and a major shift in party strategy. Until now, the Democrats have bought the AFL–CIO approach to meeting local need. The AFL–CIO has opposed all forms of revenue sharing because organized labor does not have the clout and the influence at the local level that it wields at the national level."

Healy said organized labor's opposition to decentralization is a very simple proposition. "They can better serve their own people if spending programs are fashioned in Washington."

"That way," he said, "they develop the project approach to the program and then make their support for it contingent on the writing in of a Davis-Bacon clause." (The Davis-Bacon Act (48 Stat. 948) requires the Labor Secretary to set wages for federally assisted construction at the prevailing wage rate in the area.)

"Up till now," Healy said, "the Democrats have bought that. Now they are fashioning program citywide rather than piecemeal. It means they recognize that city problems are worse than they thought."

FUNDING

Where shifting power to the cities was difficult for the Democrats, sending more money with it, and on a long-term basis, was difficult for the Republicans.

Even some Democrats will find trouble with the new concept toward which both reform groups are moving—that cities no longer are required to justify their need for money project by project, but solely by virtue of the fact that they need money.

Daley: Mayors also have long urged a guaranteed income for the cities.

Their most powerful spokesman for that view has been Democratic Mayor Richard J. Daley of Chicago.

According to Daley, cities need "a new and straightforward bipartisan national urban policy that will provide the cities not with piecemeal programs, confused with administrative edicts, but massive infusions of resources in large blocks, with assurance that these resources will continue for at least the rest of the century."

Sparkman: "The on-again, off-again, stop and go federal funding experience has done more harm and wasted more money than we will ever know," said Sparkman, who has been the Senate's urban affairs leader since 1955 when he became chairman of the Housing and Urban Affairs Subcommittee.

"Whatever we do this year, I hope that we try to solve this one deficiency," he said. "Once federal policy is developed to provide federal funds to aid cities, the government should stick to its promises and cities should be able to plan in advance."

Sparkman's staff has been working on a plan to bypass annual appropriations by using four-year contract authority.

The bill, now in a fourth draft, also uses a rule of thumb for financing that would double available funds from $1.5 to $3 billion. Surviving thus for in the redrafts is a proposal to increase each city's funds by 15 per cent a year.

The Sparkman draft includes all of HUD's hardware programs except model cities, at $575 million per year, which would be al-

lowed to run its statutory life of five years, something the mayors have lobbied hard to get.

Even before model cities lapses, its social development activities such as education, health, manpower training and public safety would be funded under general provisions of the Sparkman program.

Sparkman's bill would require cities to submit five-year community development plans. HUD would have to approve the plans and conduct post-audit checks on city performance, evaluating each city on the basis of its success in meeting its own plan.

The bill also would require cities to have an adequate low-income housing plan and adequate housing code enforcement to prevent the spread of blight.

An aide to Sparkman said: "We regard the application process as a check on the politicians. In that respect, and insofar as we are stipulating (the housing) activities, we are going halfway between the Nixon Administration's revenue-sharing program and the existing categorical system.

"Otherwise, we knock out the feds when it comes to detailed clearances and we turn over to local control the detail, the operations and the management."

House: Working independently of Sparkman and his staff, the House Banking and Currency Committee has reached approximately the same position.

Prime movers in the House have been Reps. Moorhead, Ashley and Reuss, all senior members of the House Subcommittee. Staff members and outside consultants have worked with them.

The Moorhead package, which is now being marked up by the full Housing Subcommittee, is similar to the Sparkman bill in that it:

Provides for contract authority which would bypass the appropriations process;

Offers the cities a first-year total of $3 billion;

Requires citywide development plans, although they would cover only three years instead of the Senate's five.

"It retains the general national purposes of the existing program and thereby avoids the pitfalls of revenue sharing—where money could be used for any idiotic thing," said Moorhead.

Administration: "On decentralization," said Healy, "the Republicans are really acting in very orthodox ways. What is reformist now about the Republicans is that they are willing to give the locals the financial resources. . . . Now they are putting their money where their mouth is."

Breakthrough—The Administration proposal for revenue sharing to fund community development calls for nearly $2 billion a year to be allocated by a computerized formula among cities with populations over 50,000.

Although the proposal is less than the $3-billion plan of the Democrats, and depends on annual appropriations rather than long-term contract authority, it does represent an ideological breakthrough for the Republicans.

In lobbying for the bill, Romney has repeatedly told Members of Congress and mayors that under the Nixon plan, "no city would get less money and most would get more."

Assistant Secretary Hyde said that the Administration shift on funding represented "quite a breakthrough."

Infighting—But it was not accomplished without a struggle.

Hyde said that he, Romney and Under Secretary Richard C. Van Dusen had "to move the White House away from the notion of automaticity" toward a perpetual funding concept.

"OMB kept talking in terms of 'automatic grants,' meaning that they were to be disbursed by computer as opposed to some local-application-federal-review process," Hyde said.

"We kept saying that 'automaticity' doesn't properly describe our special revenue-sharing concept. What we want special revenue sharing to be is a method to achieve annualized, stabilized funding to meet a city's needs. When you shift from the concept of automatic grants to annualized, stabilized funding, then you have a real political breakthrough."

Hold harmless—Hyde's "breakthrough" was formally endorsed by the White House when it promulgated the "hold harmless" concept that no community would get less under special revenue sharing than it had gotten in the past. It was a Republican way of saying what mayors like Daley had been demanding—a guarantee of annual funding in perpetuity.

City view—Samuel V. Merrick, chief lobbyist for the National League of Cities-U.S. Conference of Mayors, said the Administration has been pushed into perpetual funding almost as the lesser of two evils.

"Nathan and the other 'good government' types in the Administration have been thinking of this just in terms of decentralization and administrative simplicity," he said.

"Urban renewal has in it all the problems which cost overruns pose for accountants, and the average urban renewal project is now running at 100 per cent over estimate.

"The problem is a long-standing one. It has just driven the budget bureau wild that they can never figure out what urban renewal is ultimately going to cost.

"The high practitioners of the game like Logue and Cox played it almost limitlessly," Merrick said, "with one thing leading to another on each project. No one in Washington could control Logue's imagination. And then the budget bureau would be confronted by surges of political power and arm-twisting by the high practitioners as they tried to float their overruns."

Edward M. Logue, now president of the New York State Urban Development Corporation, was executive director of the New Haven Redevelopment Authority (1964–60), and executive director of the Boston Redevelopment Authority (1967–71). Lawrence M. Cox, former HUD assistant secretary for urban renewal (1969–70), was executive director of the Norfolk, Va., Redevelopment and Housing Authority (1949–69).

"So you can say that this whole conversion is a defensive move as well as an offensive one. It might cost a lot more in the aggregate, but at least the increases will be controllable, predictable and orderly. That's an argument that Mahon might buy as well. At least from a budgetary or accounting point of view, you can always say that the present program is out of control; the backlog could go beyond the existing $3–4 billion to $10 billion or even infinity." (Rep. George H. Mahon, D-Tex., is chairman of the House Appropriations Committee.)

CONSUMER ISSUE

The question of how to help the cities has become a consumer issue, which accounts in large part for the new Democratic-Republican consensus for change.

Extensive cuts in urban services—police, fire, sanitation and the like—have been threatened in major cities during the past year, and this trend—which hits at the voter's health and safety—is coming home to Capitol Hill and to the HUD Department.

No longer do urban experts in Washington talk glowingly about the hardware aspects of federal aid to cities—programs like urban renewal and model cities.

Rather, federal officials want now to talk about the voting consumer of urban programs; they talk of "community development."

At HUD. this changing perception of the urban problem is demonstrated by a proposal to change the agency's name: Romney wants his department to be called. "The Department of Housing and Community Development."

On Capitol Hill, the change is reflected in a remark by a top Sparkman assistant: "What we need to develop are communities, not houses or central business districts."

City hall: Mayors say federal recognition of their plight reflects two trends: The cities are beginning literally to die, and suburbs are beginning to suffer big-city problems.

At all times, mayors discuss their problems in terms of the consumer—the urban dwellers who must put up with decay. Their attitude is both cynical and bitter as regards the sudden shift in federal concern.

Atlanta—Atlanta's Democratic Mayor Sam Massell Jr. said: "People can now see that the problems have reached dramatic and highly visible points in almost every city. So now they are paying attention. In Atlanta, it was a lot of things that suddenly came to a head, what you might call a long heritage of urban growth and decay. For example, the fire department has condemned my city hall; we now get traffic congestion so bad that everything just stops; the government has slapped a $60-million bill on us to clean up water pollution; and the racial split in Atlanta has gone from 65–35 white-black to 50–50 in just 10 years."

San Francisco—Democratic Mayor Joseph L. Alioto of San Francisco said, "I'll tell you why we're finally getting a change in federal attitudes. The suburbs are now beginning to be affected by big-city ills and they're scared to death. Their crime rate has begun climbing faster than ours. The poor are trying to get out of the center cities and into the suburbs. The suburbs are trying to keep them out, and the Nixon Administration is helping them.

"Also, the extreme deterioration of Baltimore, Cleveland, Detroit and Newark has scared the hell out of everyone. They are cutting back on policemen, firemen and sanitation men. Believe me, it's one thing in this country to talk about how you need help to take better care of the poor and it's another thing to talk about firing policemen.

"Our warnings that things would come to this were neglected because of racial prejudice. When urban unemployment was in the ghetto, that was one thing; but when it spread to the skilled and the middle class, then the issue of urban decay is elevated to groups with more political power than the poor, the black and the aged.

"Right now, I tell people that this is the critical point in time for San Francisco. If we get the federal help we're asking for, then we believe the situation in San Francisco can be stabilized and the problems will be manageable. If we don't, then we're in real trouble."

Birmingham—The crisis of urban decay is not limited to the biggest cities. As a Sparkman aide said, "It's evident to anyone that the cities—all the cities—are going to hell. Take Birmingham. Its downtown has begun to go sour. It needs money it doesn't have for additional safety provisions, lights, public transportation—the kind of dressing up with new public services that will make the center city attractive again."

Washington: At the federal level, the men and women who deal with city policy now are aligning their views with those of the mayors.

They are increasingly concerned with what Rep. Benjamin B. Blackburn, a Republican from Atlanta, calls the "people problem." And they believe increasingly that their previous solutions were naive.

Healy—City lobbyist Healy said: "The Administration and Congressmen appear to have realized that one-shot approaches just don't work, that it doesn't make sense to build the physical facility and then walk away with no attention to the urban environment or to a comprehensive city strategy.

"I guess we're getting a trickle-down effect in Washington of the complex stuff that Pat Moynihan was writing about and the even more complex stuff that Jay Forrester was writing about."

(Jay W. Forrester, professor of management at Massachusetts Institute of Technology, was brought to the attention of the Nixon Administration by Daniel Patrick Moynihan, who was one of Mr. Nixon's principal urban advisers in 1969-70.)

(Forrester, creator of computer models of the dynamics of urban development and author of several award-winning books and treatises on the subject of industrial and urban dynamics, has been used extensively as a consultant in Washington.)

"The burden of Forrester's and Moynihan's message," Healy said, "was that too many legislative decisions made on an 'intuitive basis were really counterproductive.

"They claim that cities are very complex systems where unintended second-offer effects can be ruinous and where the ideal solutions often are counterintuitive."

Healy said the federal government is just beginning to show signs of realizing that.

"Ashley and his urban growth subcommittee have really come down hard on the need for local and national strategies for urban community development," he said. "His hearings are the best yet."

Congress—Rep. Blackburn, 44-year-old activist member of the Housing Subcommittee, echoed Healy's view.

"We've spent a lot of money and nothing is getting better," he said.

"The decay of our center cities has now become our overriding concern. It can't be ignored forever; it just has to be dealt with.

"But the problem with the present HUD programs is that they don't come to grips with the basic problem. They are concerned only with real estate, not with people. What they do is improve real estate, and while they are doing that—and very expensively—they relocate the real problem, which is the people who lived in the slum.

"I think the entire HUD package, housing as well as urban development, should be restructured along the lines of people problems and community development."

Ashley said, "We helped lay the cornerstone for this new approach with our 'Urban Growth and New Community Development Act of 1970 (84 Stat 1770),' when we said in our 'statement of findings and purposes' that our present processes of urban community development were wasteful and destructive and that our existing urban development programs were contributing to that waste and destruction. We never said that till last year."

HUD—Hyde said: "We have to start reorienting our thinking to give priority attention to the human aspects of community development—it's the intellectual analogy to identifying causes rather than symptoms.

"I tell the people in the National Association of Housing and Redevelopment Officials—public housing and urban renewal officials who are affected by this upgrading of the mayors and downgrading of the technicians—that they have to reorient their thinking toward human values.

"It's just NAHRO now, but it is going to spread to all the local government technicians—transit authorities, public works agencies and so on.

"These experts are going to get shaken up in the transition, and it's not their fault. They are really victims of our system of treating physical symptoms. Their training has all been in the technicalities of the physical production process, not the politics of community development."

THE MAYORS

Reform leaders in Congress are beginning to come across for the cities because the mayors are beginning to get across to Congress.

For years, mayors have protested the restrictiveness, arbitrariness, and delays in the present system.

Parties ties: They have become effective in recent months, and some of those who are hardest on Democratic programs are Democrats.

Uhlman—Wesley C. Uhlman, Democratic mayor of Seattle, said: "We have finally gotten our message through—that the present system of aid is insane, there's just no other word for it.

"The Members of Congress have finally come to realize that. They've set up an enormous storehouse of categorical grant-in-aid assistance which they really can't use. All the cities are in what I call an 'M and O crunch'—they don't have what it takes for maintenance and operations.

"That's not very glamorous, but it is damn important when it comes to our using the categoricals. Basically, the categoricals are for esoterica, and we don't have the resources to operate the esoterica. I can get lots of money for new libraries, but it doesn't do Seattle any good because I can't pay for the books or the staff to operate them. In fact, we've been closing some of our libraries. The same for the Law Enforcement Assistance Administration. We want money to pay the cops; they want to give us money to buy esoteric hardware."

Flaherty—Peter F. Flaherty, Democratic mayor of Pittsburgh, was equally blunt about mayors making use of the categorical system.

"Take this grant program for law enforcement assistance," he said. "I'm after them all the time for money for the unglamorous things and they want to give me helicopters. Three different times they've tried to give me helicopters. We just don't need helicopters in Pittsburgh."

Maier—Milwaukee Mayor Henry W. Maier, a Democrat and newly elected president of the mayors conference, said, "We've been telling Congress two things for a long time now—the amount of money we're getting is pitiful and the way we're getting it is pitiful. Our complaints are finally starting to surface."

Merrick—Lobbyist Merrick said, "Congress seems finally to have learned what the mayors had to learn at first hand—that humans are just not complex enough to manage the horrendous pile of urban programs that the federal government has constructed. Life just is not long enough to make things like that work."

New breed: Mayors say also that they have changed as a group and that the change eliminates the rationale for the categorical system.

John J. Gunther, executive director of the mayors conference, said that "in the past, Congress used to set up programs and deliberately exclude the mayor in order to protect the citizens, especially the poor and the minorities. Now, the center city governments represent their citizens, which is precisely why the suburbs resist working with them."

John Herbers, urban specialist for *The New York Times*, came away from the June 12–16 convention of the mayors conference in Philadelphia with a strong impression that the mayors were right when they said they had changed.

In the newspaper's June 20 edition, Herbers said of the conference's 17-member Legislative Action Committee, headed by New York's Mayor John V. Lindsay: "This group has its duds. But as a group, the mayors probably are more impressive, more articulate, more persuasive than a representative group of 17 Governors, Senators or Representatives. Nurtured on adversity, they are lean and tough and believable."

Age—There has been a noticeable drop in the average age of mayors in recent years, for example.

A *National Journal* analysis found that new mayors have been elected in 39 of the nation's 50 largest cities since 1965. In the transition year in those 39 cities, the average age of the outgoing mayor was 55.9 and of the incoming mayor, 43.8.

The average age of the mayors in all 50 cities has dropped from 54.4 in 1965 to 49 in 1971.

Realities—New Orleans Mayor Maurice E. (Moon) Landrieu, a Democrat, said the federal government had gone through two separate approaches to urban aid, both designed to keep money and power out of city hall on the premise that mayors would not serve the poor and the black.

"First, we had to shift away from the concept of the 1930s where we diluted the power of the mayor in order to guard against graft and waste," he said.

"To do so, we increased the power of citizen boards.

"Then we went through the phase of providing one-shot funding according to narrow categorical standards because the mayors were denying the blacks and the underprivileged—either by de jure segregation in the South or by de facto segregation in the North."

Landrieu argued that the need for the second approach no longer exists.

"Those things are past us," he said, "mainly because of the growth of the political power of blacks and the poor. Also, we now regard as bankrupt the notion that talented citizens, operating free of political constraints, can achieve the kind of progress we really want. No longer will people be dictated to by citizen commissions."

Lobbying: In Philadelphia, mayors gave special credit for their recent successes to Lindsay's legislative action committee.

Formed on Dec. 7, 1970, the committee travels to Washington and other big cities in what Lindsay called "our monthly road show, entitled, 'Grim Faces of 1971.'"

The purpose of the committee is to press for enactment of conference resolutions, most of which call for increased federal aid.

Alioto effort—Only recently have the mayors come to this kind of lobbying; the first effort was the formation in 1969 of Alioto's "full-funding" drives in Congress for urban renewal and other aid programs. (*For an analysis of those campaigns, see Vol. 1, No. 4, p. 170, and Vol. 2, No. 23, p. 1180.*)

"I learned from that whole experience what seems pretty self-evident now," Alioto said. "No mayor can really do his job unless he spends at least one day per month in Washington.

"The beginning of this whole effort to get what we need out of the federal government—like the kinds of things Mills told us about with his $3.5 billion urban aid package—this all started with my move back in 1969 to get full funding for urban renewal. By 1970, we had that down to where we could get some practical results. We got 300 city leaders to come to Washington and buttonhole their Congressmen. That had never been done before, and it paid off. We got urban renewal increased by 35 per cent over what Nixon had requested."

Strategy—While the Lindsay committee builds on the Alioto experience, it does not just blitz Congress. Lindsay's group includes the most articulate and powerful mayors in the nation.

"You can't help but speculate what political fears are raised in both parties by Lindsay's activities," said Mayor Maier. "They just cannot afford to ignore him.

"Then there is the hovering figure of Daley on this committee. He doesn't travel much out of Chicago, but he is a member of the committee. As far as the congressional Democrats and the Democratic National Committee are concerned, they look at that committee and they see Daley."

Already, the Lindsay committee has met twice with the Democratic Party's congressional leadership and the Presidential aspi-

rants, and once with the President. Moreover, on its monthly tours of major cities, the committee has generated a substantial amount of attention in television and newspapers.

Inside help: The emergence of fresh young faces in the federal power structure is helping the mayors.

A Sparkman aide said, "There are new people coming in on urban policy making. They see the shortcomings and want to take them on. They aren't put off if somebody tells them that was proposed 10 years ago and rejected.

"Guys like Van Dusen, Orlebeke, or that whole bunch of young aides that work for Romney—they want to do things differently. The same goes for the staff guys that are working for the Housing Subcommittee."

(Charles J. Orlebeke, 36, is HUD's deputy undersecretary.)

Coincident with the advent of new administrative and committee staff figures is the rise to power of House Members who are both legislative activists and sympathetic to the pleas of the mayors for more aid.

Housing Subcommittee Chairman Barrett's action early this year to divide power among new legislative panels has enabled Ashley, Moorhead, Reuss, and Robert G. Stephens, D-Ga., to play a key role in drafting new urban legislation.

At the same time, power on the House Appropriations Subcommittee on HUD-Space Science has shifted in favor of the mayors.

The new subcommittee-chairman, Edward P. Boland, D-Mass., is one of the few House Members with a national reputation as an urban expert. Boland also comes from a city of more than 100,000 population—Springfield (163,905); in the past, the subcommittee has not been chaired by Members from large urban areas.

Boland's hand is strengthened by the emergence of Rep. Robert N. Giaimo, D-Conn., as an effective advocate of reordering national priorities in favor of urban needs. A seven-term Member from New Haven, Giaimo is the fourth-ranking Democrat on the subcommittee.

OUTLOOK

The mayors are pleased with the widespread talk of new approaches to urban aid and the talk of more money for the cities. They are especially pleased with the notion that their lobbying started it all.

At the same time they are worried that the talk will amount to no more than that—rhetoric from both parties but no new funds.

"We are desperate, and that's precisely why we have to look carefully at every proposal," said Lindsay. "The Nixon special revenue-sharing plan would have, in effect, abolished funding for model cities. After that experience, the mayors are scared to death of any programmatic grouping where we really lose instead of gain."

Lindsay added: "What Bill Moorhead and Lud Ashley are working on sounds vastly better than the Administration's bill, and what Sparkman is doing sounds better still. We want block grants—and badly—because we desperately need the flexibility."

City lobbyist Gunther is worried that all the talk will amount to nothing more than pure politicking.

"Right now," he said, "both parties are vying for the credit for making reforms. But I have real reservations that the Administration will come through. Will they push for new levels of aid when they are so niggling on this impoundments business? (*For a report on executive impoundments, see No. 20, p. 1027.*)

"And with the Democrats, you can't really tell about a group that is out of power and saying things in order to get back into power. What they are saying now isn't necessarily an accurate indicator of what they'd do when they got in office."

But Rep. Reuss, who played a major role in drafting the Housing Subcommittee bill, said: "We intend to pass this bill this year."

And Gunther remains basically optimistic. He believes there will be legislation, if not this year, then next. Major housing and urban development legislation traditionally has been passed in election years—the biggest urban package ever enacted was the omnibus Housing and Urban Development Act of 1968 (63 Stat. 413).

Gunther's optimism seems well founded in light of proposals by Republicans and Democrats alike to scrap the existing structure and give the cities more money and the mayors more authority.

"You cannot deny that all this talk and all this scrambling indicates a basic adjustment of national priorities," said Gunther.

"It also indicates a spread of the proposition that people have a right to things rather than a right to beg. That has really caught on. Now it extends to income levels, jobs, housing, health services, decent neighborhoods, a reasonable degree of public safety—in other words, all the things that the cities are struggling for. That concept is changing the traditional mix of federal policy responses to urban problems."

City lobbyist Healy said that "if all this goes through, it's really going to put the monkey on the mayors' backs. Then for the first time, they'll have both the responsibility and the resources. It's going to be interesting to see how many will rise to the challenge; some will right away, and others will take longer."

THE ACCELERATED PUBLIC WORKS BILL

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, I have come across an excellent news analysis of the so-called accelerated public works bill passed by the Congress and vetoed by President Nixon because it would not really reduce unemployment in any appreciable measure.

This is an article which appeared in the Detroit News on July 7, 1971. I commend a reading of it to all of my colleagues. The article points out that the public works bill the President vetoed is just that—a public works bill—not legislation having any substantial impact on unemployment. The article follows:

NO JOBS TO BE FOUND IN PORK BARREL

(By Philip Wagner)

WASHINGTON.—The headline said: "Nixon Vetoes Bill to Help Jobless." That sounds bad.

As one who has written thousands of headlines, struggling to squeeze the essence of a news story into a half-dozen words, I feel for the desk man who wrote that one. He succeeded in turning the sense of the story inside out and I am sure he didn't mean to.

For the President in this case did not veto a bill to help the jobless. He vetoed a $5.6 billion public works bill—what used to be called a pork barrel bill—which had been greatly inflated on the excuse that it would relieve present unemployment.

But as experience has shown again and again, large public works programs are no remedy for current unemployment.

There are two reasons why. The first is that public works, if they are not just boondoggling, require an immense amount of preliminary planning—a long "lead time," to use the jargon.

Plans must be drawn and usually argued over. There are such matters as rights of way, condemnations, court suits, negotiations with local authorities, contracts to be let, materials to be produced and delivered. Almost never is a public works project at the point where it may be started swiftly. By the time it is ready to go the excuse for it (if it is thought of as a means of easing unemployment) is history.

The second weakness of public works projects as means of reducing unemployment is that most of them are capital-intensive rather than labor-intensive.

The few men involved are mostly skilled operatives, not the unskilled who make up the preponderance of the unemployed. One can spend millions on road building without making a dent in unemployment.

So the President did not veto a bill to help the jobless. He vetoed a pork barrel measure that had been inflated on the pretext that it would create jobs.

As he did so, he announced his readiness to sign a genuine anti-unemployment measure if or when it reaches his desk. This is a bill specifically to provide some 200,000 temporary public jobs.

Most probably would be superfluous under strict cost accounting. But at least they would be jobs. His reasoning here is that there is a real need to provide employment for returning veterans as the operation in South Vietnam is phased out and until such time as they can establish themselves in jobs not necessarily governmental.

This illustrates, incidentally, a paradox under which the President labors. On one hand he is under the heaviest pressure to phase out the Vietnam enterprise. He is fully committed to doing this, yet is under constant criticism for not doing it faster.

On the other hand, the faster he brings the troops home and dumps them onto the domestic labor market, the more he complicates an already serious unemployment problem.

One of the interesting things about Mr. Nixon is the way his skin has been thickening under all the pressure. This phenomenon is illustrated by his latest pronouncements on economic policy, made through Treasury Secretary John Connally.

All of them invite flack. Contrary to urgings to get this country going by (a) cutting taxes, (b) sponsoring programs to increase deficit spending and (c) going in for wage and price controls, he states that he will do none of those things.

He is convinced that the steps he already has taken to slow inflation and establish conditions for sustainable growth have been the correct ones and must be given time to work. Who knows? He may be right.

But it is not always easy to say such things.

THE DULLES-EISENHOWER RULES REGARDING VIETNAM AND THE OVERALL CONDUCT OF OUR FOREIGN AFFAIRS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, many lessons will be drawn from the Pentagon papers, but perhaps none is more significant than the conclusion regarding Vietnam and the overall conduct of our foreign affairs arrived at by the Christian Science Monitor. I commend a reading of the Monitor editorial of July 6, 1971, to all of my colleagues. The editorial follows:

THE DULLES-EISENHOWER RULES

When all the meanings of all the words in the Pentagon papers are added up and put together and analyzed and squeezed down for what is most important we think we have a pretty good idea where it will all come out.

We think it will mean that back in the days of Dwight D. Eisenhower and John Foster Dulles the United States had a pretty

sound set of operating principles for American foreign policy which their successors could, to their advantage, have honored more than they did.

Mr. Dulles was great on high-flown rhetoric and thus earned for himself the title of "brinksman." He even invented "brinksmanship" by the claim that he found it necessary to walk up close to the "brink of war." Yet the truth of the matter is that Mr. Dulles' actual operating policies, as distinct from his rhetorical policies, when tempered by Eisenhower caution were conservative and restrained.

In the Dulles speeches which did not make headlines, and in his private conversations and in his actual management of American foreign policy he worked out for President Eisenhower a set of rules under which he would approve or disapprove of an American commitment to friendly factions in countries under real or presumed danger of internal or external aggression.

He was willing to give economic and military aid and even, if necessary, send American troops provided that:

1. The government in the country involved requested aid.

2. The government requesting aid was in effective control of the bulk of the country.

3. The government was backed by a majority of the population, and

4. Government and people were ready, willing, and able to fight effectively in their own defense.

Under this formula all of Western Europe, much of the Mediterranean, most of Latin America, South Korea, Japan, Oceania, and Southeast Asia were kept out of the hands of adventurers and adventurous elements unfriendly to the United States and its allies. Egypt was a loss against the plusses.

Even more important, so long as the Eisenhower-Dulles formula was observed, the United States did not get into any difficulty too big for it to handle. To oversimplify, President Eisenhower believed in intervention—when the odds were on his side. Playing it cautiously paid off. He never got himself dangerously overextended.

Intervention in Vietnam was not measured by the old Eisenhower-Dulles rules. Had they been applied, there never would have been an American commitment there at all.

In the beginning there was never even a request for American troops. President Diem had to be maneuvered into asking for them. It was his fatal misfortune that he did let himself get talked into asking for them.

At no time was the regime in Saigon in substantial control of the bulk of the country. There is no convincing evidence that it has enjoyed the solid support of a majority of the people. And the evidence is still all too painful that government and people have yet to acquire the will and capacity to fight their own battles.

The Eisenhower-Dulles formula would have justified intervention in Korea. It would not have justified the massive intervention in Vietnam which came during the Kennedy-Johnson era. Every rule in their formula was ignored by the commitment to Vietnam.

The chances are that when the Vietnam affair is really over and the books are closed, as they are bound to be one of these days soon, someone will remember it all as an example—of how safer the old formula really was.

BIG BUS BILL AND INTENTION TO OFFER AMENDMENT THERETO BY REPRESENTATIVE SCHWENGEL

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include a copy of a proposed amendment to the big bus bill.)

Mr. SCHWENGEL. Mr. Speaker, I previously advised the House that the Public Works Committee had ordered H.R. 4354 reported favorably. The bill has now, in fact, been officially reported to the House and could be scheduled for floor action in the near future.

In the interim since I first called the committee's action to the attention of the House, I am certain that many of you have had inquiries from constituents with respect to the bill. For that reason, I would once again call your attention to some rather extensive comments on the bill which can be found at page 13952 of the RECORD for May 6, 1971. Subsequent material appears at pages 16686, 17296, 17433, 17972, 17981, 18802, 19509, and 20689. Your attention is especially directed to page 16686 of the RECORD for May 24 which contains a rather starting report on bus safety prepared by the Bureau of Motor Carrier Safety. In addition, I would urge Members to carefully consider the minority and supplemental views contained in the report on the bill. Frankly, I am more convinced than ever that this legislation is not in the public interest.

If the bill receives a rule and is brought to the floor, it is my intention to offer an amendment providing for a Presidential study commission to review the whole question of size and weight legislation. The language contained in the amendment is identical to the language contained in my bill, H.R. 453. Also, the exact text of the amendment appears elsewhere in today's RECORD.

Mr. Speaker, pursuant to the provisions of section 119 of the Legislative Reorganization Act of 1970, I am herewith notifying my colleagues that I intend to offer the following amendment to H.R. 4354 when, and if, it is brought to the floor for action:

AMENDMENT TO H.R. 4354

Strike out section 3 of the bill and insert in lieu thereof the following:

"SEC. 3. The amendments made by the first section of this Act shall take effect two years after enactment of this Act, unless the Commission established by title II of this Act reports to the Congress prior to such date that use of 102-inch buses would be unsafe.

"TITLE II

"SEC. 201. There is hereby established a Commission on Highway Safety and Expense (hereafter referred to in this title as the 'Commission').

"SEC. 202. The Commission shall make a full and complete investigation and study of all effects on highway safety and the expense of constructing, reconstructing, repairing, and maintaining highways resulting from any changes in the size and weight limitations established by section 127 of title 23, United States Code. Such investigation and study shall include, but not be limited to, a specific examination of the following:

"(1) What share of highway construction and maintenance costs is allocable to each class of highway users?

(2) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the shares referred to in paragraph (1)?

(3) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on the costs of the Federal-aid highway system (both original costs and recurring costs)?

(4) What overall economic benefits would accure from H.R. 11870, 91st Congress, as introduced, if such bill were enacted into law and which sectors of the economy would receive these benefits?

(5) How should the costs referred to in paragraph (3) be allocated on the basis of the economic benefits referred to in paragraph (4)?

(6) What would be the effect if H.R. 11870, 91st Congress, as introduced, were enacted into law on all aspects of highway safety? Specifically, can 102 inch wide buses be safely operated on our Nation's highways?

SEC. 203. (a) The Commission shall be composed of 16 members appointed by the President, one of whom he shall appoint as Chairman, and shall serve at the pleasure of the President. Two members shall be Members of the House of Representatives, one from the majority political party, and one from the minority political party. Two members shall be Members of the Senate, one from the majority political party, and one from the minority political party. One member shall represent the American Trucking Association, one the American Automobile Association, one the American Association of State Highway Officials, one the American Society of Professional Engineers, one the American Association of County Engineers, one the National Safety Council, one the National Association of Motor Bus Owners, National Highway Traffic Administration, and three members shall represent the general public.

(b) A vacancy in the Commission shall be filled in the same manner as the original appointment.

SEC. 204. (a) Except as provided in subsection (b), members of the Commission shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(b) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall receive no additional compensation on account of their service on the Commission.

(c) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 205. (a) The Commission may appoint and fix the compensation of such personnel as it deems advisable.

(b) The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 206. (a) The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter which the Commission is empowered to investigate by section 202 of this title. Such attendance of witnesses and the production of such evidence may be required from any place within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which

such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a District Court under the Federal Rules of Civil Procedure for the United States District Courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

SEC. 207. (a) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission such department or agency shall furnish such information to the Commission.

(b) The Commission shall, in carrying out this title, utilize the existing test and other facilities of the departments, agencies and instrumentalities of the United States, to the fullest extent possible.

SEC. 208. Not later than two years after the date of enactment of this Act the Commission shall submit a report of the results of the investigation and study required by this title to each House of Congress, and to the President, together with its recommendations, including specific recommendations with respect to each matter referred to in paragraphs (1) through (6) of section 202 of this title.

SEC. 209. The Commission shall cease to exist 90 days after submitting its final report pursuant to section 208.

H.R. 9752—INTRODUCTION OF A BILL TO AMEND THE COUNTERVAILING DUTIES LAW TO MAKE IT APPLICABLE TO DUTY-FREE COMMODITIES AND TO CLARIFY ITS APPLICATION

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

Mr. WAGGONNER. Mr. Speaker, I have today introduced for appropriate reference a bill to amend section 303 of the Tariff Act of 1930, known as the Countervailing Duties Law, to make this law applicable to commodities which enter this country duty-free as well as to those on which a duty is assessed. H.R. 17550, which the House approved in the 91st Congress, contained provisions identical to those of the bill I am introducing except in one minor respect. The main purpose of this bill, as of the predecessor measure, is to eliminate an unwarranted difference in the application of countervailing duties, between commodities on which a duty is levied at the time they enter this country and commodities on which no such duty is levied.

The bill adds four words to the form which passed the House last year. These words are designed to make it absolutely clear that the law is applicable to bounties, grants, or subsidies whether granted by governments or by one or more public or private persons, associations, partnerships, corporations, and the like. Prior to 1922, this law was applicable only to bounties, grants, and subsidies made by a sovereign government. In 1922, language was added to broaden the scope of the law to include such subsidies when granted by others. However, the law has since been applied in the courts in such a way as to suggest strongly that the law is not applicable to such subsidies unless they are granted by a government or subdivision thereof. The purpose of the added four words "or public or private" is to make it entirely clear that such subsidies are covered by whomever granted. Without these four words, it appears that the application of the law might be severely hampered in the case of foreign countries in which the line between business and government is too vague to be determined with precision.

NATION IS UNITED ON POW ISSUE

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HARVEY. Mr. Speaker, it has been 7 years and 109 days since the first American serviceman was captured by the Communist North Vietnamese. And, since that day, March 26, 1964, more than 1,500 other Americans have been added to the enemy's prison camps in Indochina.

The American people all are united in their desire to see these men released to return to their families and loved ones. America's concern transcends party lines, so-called generation gaps, and political philosophies. As a people, Americans are outraged at the inhumane treatment accorded our servicemen by their Communist captors. We want these men freed.

Our men were sent by their Government to fight a war under the most difficult circumstances—which most of them did not understand. It was their misfortune to fall into the hands of a ruthless, Godless enemy, that has held them incommunicado under the most trying of circumstances. Prisoner rights as provided by the Geneva Convention have been ignored by the Communists with little or no regard for basic human needs.

We share the concern and apprehension of their loved ones here at home, who know not whether they are dead or alive. And certainly, our hearts, as well as our admiration, go out to those being held captive. Our enemies must understand that when it comes to our POW's and MIA's, we Americans are united in our resolve to have them freed.

CHILDHOOD LEAD POISONING—TESTIMONY OF DR. BENJAMIN SIEGEL

(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. Benjamin Siegel today appeared before the Senate Appropriation's Subcommittee on Labor-HEW to testify in support of full funding for the Lead-Based Paint Poisoning Prevention Act—Public Law 91-695.

Dr. Siegel is particularly well qualified to testify in regard to childhood lead poisoning—an epidemic sweeping across our Nation afflicting hundreds of thousands of young children. Dr. Siegel is currently a resident pediatrician in the department of social medicine of the Montefiore Hospital and Albert Einstein College of Medicine in New York City. He spent the last 2 years as a medical officer in the Public Health Service. There he served as a member of the HEW Interdepartmental Committee on Childhood Lead Poisoning and was one of the advisers to the Surgeon General on his policy statement "Medical Aspects of Childhood Lead Poisoning."

While in the Public Health Service, Dr. Siegel was comedical director of the Anacostia Center for Medical Services, a free clinic serving low-income populations in the District of Columbia.

Dr. Siegel presented what I believe to be a particularly compelling case for the funding of the Lead-Based Paint Poisoning Prevention Act. And I commend his testimony to the attention of my colleagues:

STATEMENT OF BENJAMIN SIEGEL, M.D.

Mr. Chairman, I appreciate the opportunity to testify before your committee today concerning a serious health problem—childhood lead poisoning. I am currently a resident pediatrician in the Department of Social Medicine of the Montefiore Hospital and the Albert Einstein College of Medicine, New York. Just two weeks ago, I completed two years as a medical officer in the Commissioned Corps of the Public Health Service. There, I served on the HEW Interdepartmental Committee on Childhood Lead Poisoning, and was one of the advisors to the Surgeon General in the development of his policy statement entitled "Medical Aspects of Childhood Lead Poisoning" signed on October 12, 1970.

I do not wish to repeat the testimony of others. I am sure that you and members of your committee know how little children become poisoned by lead-based paint. Everyone knows that this disease is clearly preventable. We know how to detect children who have high blood lead levels before brain damage and death occur, and we have the medicine to treat those who have lead poisoning to prevent death. We also have the technology to prevent children from eating lead-based paint by repairing the interior of houses, and by rebuilding the inner city slums. The fundamental reason why next to nothing has been done, is that lead poisoning strikes the poor in the city ghettos whose political power is negligible.

My purpose today is to describe to you my activities within this Administration as a pediatrician dedicated to the preservation of life and the alleviation of suffering of this country's most precious resource—its children. I also want to share with you the feeling of frustration and the sense of impotence I had as I attempted diligently, but without success, to bring this medical problem to the attention of those in this Administration responsible for developing policy. I must state categorically that in spite of all the rhetoric on prevention of disease and health maintenance, this Administration has not been willing or even interested in providing the necessary resources to fight this obviously preventable disease.

The HEW Interdepartmental Committee on Childhood Lead Poisoning consisted of about 30 dedicated health workers representing all major agencies in HEW. We knew the problem and the steps necessary to achieve a solution. The committee completed work in two major areas. One was advice to the Surgeon General which culminated in the Policy Statement on the Medical Aspects of Childhood Lead Poisoning. The other was a series of documents which served as the basis for the Implementation Plan of P1 91-695 of the Bureau of Community Environmental Management of HEW. This Bureau is

prepared right now to administer the lead poisoning program as soon as funds are available.

On November 23, 1970, just one month after the Surgeon General's Statement was issued, Dr. John J. Hanlon, Deputy Administrator of the then Environmental Health Services of the Public Health Service testified in front of the Subcommittee on Health of the Senate Committee on Labor and Public Welfare. Many of us in HEW expected strong support from Dr. Hanlon for a vigorous implementation of a lead poisoning program. Before coming to HEW, Dr. Hanlon was Director of Community Health Services in the city of Philadelphia and was instrumental in establishing one of the first lead poisoning programs in the country. Of all the witnesses testifying before that Committee, Dr. Hanlon as spokesman for this Administration was the only one who testified against the lead poisoning bill. The reason for the objection was interesting. According to Dr. Hanlon, "The legislative authority to carry out adequate and broad based lead control programs is already in existence." He was referring to Section 314(e) of the Public Health Service act which has broad authority to deal with local, regional or national health programs. What was not brought out in testimony, however, was that section 314(e), whose budget in FY 1971 was $109 million, had no free money available to combat lead poisoning. In fact, the Administration request for 314(e) in FY 1972 was decreased to $105 million. It was clear to me, that this administration did not want to spend any money on lead poisoning programs. The bill was finally passed by Congress, in spite of Administration opposition, with an authorization of $30 million over a two-year period. On January 13, 1971, President Nixon signed the bill into law without comment. No mention was made of lead poisoning in the President's Health message to Congress one month later. The initial FY 1972 budget did not include funds for lead poisoning.

In March of this year, Secretary Richardson addressed the employees of the Health Services and Mental Health Administration where I worked. I asked him about plans for implementation of a lead poisoning program in 1971 now that the President had signed the bill into law. He stated that there would be $2.5 million available. That request never materialized.

After much work on the HEW lead poisoning committee and with all the frustration of writing papers and memos about the problem with no obvious results, I brought this issue to Health Employees for Change. This group, of which I was an active member, consists of about 100 physicians and other health workers within the Department of Health, Education and Welfare committed to improving the health of this country. After much discussion, the group decided that with respect to lead poisoning, it was no longer possible to work within the Administration and through normal channels.

On May 10, 1971, Health Employees for Change issued a public statement concerning childhood lead poisoning and criticizing this Administration for its unwillingness to act. I am submitting this statement for the record. It recounts the substance of my testimony today. I quote from the last paragraph, "We again repeat our deep concern at the present inactivity. What is called for is effective action now, and not simply discussion about the problem."

At the time of the Health Employees for Change Statement, both Representative Ryan and Senator Kennedy were vigorously supporting a strong and effective lead poisoning program. Congressman Ryan along with many of his colleagues sent a letter to Secretary Richardson expressing concern about Administration inactivity. It was the result of his action, and that of Senator Kennedy and many others, that the Administration has just recently decided to add $2 million to the 1972 budget. I need not remind this committee that the authorized level for the act is fifteen times that requested by the Administration.

Two million dollars is insufficient to even begin to solve this problem. HEW estimates that there are 400,000 children affected by lead poisoning each year. To identify these 400,000 children, at least 2,000,000 will have to be screened (about 20% of all children screened have elevated blood lead levels). At a cost of about $5 per blood test, at least $10,000,000 would have to be made available immediately. In addition, the law authorizes the appropriation of $15 million for repair of housing. Using a conservative effort of $600 per housing unit for wall board repair, the law, if fully implemented, could take care of 25,000 housing units. According to the Surgeon General's Statement, "All children who are diagnosed as having lead poisoning should be removed from the source of lead exposure at home, or in any other environment, until proper corrective action has been taken to eliminate the hazards." While $15 million is a small amount, it will certainly help. Finally, the law authorizes the appropriation of $5 million in much needed research in new methods for removing the lead based paint from surfaces of dwellings.

A final word about another aspect of the law is in order. As you know, Title IV requires no appropriation. It calls for the Secretary to take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal Government or with Federal assistance in any form. It has been six months since the date of enactment of this act, and there has been no implementation of Title IV and no coordination of the necessary federal agencies involved.

In closing, I can only say that if policy decisions on health issues were made on a medical basis, rather than for other reasons, we would not have children developing brain damage and dying from lead poisoning today. There are many health workers in HEW who share my view. They continue to remain frustrated. I left the Department of Health, Education, and Welfare a few weeks ago equally frustrated.

We don't need any more medical research. We know the cause of lead poisoning. We know how to screen children and treat them, and we know how to remove them from the dangerous environment. In his Health Message to Congress on February 18, 1971, President Nixon stated, "If more of our resources were invested in preventing sickness and accidents, fewer would have to be spent on costly cures. If we gave more attention to treating illness in its early stages, then we would be less troubled by acute disease. In short, we would build a true health system, not a sickness system alone."

This Administration, in spite of the rhetoric mentioned above, is unwilling to invest those necessary resources. It is now up to you to do so.

I therefore urge and recommend the full appropriation to implement this program to save the minds and lives of little children.

Thank you.

LEAD POISONING IN CHILDREN

In spite of the Administration's concern for prevention and health maintenance, there has been little support for action programs to deal with a clearly preventable disease that *kills* hundreds and leaves hundreds of thousands of children with some form of measurable brain damage each year: *Lead Poisoning.*

Health Employees for Change is deeply concerned at this inactivity. Lead Poisoning in a disease mostly of the Ghetto, affecting children from one to six years of age. Lead gets into the children's bones, blood stream, liver, kidney, and the brain. These children acquire lead poisoning by eating paint chips containing lead from the walls and windowsills of dilapidated houses built prior to 1940. It is estimated that some 400,000 children may be poisoned each year, and that some 12,000 to 16,000 children are treated and survive each year and some 200 children die each year. Based on one large study, of all children having lead poisoning, 39% go on to develop some measurable amount of brain damage. Of all children entering the hospital or clinic with acute lead poisoning about 10 to 15% of these children will have signs of symptoms of brain involvement: convulsions, and coma. Of those with neurological involvements, 82% will be left with permanent handicaps. 54% will have recurrent convulsions, 38% will have mental retardation, 13% will have optic atrophy (hence loss of vision), Perlstein MA, Attala R., *Neurologic Sequellae of Plumbism in Children,* Clinical Pediatrics 5:292, 1966.

In November 1970, the Surgeon General issued a policy statement on the medical aspects of lead poisoning in children. At that time the Administration's position in front of the Senate Health Sub-Committee was to oppose S. 3216 which would have authorized the appropriation of funds for screening and treatment of children with lead poisoning as well as for encouraging communities to develop local programs to eliminate the hazards of lead based paint poisoning. Opposition was based upon a desire to stop the development of still another categorical program, and because there was enough authorization under Section 314(e) of the Public Health Service Act. While the above are both true, it was brought out in testimony that the Administration, under the current authorized programs, has no intention to develop a comprehensive program for lead poisoning in children. While it is true that there is sufficient authorization under Section 314(e), there are no free funds available. In addition, there were 27 requests totalling over $39 million dollars submitted to HEW to support comprehensive childhood lead poisoning programs.

In spite of the Administration's opposition, the lead poisoning bill was passed by Congress and signed without comment by the President, against the recommendations of HEW. Since the signing of the bill, nothing has happened. The President did not mention lead poisoning in his health message, nor was a request presented in the 1972 budget. For those who look to 314(e) for support, the 1972 request was decreased from $109 million to $105 million and will have to absorb a 16 million dollar obligation from OEO in the $105 million request. It is highly unlikely that a lead poisoning program under the current authorized programs can be developed. We therefore, urge Congress to appropriate the necessary funds under the Lead Based Paint Poisoning Prevention Act.

We again repeat our deep concern at the present inactivity. What is called for is effective action now and not simply discussion about the problem.

IN SUPPORT OF TITLE V SPECIAL PROJECTS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I rise today to advocate the continuation of those special project grants which were originally established in 1965 by title V of the Social Security Act. These grants established maternity and infant care, intensive infant care, family planning, children and youth, and dental care proj-

ects in areas with concentrations of low income families. Unless amended, under the current provisions of title V these projects would lose direct Federal funding on June 30, 1972.

Until June 30, 1972, the law directs that the annual title V appropriation be apportioned in the following manner: 50 percent for formula grants to State maternal and child health and crippled children's services, 40 percent for the project grants, and 10 percent for research and personnel training. After June 30, 1972, the appropriation distribution will change to 90 percent for formula grants to State services and 10 percent for research. No specific allotment will be provided for special projects.

The original intent of title V with regard to special project grants was that after June 30, 1972, they would be funded by the States with indirect Federal assistance being provided through formula grants. However, the current political and financial climate in many States means that their continuation at current levels is very much in doubt.

This continuation is aggravated by the fact that due to another statutory provision of title V, effective July 1, 1972, each State must have established one of each type of project. The available share for most existing projects will be reduced as a result. This is especially true in those States with more than one particular project or in the case of Hawaii with one relatively large one. In effect, Hawaii is being penalized for having established successful projects; projects which have had a noticeable impact on the health care and habits of the people they serve.

Hawaii's children and youth project is combined with an infant and maternity care project in serving the rural district of Waimanalo which is located at the southern tip of the long northeast shore of the island of Oahu. Prior to the establishment of these programs there were no medical or dental services in the area. Residents either had to drive a considerable distance to secure these services or do without them. This state of affairs meant that not only was most medical consultation delayed until the crisis stage but that any required treatment had to be given by unfamiliar personnel in strange surroundings.

The children and youth project currently reaches slightly under 2,000 of the 3,500 children under 16 in the area and eventually hopes to enroll 2,500 of them. It seeks to reduce the risk of illness or injury to these children and to alleviate any preexisting disabilities. It aims to promote the habit of preventive care and to continually increase the resident's usage of its available services. It also provides family education in health practices, child rearing, and information on the extent and availability of medical and dental resources. The most important facet of this program is its emphasis on total health care, on providing a wide range of medical services which are centrally located and readily accessible to each other.

This program has required time to develop to its current level of effectiveness. This is natural, given the initial unfamiliarity characteristic of an experimental project of this sort. On the one hand, there was a shortage of trained personnel familiar with the area and the kinds of health problems encountered, while on the other hand, resident awareness, acceptance, and utilization of the services provided was naturally hesitant at its inception. The gradual accumulation of experience on the part of both patient and adviser represents an irreplaceable asset beyond quantitative measurements. If this program were discontinued or forced to cut back its services, not only would the residents of Waimanalo again suffer from inferior health services but the maternity-family planning-child care team which has been developed would have to be dispersed. At a time when even affluent areas are affected by the shortage of trained personnel, such an event strikes me as intolerable. The people of Waimanalo need these health services which they have been provided since the beginning of this excellent program.

If anything, this program needs to be expanded not only in Waimanalo but to those other areas of the State lacking adequate medical care. Certain of these areas have already requested similar programs; however, up to now funds have not been available for their inception. If the current law remains in effect, after June 30, 1972, funds will certainly not be available.

We have made a commitment to insure comprehensive health care to people in low-income areas. To curb these projects now that the most difficult early days are past and at a time when they are just beginning to make inroads into the health problems of the areas they serve would be a great mistake.

I am, therefore, introducing legislation today which would extend these special project grants for a period of 5 years. In addition I am proposing a $150,000,000 increase in the total title V authorization so that funds will be available for both new projects and the expansion of existing ones. My bill leaves unchanged the proportion of title V funds allotted to special project grants.

Again, let me emphasize the fact that these projects are proven entities. Their record of success is unimpeachable testimony in favor of their continuation. I call on all of my colleagues to join me in affirming this record of past excellence by voting to insure its even more promising future.

CHAPTER XI—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

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

Mr. KOCH. Mr. Speaker, this is the 11th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657 as amended is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972 has at this time 82 cosponsors in the House and 16 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

CHILDREN AND YOUTH PROJECT NO. 615—AUGUSTA, GA.

THE IMPACT THE CLINIC HAS HAD ON THE COMMUNITY

(By Margaret Armstrong, Tenant Council)

About five years ago a doctor by the name of John Bowen came to our community and to large gatherings about a clinic that would give free medical care to children from ages 0 to 18 years old.

Just think what that meant to us, since most of families in the targets area (which are Allen Homes, Gilbert Manor, Sunset Homes) are on welfare and those of us who are not, make just enough money to supply most of the basic needs (such as food, clothes, shelter). This meant that our children, what they normally would not have; would get the proper health care that they need. For, you see our children would only see a doctor only when it becomes very ill. And most certainly over two-thirds would have never seen an eye doctor or dentist not to think of a dermatologist or psychiatrist, etc.

After the clinic had been in existence for quite sometime you could tell how much it was needed. There were less absentees in school, fewer babies deaths, fewer common disease, like mumps, chicken pox, measles, whooping cough and many other little diseases normally exist in low income families.

A few years later, a lady doctor by the name of Dr. Nancy Thornton took over the directorship of the clinic. The clinic took on a new face. She changed it into a Children and Youth along with added departments. She felt that in order to really reach the problems in the community the clinic had to know what the community needed, expected of it and then in return what the clinic expected of the community.

The Comprehensive Approach was started. Here we were given the nursing, social, dental, nutritional, as well as the medical services. A community Advisory Board was set up. This, too, brought the community and the clinic closer in communication.

With this approach the clinic took on face and meaning. The community knew then that we had some place we could go to with our problems. For instance, if our children need glasses, the glasses are given; their teeth filled, cleaned or replaced, it is done; medicine, it is given, most certainly the preventive method has given us better children mentally, physically, and morally.

This clinic has given this community better look on life. We have become more aware what we need to do to make ourselves better people, better providers and better citizens now and tomorrow. We have become more involved in the total community. We have learned that you must give something in order to receive something in life. The community has learned that life has two sides; the good or bad. Many homes and marriages have been saved through clinic. There are better relationships with schools, teachers, poverty organizations. We are learning it is us who will change the destiny of the community through clinic.

So, we strongly urge Congress to; please, find it in your heart to give these their grants and give more grants for more clinics throughout the nation. Please, think and pray hard before voting on the grants for the clinics all over America.

For healthy people (I mean total healthy in mind, body, spirit) makes happy people and these are the kind of people that work at making America a better country in which to live. The land of the Brave and the Free.

CHILDREN AND YOUTH PROJECT NO. 642—KIRKSVILLE, MO.

This children and youth project has as its grantee the Kirksville College of Osteopathy and Surgery and its Kirksville Osteopathic Hospital.

The project cares for the health needs of 5,913 infants and children residing in Adair County in rural Northeast Missouri. The area covered is 574 square miles.

Of these 5,913 children, we now are caring for 1,010 who are from families with incomes less than the established poverty figure. This means we provide them with complete care including all hospital and outpatient expenses.

The comprehensive appraisal of health, dental, social, nutrition, psychological, hearing and speech is given to all those who enter and the total care that is needed, after the appraisal is given to the 1,010 at the present time.

Without this C & Y Project, the health of these children would be in serious jeopardy. For four years their care has been ours. Without us there would be no way for these children to continue to have the comprehensive health care that they have had and that they are entitled to receive.

The hospital bills for these children this past year totaled in excess of $44,000 and the out-patient bills for the same period totaled in excess of $40,000. The grantee institution hospital has no state aid to support their care and without the Children and Youth Project's support, the nearest state supported hospital caring for these indigent patients is 100 miles away. In most cases, there would be no transportation available for them to get to a hospital as far away as Philadelphia is from New York City. These infants and children would in all probability suffer serious morbidity problems if not mortality without the Children and Youth Project's support. This was their experience previous to the inception of our program here in Adair County.

CHILDREN AND YOUTH PROJECT NO. 060–D—BALTIMORE, MD.

Baltimore City Hospitals is part of four projects subcontracted by the Baltimore City Health Department (Grantee Agency) to four local teaching hospitals. It opened its doors to the community on the first of July 1967 and it has been since that time in vigorous, ever-increasing operation. It is located within the physical plant of Baltimore City Hospitals in the Pediatric Out-Patient area, but has had a totally autonomous although cooperative, operation with said department. The target area is a 900 unit Federal housing project, which is in a rather dilapidated condition, totally isolated from the rest of the community by lack of transportation and other geographic and social barriers. As it is outside of the so-called Model Cities area, it is ineligible for every Federal health program with the exception of food stamps.

The Comprehensive Children and Youth Clinic, Project 606–D has, since its inception vigorously promoted the coordination of many splintered community efforts and helped to coordinate community services of multiple community agencies who were only nominally involved in O'Donnell Heights, thus multiplying its own effectiveness. The Project has a special team in the local elementary school with a child psychiatrist, social workers and pediatrician, working with children with severe behavior and emotional problems and those who have multiple handicaps.

The results have been more than gratifying by the principal's records. Average reading recovery rate in this group of children used to be nine months per academic year, while in the two years that our Project had been involved in this program the reading recovery shot up to an average of 23 months! The in-patient hospitalization rate for our high risk group, which in previous years, before the Project's inception, used to be a heavy contributor to our in-patient pediatric service has dropped by 58% during the past year and the dental pathology in our target schools has dropped by 39% from previous years. The acceptance of the Project by the community has been excellent with over 95% penetration rate, of which more than 75% are in health supervision, even in spite of the heavy turnover rate of the population. In O'Donnell Heights at present we have 1,875 children between 0 and 19 years of age in health assessment.

We provide the medical supervision for a Day Care Center, Head Start Programs and a PACT Nursery. The Department of Social Services has a teen talk lounge that is headed by our social work supervisor and several of the workers, with many volunteers from the surrounding community colleges. Attendance at the lounges has ranged from 30 to 100 teenagers for the past nine months.

By special arrangement, our Project also provides the supervision for the delivery of a centrally coordinated comprehensive health service to 6,500 foster children of the City of Baltimore. This program is totally unique in the nation, providing health care along the C&Y lines to this large high risk population. There is very close liaison with the Department of Social Services of the City of Baltimore, with a liaison supervisor and worker operating out of our office.

Project 606–D has also pioneered with the hospital, several techniques, such as the exit interview by the nurse and the team concept, which are slowly being accepted by the rest of the hospital. It has radically changed the attitude of the community toward the hospital and has spurred the hospital to initiate vigorous activities toward the establishment of an HMO for the adult population inclusive.

In summary, Project 606–D has initiated a new era in health care and community consciousness in Baltimore City Hospitals, and also has increased the level of health in our target population and has showed tangible results by reducing in-patient hospitalization and emergency room utilization and has demonstrated a decrease in dental pathology and great improvement in learning problems in a selected group of children in our target schools. The loss of this project to the community would mean the loss of the only effective health resource, which at the same time is acting as a catalyst between itself and several community agencies, who were until then, only very nominally involved in O'Donnell Heights. Four years of conscientious effort of not only episodic care, but true health maintenance and preventive services would go down the drain.

CHILDREN AND YOUTH NO. 605—NEW YORK, N.Y.

The children who come to Bellevue Hospital live in lower Manhattan. They are poor, and most of them are living in a foreign culture, whose language they cannot speak. The majority are Puerto Rican, and Spanish-speaking, but there are also substantial minorities who speak Chinese, Italian, and near-Eastern languages.

The New York University Department of Pediatrics is responsible for the medical services given to the children at Bellevue Hospital. Prior to 1965, when the Department received a grant for comprehensive care of children and youth, the out-patient services were highly fragmented and disorganized. There were episodic medical care for single illnesses, highly organ-specific specialty clinics, and an emergency room which provided crisis intervention, but nothing more. Making use of the clinic required a degree of tenacity that even the most competent parents frequently lacked. Due to understaffing, lack of supervision and lack of medical records, there was a waiting period of from two to six hours. Moreover, the poor coordination clinics, laboratories and X-ray departments required parents to make numerous hospital visits in order to obtain a single consultation.

The NYU-Bellevue group used the Title V grant to provide high quality comprehensive health care for all the children coming to the hospital, thereby avoiding the creation of a small demonstration group in a specific target area.

A core of professionals was recruited, including pediatricians, other medical specialists, and non-physician specialists in such fields as nursing, nutrition, social services and child psychology. Their services were concentrated in a single area, enabling patients to receive health services within the confines of one place and one period of time. A group of non-professionals—community health assistants, clerks and interpreters, most of them Spanish speaking—assisted in bringing the patients and the professionals together. They also ensured that the patients were available for such routine health screening procedures as lead poisoning tests, audiology and vision screening, and observation (in the playroom) for potential learning disorders.

But to bring comprehensive health care to so large and mobile a population necessitates having up-to-date medical records, available at very short notice and at any one of a number of different sites. This problem was solved by the development of a unique, computer-based Health Information System. This system now provides instant "on-line" information about any patient, at any time, and at any clinic servicing the Project. In addition, it provides the patient with a convenient follow-up appointment, and even prints a recall note if he doesn't keep it. Finally, analysis of the data stored in the computer can be used for detailed and objective evaluation of the performance of the Project as well as for more basic studies in the field of health services.

There are many ways of measuring the success of this Project. The health status of the patients has been demonstrably improved. The staff has been educated. Every worker—professional, para-professional and non-professional—has been trained beyond his original ability and has had his skills

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upgraded. The high morale and expertise of the Project staff have, in turn, infected the medical students and influenced their choice of careers: an unprecedented number of them (24% of the 1971 class) will be pediatric interns next year.

But most important of all is the fact that thousands of families have been provided, for the first time, with excellent all-around health care, and they have learned to take advantage of it. It would be tragic indeed if so valuable a resource were to founder for lack of funds.

THE CHILDREN AND YOUTH PROJECT NO. 656—LOUISVILLE, KY.

The establishment of C & Y Project #656 at the University of Louisville School of Medicine, Department of Pediatrics in 1968 was in recognition of the special problems and needs of "high risk" infants and children. During three years of operation the project has been enlarged to procure key personnel, facilities, and equipment, and has functioned as a team which coordinates all health activities available in this geographic area toward the particular health needs of a given patient and provides continuing care. "High risk" infants born at the Louisville General Hospital from Jefferson County, Kentucky and those children under eight years of age who reside in the Jackson area tracts 57, 59 and 60 of Jefferson County are registrants in the project.

Over the past three years the project has continued to witness an infant mortality of 40 to 50% less than recorded in prior years. The center is recognized as one of the world's best. There has been a decrease in readmission of high risk infants and deaths within the first year of life. An early time for correction and diagnosis of congenital defects has been demonstrated. In the area of nutrition, statistically significant decreases in anemia have been observed. Improved data on human growth and development for such a high risk population is being obtained. The recognition of the increased medical and social problems of teenage pregnancies has been documented and is under investigation. The identification of specific problems related to the population group, such as iron deficiency, lead, congenital defects, immunizations, etc. now calls for correction and prevention.

The increased interest of the population served in their own health problems and their return visits and participation is evident. The availability of planned continued care has been rewarding to many families who have been involved only periodically in the past. The impact upon curriculum of doctors, dentists, nurses, social workers, and psychologists who come to the center and the continuing educational programs are receiving much attention. There is constant stimulation for the core team to work together. The desire for group and for self evaluation to increase efficiency, the opportunity for cost analysis, the utilization of the whole project as an instrument for change in health care and how to determine priorities for a high risk population is being learned. The scope of this project is providing opportunities for the whole community to learn how personnel with varying backgrounds can work to contribute to comprehensive health care for a segment of the population born at the highest medical risk and from the highest risk environmentally. The goal of the center to register and provide care will only be dampened by decreased funding or failure of funding will take away the care of over 500 "high risk" infants per year and the needs during the preschool period of over 2,500 children will not be met. The desire to care for patients and to train as many disciplines as possible in all aspects of comprehensive health care to meet the health needs and health manpower needs, so much in the public eye at the moment, is certainly on-going. We would hope that the demonstrations of past years would allow the continuance and expansion of such programs as C & Y in the development of health facilities and services for all Americans such as we and others have provided to a restricted population with the greatest medical and economic needs.

CHILDREN AND YOUTH PROJECT NO. 643, OMAHA, NEBR.

C & Y Project No. 643 has been in operation at the University of Nebraska Department of Pediatrics since April of 1967. During this time we have delivered continuous and on-going care to approximately 8,000 children from economically disadvantaged North Omaha and portions of South Omaha. As of recent months we have agreed to merge with Project No. 644, the other Omaha project, so that we may deliver health care hopefully to more people for the same amount of money.

The entire North Omaha area is desperately in need of this form of continued medical care. Funding for patient care has not been adequate in the C & Y Program but through various agencies including the state supported University Hospital we have been able to continue providing both in-patient and out-patient care even when grant funds have expired.

I believe that the C & Y Program in Omaha has at least been a start toward delivering dignified care to people who otherwise could not afford it. At the University of Nebraska patients are seen intermingled with paying patients and private patients, so that there is no distinction separating paying from non-paying patients.

Our project has continued to under go change so that we now offer an evening clinic 5 nights weekly, we operate a rather complete satellite clinic in southern Omaha, and are involved in the planning of a health center in North Omaha. It is the feeling of my staff that should C & Y Projects be discontinued the medical effect on this large segment (some 40,000 people) would be disastrous. Lack of availability of medical care can only lead to unrest among the population and ultimately more serious consequences.

We have appreciated the support of the Federal Government in our attempt to provide care for this large segment of Omaha's population. Our C & Y staff of some 25 professionals in all of the various medical disciplines have an intense dedication toward providing excellent medical care to all people irrespective of their ability to pay. We believe that we shall not be able to continue to do this unless we are adequately supported federally in the years to come.

MARION McVITTY: WORLD FEDERALIST AND AUTHOR OF "PREFACE TO DISARMAMENT"

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

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues the death of Mrs. Marion McVitty, a friend and constituent.

Mrs. McVitty was known primarily as an official U.N. observer for the World Federalists, an organization in which she had been deeply interested since the 1940's. She was a fervent advocate of preserving peace through a world organization based on enforceable world law. She was the editor of the Independent Observer, an analytical newsletter of events at the United Nations. One of her main concerns was disarmament, a subject on which she wrote many articles and testified before congressional hearings here in Washington. Her book, "Preface to Disarmament," was published in 1969.

I know that the United Nations and all peace-loving people will feel the loss of this dedicated woman.

THE PUBLIC'S RIGHT TO KNOW

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

Mr. CARTER. Mr. Speaker, the public's right to know has become an increasingly popular rationale for exposing all types of actions in every sector of our Nation. The public has a right to know what the Government is doing abroad as well as here at home. The public has a right to know how the products it purchases are manufactured. Yet one of the greatest advocates of the public's need to know—television—now disallows any inquiry into the deceptive practices perpetrated upon those whose perception it is molding.

Clearly, in creating what has been called a news documentary—"The Selling of the Pentagon"—Columbia Broadcasting System—CBS—has deliberately misconstrued and misrepresented the information it received in order to present its own view of the public information activities carried out by the Department of Defense. Through clever electronic manipulation the words of speakers were rearranged to make an individual appear to answer questions in a different way than he did in fact answer them, and another individual appear to be delivering a statement he did not in fact deliver.

By acting in this manner, the procedures of "The Selling of the Pentagon" have practiced what can only be termed fraud and deceit. The dictionary defines both of these terms as an attempt to deceive, a practice designed to misrepresent. In its actions CBS has violated a relationship of trust and confidence.

This is not the first instance in which CBS has violated the trust placed in it by its viewers. The history of its deceptive practices includes the quiz shows of the late 1950's, a staged pot party presented to the public as an actual event, staged interviews and scenes relating to an invasion of Haiti, culminating with "The Selling of the Pentagon."

In an effort to redeem itself, CBS issued, on June 29 of this year, a set of regulations which it said had been in effect for some time. The basic guideline for these regulations, it claimed, was issued in 1959:

> (T)here shall be *no* re-creation, *no* staging, *no* production technique which would give the viewer the impression of any fact other than the actual fact, no matter how minor or seemingly inconsequential.

The memorandum goes on to state that there are certain operating standards which apply to "all CBS produced news and public affairs broadcasts." In filming a news event—such as "The Selling of the Pentagon," one might suppose—staging of news events or stories is strictly forbidden:

Specifically, nothing should be done that creates an erroneous impression of time, place, event, person or fact.

It seems clear that if these regulations had been in effect at the time of the production of "The Selling of the Pentagon," our discussion here today would be unnecessary and unwarranted. There would be no need for an investigation into the manner in which "The Selling of the Pentagon" was produced.

The main thrust of the arguments presented by those who oppose any congressional action against CBS is that the freedoms would be violated. CBS has attempted to show that since there is no difference between the printed media and the broadcast media, first amendment freedom of the press is applicable to both. In attempting to establish the identity between these two types of media, CBS and its supporters have quoted from a recent Supreme Court decision, Rosenbloom against Metromedia. But they have failed to present the entire opinion of the Court, which states that—

Calculated falsehood, of course, falls outside the "fruitful exercise of the right of free speech."

In an earlier decision, the Supreme Court also placed limitations on the practice of deceit:

(T)he knowing false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection.

I submit that the relationship between newspapers and radio and television had little bearing on the first amendment freedoms of CBS. By falsifying the facts and by deceiving the public, this broadcaster has relinquished its right to the protection afforded the press by our Constitution.

What is more, the producers of this television show are seemingly oblivious to the constitutional rights of those interviewed. By manipulating the words they said, and by changing the tone of their statements, CBS has denied them the right to express their own views; it has denied them the right of free speech.

Another argument advanced by one of CBS' supporters is that the purpose of television is "to provide the same essential, sometimes painful, function of keeping the public involved in and aware of the workings of its society." In his statement before the House Interstate and Foreign Commerce Committee, Mr. Frank Stanton stated that—

One of the most indispensable elements of responsible democratic government (is) the right to report freely on the conduct of those in authority.

I have never disputed the fact that the people have a right to be informed about the workings of their government. And I do not now intend to dispute this fact. However, there seems to be no reason to falsify the facts in any attempt to report on the negative aspects of our Government's operation. Surely, enough can be said about governmental errors or wrongdoing without relying upon fabricated statements and events. It seems obvious that if CBS had strictly guarded the truth, there would be no need to question its activities.

If indeed the people have a right to be informed of the activities of those who hold the public trust, and I believe they should be so informed, then this must not only apply to their representatives in government, but also to the molders of the public perception.

It has been shown in many instances that the public views that which it sees on television broadcasts as true. It rightfully assumes that when a person is seen on television his statement or action has been accurately portrayed. For example, during the 1964 election campaign, one of my constituents stated that she had seen on television one of the presidential candidates tearing up a social security check. In fact what she saw were an unidentified man's hands tearing up a check. Through clever electronic manipulation, it was made to seem as if that candidate was opposed to social security. The woman was sure that it was so, because she had seen it on television with her own eyes.

The public, then, has placed its trust in that which it views on television. The broadcasters are trustees for the people. They are given a valuable asset in exchange for the promise that they will operate in the public interest. It would seem evident that by deceiving its viewers, this broadcaster has betrayed that trust. There is a serious question here of accountability concerning the truth of the statements presented. Broadcasters must be accountable to those for whom it is a trustee, that is, the public—or its representatives. However, CBS has argued that it is not accountable to Congress—the people's representatives. It then becomes a trustee in name only, since it is accountable to no one.

CBS has placed itself above both the people and the people's representatives. If we allow the precedent to be made that the media is not responsible to either, then the people will believe nothing of what they hear and only half of what they see.

Those who hold the public trust and mold the public perception have an obligation to present facts and events as they occur. Perhaps a more diverse and decentralized broadcast industry would insure that the public is receiving the facts. I support freedom of the press and believe that it is part of what has made our country great. But I do not believe this freedom includes license to practice deceit.

WOMEN'S POLITICAL POWER

(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, a new political force was born at an extraordinary meeting which was held over the past weekend in the Nation's Capital. More than 300 women from 26 States assembled to organize a national women's political caucus. Its goal, as the conference call said, was "to start moving womanpower out of the talking stage and into practical politics."

The conference set as one of its goals representation of women in all levels of government, in both elective and appointive office, in numbers proportionate to our percentage in the population.

Women are 53 percent of the American people. They turn out at the polls in larger numbers than men. They do most of the drudge work in politics. But of the 435 Members in the House, only 12 are women. Out of 100 Senators, one is a woman. There are no women Governors, few big city women mayors, only a scattering of women in State and city government, none on the U.S. Supreme Court.

The women at the conference decided that 1972 is the year to start changing that. Certain specific steps were taken. National headquarters are being set up in Washington. A national coordinating council of 21 women, to be enlarged to 25, was elected to serve until a more permanent structure is worked out at a larger conference early next year. The national council will be supplemented by an assembly of representatives from each State and territory where local caucuses are in the process of being organized.

The prime aim of the caucus is to see that women assume their rightful place as decisionmakers and leaders in American political life and to speak out for life-enhancing priorities. The women also agreed that they are prepared to support men candidates who declare themselves ready to fight for these priorities and for the needs and rights of women and all underrepresented groups.

Those elected to the national council include: Fannie Lou Hamer, candidate for Mississippi State Senate; Congresswoman BELLA ABZUG; Shana Alexander, editor in chief, McCall's magazine; Virginia Allen, chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities; Nikki Beare, president, Dade County, Fla., National Organization for Women; Joan Cashin, National Democratic Party of Alabama; Congresswoman SHIRLEY CHISHOLM; Mary Clarke, California Women Strike for Peace; Myrlie Evers, California civil rights leader; Betty Friedan, author; JoAnne Gardner, Republican nominee for the Pittsburgh City Council; Elinor Guggenheimer, chairwoman, New York City Democratic Advisory Council; LaDonna Harris, Indian rights leader; Wilma Scott Heide, chairwoman, board of directors, National Organization for Women; Dorothy Height, president, National Council of Negro Women; Olga Madar, vice president, United Auto Workers; Vivian Carter Mason, second national president, National Council of Negro Women; Midge Miller, Wisconsin State representative; and Beulah Sanders, vice president, National Welfare Rights Organization.

At this point, I am inserting in the RECORD various articles reporting the activities of the caucus organizing meeting as well as the text of my opening remarks to the conference:

SPEECH BY CONGRESSWOMAN BELLA S. ABZUG TO NATIONAL WOMEN'S POLITICAL CAUCUS, STATLER HILTON HOTEL, JULY 10, 1971

I am glad to see you here today. And we are gathered to take the necessary organizational steps to make sure that many of you

will be in Washington permanently—not as visitors, not just as lobbyists, not as underlings in the outer offices of power, but as full citizens with a full and equal share of political power.

We are here to serve notice that, as we approach the 200th anniversary of our Nation, we will no longer take second place or last place to anyone. We are going to demand and win equal status in politics, equal pay and recognition in our work, full equality in our civil rights and in every aspect of our lives.

And we are going to build a practical, realistic political movement with the strength of millions of women behind it to win our objectives. Of course, we're going to have opponents, many of them very important men.

Just last week Manny Celler, who is 80 years old, a very sweet man, and the head of the House Judiciary Committee, repeated at a committee session his favorite saying that "you can't change nature," that women are different. And besides, he said, women weren't even at the last supper. When I heard about that, I told him, "maybe we weren't at the last supper, but we're certainly going to be at the next one."

Though we may disagree on organizational and tactical problems, those of us meeting here today are agreed on one point: Women should be fully represented in the political power structure, in all branches of Government, at all levels—and they should be represented as a matter of right, *as a matter of simple justice.*

We know the facts. Women are a majority of the population. Yet throughout our history and now, 50 years after the suffrage victory, they are still almost invisible in Government, in elected posts, in high administrative decision-making positions, in the judiciary.

Just as Lincoln asked whether a nation could endure half slave and half free, we must ask whether our nation can endure with its population only half represented in government. And, at that, half is an exaggeration.

The truth is that although women are the largest group to be shut out of political power, they are not the only ones. A newspaper columnist (Clayton Fritchey) pointed out the other day that the U.S. House of Representatives has the distinction of being the most unrepresentative body in the west—and the Senate is not much better.

Both Houses are dominated by a male, white, middle aged, middle and upper class power elite that stand with their backs turned to the needs and demands of our people for realistic change to create a society with humane and healthy values.

A recent survey showed that large numbers of Americans believe our country is headed for a breakdown. They see enormous problems in our society, and only the most limp and ineffectual efforts by the Congress and administration to deal with them. And they are deeply troubled.

Women look at a nation run by a male executive branch, a male Congress, a male Pentagon, and male corporations and banks, and they rightly ask:

Would we, if we shared equally with men the authority of government, would we condone the spending of more than a trillion dollars in the past 25 years for killing and useless missiles when our cities are dying of neglect—when families go homeless and hungry—when our young people are becoming more and more alienated from a society they regard as without soul or purpose?

I think not.

Sometimes as I go through the rigorous and often very frustrating process of representing a half million from my district, a district with incredible problems of simple survival, I wonder about the kind of America we could create if we had a truly representative Congress.

Suppose that instead of just 11 of us women in the House, there were more than 200; instead of just one in the Senate, there were 50. And suppose that instead of only 12 blacks, there were five times as many, and that spokesmen and spokeswomen for the Chicanos and American Indians and other minority Americans were there too.

And suppose that instead of having just middle aged and old men on Capitol Hill, more than half of our Representatives were under age 35, as is true of our population as a whole. And instead of mostly businessmen and lawyers, we had Representatives of working people, trade unionists and educators, migrant farmworkers and health specialists and social workers, artists, city planners, scientists and Vietnam veterans—Americans whose lives and experiences have been molded in the real, total America, in our tormented, polluted, overpopulated, scared, violent, divided but still promising and magnificent land.

I believe that such a Congress would be better equipped to meet the problems of our society than is our present House of semi-Representatives and our semi-Senate.

I believe that such a Congress would not tolerate the countless laws on the books that discriminate against women in all phases of their lives. But more than that. Does anyone think that with that kind of representation we would have reached the twilight of the 20th century without a national health care system for all Americans?

Would a Congress with adequate representation of women and other groups allow this country to rank 14th in infant mortality among the developed nations of the world?

Would they allow a situation in which millions of kids grow up without decent care because their mothers have to work for a living and have no place to leave them—or else that condemns women to stay at home when they want to work because there are no child care facilities?

Would they vote for ABM's instead of schools, MIRV's instead of decent housing or health centers? And does anyone think they would have allowed the war in Vietnam to go on for so many years, slaughtering and maiming our young men and the people of Indochina?

You may wonder why I talk about all these issues when we have met here to plan how to get more women into elected and appointive political office.

I do so to remind you that *women* political leaders must also represent the diversity of America, and that it is certainly not my purpose to replace or supplement a white, male, middle class elite with a white, *female,* middle class elite.

I believe very deeply that the hope of an effective women's political movement lies in reaching out to include those who have been doubly and triply disfranchised—reaching out to working women, to young women, to black women, to women on welfare—and joining their strength together with millions of other American women who are on the move all over this country demanding an end to discrimination and fighting for their rights as full and equal citizens.

I am not elevating women to sainthood, nor am I suggesting that all women share the same views, or that all women are good and all men are bad. Women have screamed for war. Women, like men, have stoned black children going to integrated schools. Women have been and are prejudiced, narrow-minded, reactionary, even violent. *Some* women.

They, of course, have a right to vote and a right to run for office. I will defend that right, but I will not support or vote for them.

But, realistically, I do not think that we as a national women's political movement will be forced to make such unhappy choices. It is my belief—reinforced by my personal experiences in meeting and talking with women all over this country—that there is a strong community of interest among huge numbers of American women, a strong commitment to changing the direction of our society.

Women are in the forefront of the peace movement, the civil rights and equal rights movement, the environment and consumer movements, the child care movement, the movement to reclaim our cities and communities for human beings.

In towns and cities all across the United States there are thousands of young, middle aged and elderly women with a deep sense of social responsibility—white, black from all ethnic and social groups—who would make splendid candidates and outstanding political leaders. Some are right here in this room.

We have to put our organizing ability and energy to work to thrust women into political power at *all* levels of government. Some of you may want to start out by running for city council or the school board or the state legislature. Others may be ready to go for higher positions.

Undoubtedly, some of you will run for the experience of being in a political contest—and that can be very valuable. But I would urge you wherever possible to choose your candidates carefully. The whole nation will be watching us. We want to set goals—to double or triple our numbers in Congress next year—and we want to be able to win.

In most cases, you are going to have to fight the entrenched male political bureaucracies. You may have to be pushy. No one is going to hand you a nomination just because you happen to be the most highly qualified.

You will have to build mass support in your communities, among men as well as women, and you can get it. It is my experience that if you talk sense about the issues and demonstrate creativity, activism and courage, people will respond. They are eager for constructive leadership, because our country is in trouble, and they know it.

I believe that this movement which we are starting here today can be of tremendous importance in the lives of all Americans, as significant as that first little convention for suffrage in Seneca Falls more than a hundred years ago.

But we are not going to take a hundred years for the changes we seek. We can't afford to wait that long. Our society can't wait.

You can expect in the next few weeks after this meeting to see a flurry of statements from politicians about their good intentions on women's rights. Maybe even a few women will get jobs or be appointed to office. We should let it be known, however, that we will not be appeased by token gestures.

This movement, which I hope you will carry back to your cities and States and organize for as hard as you can, is a serious, far-reaching movement, with long-term goals. We will settle for nothing less than equal representation in all levels of political power. We should demand, and get, women in the cabinet and on the U.S. Supreme Court. If President Nixon could propose a Carswell, then he can certainly find a dozen women who are better qualified than that to serve on our high court.

We should start in 1972 by running women as convention delegates, for local, State and national office. We should campaign for women—and men candidates—who are good on women's issues. We should work to defeat those who are not. With the power of our vote and our organized efforts, we can play a very significant role in the national political party conventions, in the formulation of platforms and in the choice of candidates.

1972 will be our first big test, and that is why what we do here this weekend is so crucial. I think we can change this country. I think we have the capacity to build the kind of humanistic society in which men and women can fully express their creativity and talents. That is what I would like to see

womanpower used for, and I hope that this afternoon, this evening and tomorrow we can get down to the practical discussions of how to do this.

And I hope, too, that although we will undoubtedly argue about the best way to do this, that we will set aside our differences and come out as a united and powerful movement.

WOMEN'S NATIONAL POLITICAL CAUCUS

More than 300 women from 26 states meeting at the first organizing conference of the National Women's Political Caucus, adjourned late Sunday after a two-day session in which they:

Elected a steering committee of 21 women to coordinate a nationwide effort to elect more women to public office and to assure greater participation of "the silenced majority" in the affairs of the nation.

Called for similar caucuses to be held in all states to begin planning a full-scale National Women's Political Caucus which will be held "in the Southern or central part of the United States early in 1972."

Establish a national registry of women candidates which will list women running for office at all levels of government. This registry will be disseminated to all members of the Caucus to rally support, raise campaign funds and provide a roster of speakers for the candidates.

Approved a 20-point program of guidelines for issues of deep concern to women, with emphasis on sexism, racism, violence and poverty. These guidelines were summarized as follows: "We recognize the economic burden of such sweeping social change but we believe that this country's enormous resources could be more than enough. They need only be reordered to pay for life instead of death."

Called for the enlistment of women of all political persuasions, economic levels, age groups and racial and ethnic background to recruit and rally behind women candidates who are committed to women's priorities and humanist goals.

Urged reform of existing policies of political parties which have excluded women—with the specific demand that women comprise 50% of the delegates to both parties' 1972 national conventions and that women be represented on every convention committee and party committee.

"Great effort was made to explore every viewpoint," Ronnie Feit, of New York, temporary coordinator said. "This meant all-night sessions, impromptu caucuses, and a dedicated and exhaustive effort to consider the wide variety of issues which women face today. I doubt that any similar group of people, holding such disparate views and coming from such varied backgrounds, could have established a going organization in such a short period of time. The miracle is that we got together at all. While we still have many problems to resolve, much was accomplished in mobilizing womanpower for coming elections. There was a spirit of give and take which was gratifying to all of us."

Six workshops presented for consideration of the conference recommendations in such areas as grass roots organizing, candidate criteria and political procedures and strategy.

As an example, the grass roots caucus explored ways to attract the uncommitted woman to political action through common interests such as equal rights, child care centers, welfare rights, equal pay and promotion, as well as demands to local party chairmen to adhere to population percentages of women in determining the criteria of party jobs. Women who had run for public office exchanged their experiences with new voters with fresh ideas.

The NWPC accepted a motion that additional workshop reports will be circulated by mail in the next few weeks.

There were a variety of *ad hoc* caucuses which met separately and reported back their consensus to the plenary session. The NWPC adopted by acclamation the report of the Black Caucus which supplemented the already strong positions of all six workshops against racism and racist candidates.

The attitude of the NWPC was summarized by Rep. Bella Abzug (D.-N.Y.) who stated: "It is certainly not our purpose to replace or supplement a white male middle class elite with a white *female* middle class elite."

Conclusions of other *ad hoc* caucuses were also presented including those of a radical caucus, and one concerned with the lack of power of young professional women. The first emphasized the need for women's organizations to resist imitating male hierarchial structures. The second noted that the young, talented women who often do the bulk of the work are too rarely given the recognition and decision-making positions. Both reports were accepted by acclamation.

All viewpoints, serious and otherwise, were explored, including one briefly considered that would require the political parties to pay reparations for their systematic exclusion of women. The money would be used to finance women's campaigns.

ELECTED MEMBERS OF THE WOMEN'S NATIONAL POLITICAL CAUCUS

Bella Abzug, Member of Congress (D., N.Y.).

Shana Alexander, Editor-in-Chief, *McCall's* Magazine.

Virginia Allen, Chairwoman, President Nixon's Task Force on Women's Rights and Responsibilities.

Nikki Beare, Member, Dade County (Fla.) Commission on the Status of Women; President, Dade County NOW.

Joan Cashin, National Democratic Party of Alabama.

Shirley Chisholm, Member of Congress (D., N.Y.).

Mary Clarke, California Women's Strike for Peace.

Myrlie Evers (Mrs. Medgar), Civil Rights Leader (California).

Betty Friedan, Author of *The Feminine Mystique* and Founder of The National Organization for Women (NOW).

JoAnne Evans Gardner, Republican Nominee for City Council, Pittsburgh, Pa., National Organization for Women Board Member.

Elinor Guggenheimer, Former Member, N.Y. City Planning Commission; Chairwoman, N.Y. City Democratic Advisory Council; Pioneer of Child Development Programs.

Fannie Lou Hamer, Civil Rights Leader; candidate for State Senate (Mississippi).

LaDonna Harris, Indian Rights Leader.

Wilma Scott Heide, Chairwoman of the Board of Directors of the National Organization for Women.

Dorothy Height, President, National Council of Negro Women.

Olga Madar, Vice President, United Auto Workers; Precinct Delegate, 13th Congressional District (Detroit, Michigan).

Vivian Carter Mason, Second National President, National Council of Negro Women; Representative of Women for Political Action (Norfolk, Va.).

Midge Miller, Representative, Wisconsin State Legislature.

Paula Page, Director, Women's Center, U.S. National Student Association.

Beulah Sanders, National Welfare Rights Organization, Vice President.

Gloria Steinem, Member, Democratic National Policy Council; Writer.

Four vacancies will be filled later to expand the categories of representation.

[From the New York Times, July 11, 1971]

WOMEN ORGANIZE FOR POLITICAL POWER

(By Eileen Shanahan)

Special to The New York Times

WASHINGTON, July 10—More than 200 women of varied ages, races and political persuasions met here today to inaugurate a National Women's Political Caucus. Its aim is to put more women in positions of real political power—ultimately to see half of all elective and appointive jobs in government filled by women.

Betty Friedan, founder of the National Organization for Women, who was one of the keynote speakers at the conference, foresaw such success for the campaign that "it will not be a joke by 1976, the 200th anniversary of our Republic, that a woman might run for President."

Throughout the opening session, one theme recurred in the speeches regardless of the race, age or political affiliation of the speaker: that an increase in the political power held by women would set the nation on a course toward more "humanitarian" policies.

"We must humanize America and save her," said Betty Smith, a former vice chairman of the Republican party in Wisconsin.

CITES INFANT MORTALITY

Republican women, a show of hands disclosed, constituted about 15 per cent of those attending the conference.

Representative Bella S. Abzug, Democrat of Manhattan, suggested that many laws and programs would be different "if we had a truly representative Congress"—half women, 11 per cent black, younger and containing more working people, teachers, artists and so on.

Such a Congress, she said, would not have tolerated a nation that ranked 14th in the world in infant mortality and that had no national health care system. It would not have "voted for antiballistic missiles instead of schools, MIRV's instead of decent housing or health centers." "And does anyone think they would have allowed the war in Vietnam to go on for so many years?" she asked.

Mrs. Abzug drew tumultuous applause when she said "it is certainly not my purpose to replace or supplement a white, male, middle class elite with a white female, middle class elite" in the positions of power in the nation.

Instead, she said, she wants to reach out "to include those who have been doubly and triply disfranchised—to working women, to young women, to black women, to women on welfare."

Fannie Lou Hamer, a Negro civil rights activist from Mississippi, announced to loud cheers that she planned to run not only for the State Senate next year but also for the United States Senate in 1972. She would be an independent candidate opposing Senator James O. Eastland, a Democrat.

She predicted that she might win and said she was fighting "for the liberation of all people, because nobody's free until everybody's free." "I've passed equal rights; I'm fighting for human rights," she said.

Mrs. Hamer said she wanted to make clear that "I'm not fighting to liberate myself from the black man in the South, because he's been stripped of being a citizen."

She said, however, that there had been at least one instance in which she had suffered more for being a woman activist than for being a black activist. The insurance on her house was canceled this year, she said, after she started speaking out about the condition of women, whereas it was not canceled during the previous 10 years, despite her work in the civil rights movement.

Gloria Steinem, the writer, said: "Our aim should be to humanize society by bringing the values of women's culture into it, not

simply to put individual women in men's places.

"We want to reach out to every woman who is tired of the masculine mystique belief that violence is an inevitable or acceptable way of resolving conflict."

Miss Steinem also suggested that the women's political caucus take sides on many issues, even if that produced internal argument.

On this, she was disputed by Evelyn Cunningham, a special assistant to Governor Rockefeller, who said the caucus needed a specific victory to establish itself and should therefore concentrate on one issue. She did not recommend a particular issue.

This weekend's organizational meeting will devise the basic structure of the caucus, elect officers and lay plans for participation in the 1972 Presidential nominating conventions and other political contests.

Many of the speakers emphasized the need for organization and work at the local level, to elect women to town councils as well as to Congress, and to make the views of women felt in the politically decisive suburbs.

Several speakers also made clear that they were not advocating that women vote for any woman just because she was a woman. At the same time, some did propose that women should cross party lines and vote for well-qualified women regardless of party, particularly if the male opponent were less qualified.

Mrs. Abzug noted that some women "have screamed for war" and some, "like men, have stoned black children going to integrated schools."

Such women, she said, "have a right to vote and a right to run for office. I will defend that right, but I will not support or vote for them."

Mrs. Friedan said that her "internal, historical alarm clock" told her that "the women's movement has crested now and must become political if it is not to decline."

Women cannot be satisfied with menial chores and token offices, she said, "while men get their hands dirty with the real business of running the country."

At that point, someone in the audience called out, "let's have some dirty older women."

[From the Washington Post, July 11, 1971]

WOMEN ORGANIZE FOR MORE POWER

(By Tim O'Brien)

Four American women who have made their mark in a man's world—Rep. Bella Abzug (D-N.Y.), Fannie Lou Hamer, Gloria Steinem and Betty Friedan—joined yesterday in urging full political power for women.

Opening a weekend meeting of a new group called the National Women's Political Caucus, they called for:

Equal representation for women on all government bodies.

Equal female representation at the Democratic and Republican national nominating conventions.

Organizing and educating the female electorate to "thrust women into political power at all levels of government."

Campaigning for candidates, male and female, "who are good on women's issues."

Addressing approximately 70 women at the opening session, journalist and female rights activist Gloria Steinem said: "We don't want to elect female Uncle Toms who are themselves imitating men, and who, once in power, only serve to keep their sisters down.

"But we do want to take our rightful position as 50 per cent of every elected and appointed body in this country. No one gives political power. It must be taken. And we will take it."

Mrs. Friedan, author of "The Feminine Mystique" and a proponent of women's rights since the early 1960s, said that "what we need is political power, ourselves. With men (comprising) 98 or 99 per cent of the House, Senate, the State Assembly, City Hall, women are outside the body politic."

She criticized President Nixon for failing to release or take action on the report of his task force on women's rights and responsibilities.

"It is a remnant of our own self-denigration, the put-down we finally do to ourselves, to think that a woman is 'pushy' or 'unfeminine' or 'elitist' or on an 'ego trip' to want to run for political office," Mrs. Friedan said. "It is hoped that there are thousands of us sufficiently liberated now to take on the responsibility and demand the rewards of running for political office."

Rep. Abzug urged the caucus to set a goal of doubling or tripling the women in Congress next year. She outlined a strategy which would "start in 1972 by running women as convention delegates, for local, state and national office.

"We should campaign for women—and men candidates—who are good on women's issues. We should work to defeat those who are not. With the power of our vote and our organized efforts, we can play a very significant role in the national political party conventions, in the formulation of platforms and in the choice of candidates."

Rep. Abzug asked that the women activists set aside their differences and act as a "United and powerful movement."

Fannie Lou Hamer, long time civil rights activist from Mississippi, received a standing ovation after issuing a plea for unity among blacks, youth and women.

"Hooking up these minorities," she said, "and we'd become one hell of a majority."

Females make up an estimated 53 per cent of the population. The caucus leaders note, however, that only one female is a U.S. senator and only 12 are members of the U.S. House of Representatives. There are no female governors.

The caucus, which meets again today in the Statler-Hilton Hotel, was organized to turn the women's liberation movement into more politicaly constructive channels.

The group's tentative program, to be discussed today, calls for tripling the women in Congress, to 39, by the 1972 elections. By the year 2000, the caucus wants to have women in all branches of government in numbers "at least approximating their percentage of the total population."

Tentative goals also include the appointment of a woman to fill the next vacancy on the U.S. Supreme Court. Rep. Abzug told the women that "if President Nixon could propose (G. Harrold) Carswell, then he can certainly find women who are better qualified than he to serve on our high court."

The caucus is also considering plans for a national women's political convention in early 1972.

The convention is envisaged as establishing a national forum for women candidates, setting criteria for supporting or opposing candidates and adopting policy statements. It also would designate spokesmen to lead women's lobbies at the 1972 political party conventions.

WOMEN ACTIVISTS MAP THEIR "REVOLUTION" HERE

(By Isabelle Shelton)

Three hundred women activists met here yesterday to launch what one of their speakers called "no simple reform—really a revolution."

One of their prime demands, since women represent 53 percent of the electorate, is that women should hold at least 53 percent of the appointive and elective officers in the nation.

"We hope to reach out to women across the country—to every woman whose abilities have been wasted by the second-class, subservient, underpaid or powerless positions to which female human beings are consigned," said women's liberation leader Gloria Steinem at the opening session yesterday of the two-day National Women's Political Caucus at the Statler-Hilton Hotel.

"EVERY MINORITY WOMAN"

We hope to reach every woman who sits at home, with little control over her own life, much less the powerful institutions of the country, wondering if there isn't more to life than this . . . every minority woman who has endured the stigma of being twice-different from the white male ruling class . . . every woman who has experienced the ridicule or hostility reserved by this country—and often by its political leaders—for women who dare to express the hopes and ambitions that are natural to every human being," Miss Steinem added.

"We want to take our rightful position as 50 percent of every elected and appointed body in this country," she declared.

"No one gives political power. It must be taken. And therefore we will take it."

"We're here to serve notice that, as we approach the 200th anniversary of our nation, we will no longer take second place or last place to anyone," said Rep. Bella Abzug, D-N.Y.

"We will settle for nothing less than equal representation in all levels of political power," she added. "We should demand, and get, women in the Cabinet and on the U.S. Supreme Court. If President Nixon could propose a Carswell, then he can certainly find a dozen women who are better qualified than that to serve on our Supreme Court."

Mrs. Abzug said she believes "that this movement which we are starting here today can be of tremendous importance in the lives of all Americans, as significant as that first little convention for suffrage in Seneca Falls more than a 100 years ago.

"But we are not going to take 100 years for the changes we seek," she asserted. "We can't afford to wait that long."

IMPACT AT POLLS

Betty Friedan, author of "The Feminine Mystique," said that if women organize and work together between now and November 1972, they can "upset all the old political rules and traditions" and have more of an impact on the election outcome than the millions of new 18-year-old voters.

Fannie Lou Hamer, a black civil rights leader from Mississippi, told the conference that "America is sick, man is sick. Something has got to change in this country, and we can't stand around waiting for the white male to change it."

She will run for office in Mississippi, she said—this year for the state senate, and next year for the U.S. Senate, taking on incumbent Democratic Sen. James O. Eastland.

Evelyn Cunningham, special assistant to New York Gov. Nelson Rockefeller, told the conference that "I must be some kind of a nut to be here—I'm black, I'm a woman, I live in Harlem, and I'm also a Republican.

"But from my black woman's head I want to insist that this caucus absolutely must aggressively seek the full participation of blacks and of Republicans."

Betty Smith, a Republican party official from Wisconsin, urged the women to work in caucuses through their existing political parties rather than try to form a new women's party.

Paula Page, director of the women's center of the National Student Association, argued that simply working to elect more women to public office is "superfluous" and "counterproductive for any woman who is genuinely concerned about eliminating sexual stereotyping."

"To paraphrase Malcolm X, if you want a revolution, you don't ask the oppressors to let you join them," she said.

WOMEN'S CAUCUS SEEKS U.S. BAN ON SEX BIAS

(By Tim O'Brien)

The National Women's Political Caucus—a new coalition of female activists and political leaders—announced plans yesterday to seek adoption of a 27th amendment to the Constitution, protecting women against discrimination on the basis of sex.

Support of an Equal Rights Amendment, which died last October in a snarl of riders attached in the Senate, was one of a long list of resolutions passed by the women during a two-day meeting here.

Caucus organizers Liz Carpenter, Betty Friedan, Rep. Bella Abzug (D-N.Y.), Gloria Steinem, Rep. Shirley Chisholm (D.-N.Y.) and LaDonna Harris (wife of presidential aspirant Sen. Fred Harris) announced other goals:

A full-scale National Women's Political Caucus convention to be held "in the southern or central part of the U.S. early in 1972."

Tripling the number of women in Congress in the 1972 elections.

Reform of existing policies of the Democratic and Republican parties, "which have excluded women." Specifically, the women demand that females "comprise 50 per cent of the delegates to both parties 1972 national conventions and that women be represented on every convention committee and party committee."

Repeal of all laws effecting a woman's right to decide her own reproductive and sexual life. The plank is aimed at reforming abortion and contraception laws in many states.

Changes of the Social Security System, which the caucus says discriminates against families with working women.

In addition the women elected a 21-member steering committee to coordinate the caucus' future work. Among those on the committee are Shana Alexander, editor-in-chief of McCall's Magazine, Fannie Lou Hamer, a civil rights leader from Mississippi, and Myrile (Mrs. Medgar Evers). Abzug, Steinem, Friedan and Harris were also elected.

The women are reserving four other seats on the steering committee for Spanish-speaking and for young females, caucus member Gloria Steinem said.

Asked whether their program called for reform of the traditional courtesies which men extend toward women—lighting their cigarettes and holding doors open—Steinem said that those were "human courtesies" and peripheral to the woman's search for simple justice.

When reference was made to the shouts and interruptions with which the women greeted their guest speakers Sunday—former Senator Eugene McCarthy and peace advocate Benjamin Spock—Steinem said that the women had "given up on them." Spock's books, she said, had created "guilt and problems" for huge numbers of American women, and in that context she did not see the women's behavior as discourteous.

Spock, who drew the women's wrath because he had written that the woman's place is in the home and with the child, admitted he had been a "sexist" and had written some "foolish and unwise" things. He said he has revised his views considerably since the publication of his book "Decent and Indecent," adding that he "would get to work" to revise his widely read child care book.

While the women were announcing support for an equal-rights-for-the-sexes amendment to the Constitution, the primary House sponsor of the legislation, Rep. Don Edwards (D-Calif.), issued an appeal to women's organizations to mount a nationwide campaign in support of his attempt to give new life to the amendment.

Edwards, chairman of the House subcommittee that originally approved the amendment in the form the women want, asked the women to lobby to remove a crippling provision attached by the House Judiciary Committee.

The rider would exempt women from the draft and allow states to enact "reasonable" laws based on sex differences.

Last year the House approved the amendment when it was brought to the floor after bypassing the Judiciary Committee. When the Senate, however, failed to act, the amendment died. It has been reinforced this year by Sen. Birch Bayh (D-Ind.).

CAUCUS GOES PERMANENT

(By Isabelle Shelton)

The National Women's Political Caucus, held here last weekend by a broad cross section of 300 women from 26 states, announced plans yesterday to become a permanent organization.

It plans to organize at the grass-roots level, across party lines, to gain real political power for women.

One of its first objectives will be to insist that women comprise at least 50 percent of the delegations to the Republican and Democratic national conventions next year.

Ultimately, it seeks to assure that half of all the appointive and elective posts in government are held by women—who, caucus statements point out, constitute 53 percent of the electorate.

The conference announced selection of a 21-member steering committee, which will plan a much larger caucus to meet in the southern or central U.S. early in 1972.

The policy committee includes several Democrats, at least two Republicans, several blacks, and several representatives of large organizations. "At least" four more members will be added, to plug the gaps the women say they recognize exist in underrepresentation of some groups.

More young people will be added, and at least one Chicago representative. The women also would like a few more Republicans visible in their top leadership, because they are very determined to carry their fight across party lines.

"We are going to work for justice and an end to our second class status, the way all second class groups in this country have done—by becoming a true political power, the policy committee declared in a statement.

At a press conference yesterday on Capitol Hill, caucus leaders announced a number of "guidelines" that it hopes all women candidates will adopt. They include:

Passage of the Equal Rights Amendment ("Any man or woman who votes against it in Congress may find it very difficult to return to political life" after 1972, if the caucus organizes women the way it plans to, said Rep. Bella Abzug, D-N.Y., one of the members of the new policy committee.

"Enforcement of all existing and proposed anti-discrimination laws, such as Title VII of the Civil Rights Act, and the Equal Pay Act—plus the important addition of a 'cease and desist' clause to the Equal Employment Opportunities Commission."

"Adequate shelter for all Americans and an end to discrimination against women, especially families with women heads and welfare mothers."

"Elimination of the many tax inequities that affect women and children."

"Repeal of all laws that affect a woman's right to decide her own reproduction and sexual life."

"Fair treatment of working women, including full tax-deductions for child care and household expenses; maternity leave and voluntary parental leave for childbirth; change of the Social Security System to end discrimination against families with working women; and an end to the social and economic degradation of women, whether by employers or by unions."

"An immediate withdrawal from the war in Indochina, but, more than that, an end to the use of physical violence as an acceptable way of resolving conflict."

The caucus set aside, at least for the present, a suggestion that came up during its weekend meetings that women finance their political campaigns by demanding reparations from the Democratic and Republican parties for "having been oppressed" for so long.

There was a little talk yesterday of turning to economic boycotts if power cannot be attained through political means, but the chief thrust of the caucus clearly was toward the latter route.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALDIE, for 1 hour, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. DU PONT) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. MCCLOSKEY, for 1 hour, today.

Mr. BELL, for 30 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HORTON, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. PRICE of Texas, for 10 minutes, today.

Mr. TERRY, for 1 minute, today.

(The following Members (at the request of Mr. ABOUREZK), to revise and extend their remarks, and to include extraneous matter:)

Mr. DAVIS of South Carolina, today, for 10 minutes.

Mr. HAMILTON, today, for 10 minutes.

Mr. REUSS, today, for 20 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. DULSKI, today, for 10 minutes.

Mr. FRASER, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. RARICK, today, for 10 minutes.

Mr. GUBSER, for 5 minutes, today.

Mr. MELCHER (at the request of Mr. WALDIE), for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CULVER to extend his remarks prior to the vote on the recommittal motion.

Mr. BURKE of Massachusetts to extend remarks following vote on motion to recommit.

Mrs. SULLIVAN in two instances.

Mrs. ABZUG preceding the motion to recommit.

Mr. HOLIFIELD, and to include extraneous material, during consideration of the contempt citation resolution today.

Mr. MADDEN, and to include extraneous material.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. DICKINSON in three instances.

Mr. DU PONT.

Mr. ROBISON of New York.

Mr. CONTE.

Mr. ARCHER.

Mr. DERWINSKI in two instances

Mr. WYMAN in three instances.
Mr. MILLER of Ohio.
Mr. DUNCAN.
Mr. FISH in two instances.
Mr. HALL.
Mr. CHAMBERLAIN.
Mr. FRENZEL.
Mr. SPRINGER.
Mr. BOB WILSON in two instances.
Mr. STEIGER of Wisconsin.
Mr. HOSMER in two instances.
Mr. NELSEN.
Mr. COUGHLIN.
Mr. PRICE of Texas.
Mr. ASHBROOK in two instances.
Mr. MCCLOSKEY.
Mr. MICHEL.

(The following Members (at the request of Mr. ABOUREZK) and to include extraneous matter:)

Mr. ASPIN in two instances.
Mr. BYRON in 10 instances.
Mr. THOMPSON of New Jersey in two instances.
Mr. DRINAN.
Mr. MURPHY of New York in two instances.
Mr. ASHLEY.
Mr. BEGICH in three instances.
Mrs. MINK in three instances.
Mr. JACOBS.
Mr. WALDIE in seven instances.
Mr. OBEY in six instances.
Mr. EILBERG.
Mr. ROGERS in 10 instances.
Mr. DULSKI.
Mr. LEGGETT in three instances.
Mr. STEED in two instances.
Mr. PATTEN in two instances.
Mr. BINGHAM in two instances.
Mr. VANIK in three instances.
Mr. CELLER in two instances.
Mr. HAGAN in three instances.
Mr. GONZALEZ in two instances.
Mr. JONES of Tennessee in two instances.

(The following Members (at the request of Mr. WALDIE) to revise and extend their remarks, and to include extraneous material:)

Mr. RYAN in three instances.
Mr. BINGHAM.
Mr. MOORHEAD in two instances.

ADJOURNMENT

Mr. WALDIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 14, 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:

958. A communication from the President of the United States, transmitting an urgent appropriation request for fiscal year 1972 for emergency employment assistance for the Department of Labor (H. Doc. 92–143); to the Committee on Appropriations and ordered to be printed.

959. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed for foreign currencies during May and June, 1971, pursuant to Public Law 85–128; to the Committee on Agriculture.

960. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

961. A letter from the Secretary of Commerce, transmitting the 15th program report on the activities of the U.S. Travel Service for calendar year 1970, pursuant to section 5 of the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 4874. A bill to allow for the imposition of restrictions on the imports of unshelled filberts; with amendments (Rept No. 92–347). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 5825. A bill to amend section 2(3), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended. (Rept. No. 92–348). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 535. Resolution providing for the consideration of H.R. 9667. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes. (Rept No. 92–350). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the proceedings against Frank Stanton and the Columbia Broadcasting System, Inc. (Rept No. 92–349). Referred to the House Calendar.

Mr. BYRNE: Committee on Armed Services. S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents. (Rept. No. 92–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 1409. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; with amendments (Rept. No. 92–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4606. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces. (Rept. No. 92–353.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 4729. A bill to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force; with amendment (Rept. No. 92–354). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6723. A bill to provide subsistence allowances for members of the Marine Corps officer candidate programs; with amendment (Rept. No. 92–355). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 6724. 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; with amendments (Rept. No. 92–356). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE: Committee on Armed Services. H.R. 8356. A bill to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation. (Rept. No. 92–357.) Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 8656. A bill to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; with amendment (Rept. No. 92–358). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ (for himself, Mr. PELLY, Mr. DINGELL, Mr. MOSHER, Mr. LENNON, Mr. KEITH, Mr. ROGERS, Mr. GOODLING, Mr. KARTH, Mr. MCCLOSKEY, Mr. CLARK, Mr. MAILLIARD, Mr. BIAGGI, Mr. RUPPE, Mr. ANDERSON of California, Mr. GRIFFIN, Mr. FORSYTHE, Mr. DE LA GARZA, Mr. DU PONT, Mr. KYROS, Mr. MILLS of Maryland, Mr. TIERNAN, Mr. BYRNE of Pennsylvania, Mr. ASHLEY, and Mr. MURPHY of New York):

H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOGGS:

H.R. 9728. A bill to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 9729. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 9730. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.R. 9731. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that the eligibility of a family remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 9732. A bill to amend title 37, United States Code, to provide travel and transportation allowances for emergency leave and ordinary leave for compassionate reasons granted to servicemen stationed overseas; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 9733. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 9734. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 9735. A bill to extend commissary and exchange privileges to certain disabled veterans and the widows of certain deceased veterans; to the Committee on Armed Services.

By Mr. HAYS (for himself, Mr. PERKINS, Mr. MOLLOHAN, Mr. ANNUNZIO, Mr. VIGORITO, Mr. PRICE of Illinois, Mr. TAYLOR, Mr. BROOKS, Mr. MILLER of California, Mr. EILBERG, Mrs. HICKS of Massachusetts, Mr. DERWINSKI, Mr. MORSE, Mr. MONAGAN, Mr. HALPERN, Mr. ROSENTHAL, Mr. SISK, Mr. FULTON of Pennsylvania, Mr. MORGAN, Mr. ANDERSON of Illinois, Mr. PODELL, Mr. BURTON, Mr. WOLFF, Mr. ASPIN, and Mr. REES):

H.R. 9736. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYS (for himself, Mr. MIKVA, Mr. HALEY, Mr. MAZZOLI, Mr. ROYBAL, Mr. FULTON of Tennessee, Mr. CARNEY, Mr. KARTH, Mr. SCHNEEBELI, Mr. BARRETT, Mr. PEPPER, Mr. PATMAN, Mr. NIX, Mr. DULSKI, Mr. GALLAGHER, Mr. COLLIER, Mr. CLARK, Mr. BRASCO, and Mrs. GRASSO):

H.R. 9737. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HORTON (for himself, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. ANNUNZIO, Mr. ARCHER, Mr. BADILLO, Mr. BOLAND, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CONABLE, Mr. COUGHLIN, Mr. DANIEL of Virginia, Mr. DELLUMS, Mr. DENT, Mr. DRINAN, Mr. ERLENBORN, Mr. ESCH, Mr. FISH, Mr. FLOWERS, Mr. WILLIAM D. FORD, Mr. FRENZEL, Mr. FREY, Mr. GALLAGHER, and Mr. GARMATZ):

H.R. 9738. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. GOLDWATER, Mrs. GRASSO, Mr. GRAY, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HOSMER, Mr. HUNGATE, Mr. LENT, Mr. MCDADE, Mr. MCDONALD of Michigan, Mr. MAZZOLI, Mr. MIKVA, Mr. MITCHELL, Mr. MORSE, Mr. MOSHER, Mr. PELLY, Mr. PICKLE, Mr. PIKE, and Mr. PODELL):

H.R. 9739. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. RAILSBACK, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHNEEBELI, Mr. SCHWENGEL, Mr. SHRIVER, Mr. SISK, Mr. STAFFORD, Mr. STOKES, Mr. TIERNAN, Mr. VANDER JAGT, Mr. WALDIE, Mr. WHITEHURST, Mr. WINN, and Mr. WOLFF):

H.R. 9740. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. KING:

H.R. 9741. A bill to provide that the Saratoga Battle Monument shall be made a National Monument; to the Committee on Interior and Insular Affairs.

By Mr. O'KONSKI:

H.R. 9742. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. PERKINS:

H.R. 9743. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 9744. 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. RHODES (for himself, Mr. CAMP, Mr. HANSEN of Idaho, Mr. LLOYD, Mr. MCCLURE, Mr. MELCHER, Mr. STEED, and Mr. STEIGER of Arizona):

H.R. 9745. A bill defining and limiting the application of certain acts of Congress to Indians and Indian tribes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 9746. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes; to the Committee on Education and Labor.

By Mr. SHOUP:

H.R. 9747. A bill to designate the Spanish Peaks Wilderness, Gallatin National Forest, in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 9748. A bill to amend the Interstate Commerce Act to authorize the Interstate Commerce Commission, in the case of failure of proper public service by a common carrier by railroad, to issue directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over such carrier's lines or over other lines of roads, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself and Mr. RHODES):

H.R. 9749. A bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of Georgia:

H.R. 9750. A bill to amend the Airport and Airway Development Act of 1970 to provide for installation and operation expense of safety and navigational aids on private airports; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 9751. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 9752. A bill to amend the Tariff Act of 1930 so as to apply countervailing duties to duty-free merchandise causing injury to domestic industry, to expedite findings and determinations under countervailing duty procedures, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 9753. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. KARTH, Mr. MCCLOSKEY, Mr. CONTE, Mr. NEDZI, and Mr. MOSS):

H.R. 9754. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Tennessee:

H.R. 9755. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive the full rate of disability compensation payable for service-connected disabilities, and also a proportionate amount of disability pension under a specified formula; to the Committee on Veterans' Affairs.

By Mr. GARMATZ (for himself, Mr. MAILLIARD, Mr. CLARK, Mr. PELLY, Mr. BYRNE of Pennsylvania, Mr. ANDERSON of California, and Mr. KEITH):

H.R. 9756. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 9757. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. BROYHILL of North Carolina, and Mr. STUCKEY):

H.R. 9758. A bill to amend the Investment Company Act of 1940, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 9759. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 9760. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 9761. A bill to designate as wilderness certain lands within Isle Royale National Park, in the State of Michigan; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI:

H.R. 9762. A bill to authorize the payment to State and local governments of sums in lieu of taxes and special assessments on Federal real property, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 9763. A bill to amend the Internal Revenue Code to regulate and prevent multiple taxation of certain kinds of income; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 9764. A bill to amend section 8 of the Federal Water Pollution Control Act relating to the Federal share of grants for construction of certain projects; to the Committee on Public Works.

By Mr. WYLIE:

H.R. 9765. A bill to amend the Airport and Airway and Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9766. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more

than 6,000 pounds; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 9767. A bill to amend the National Environmental Policy Act of 1969 with respect to the application of its provisions to the proposed trans-Alaska oil pipeline; to the Committee on Interior and Insular Affairs.

H.R. 9768. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 9769. A bill concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. GRASSO:

H.J. Res. 778. A resolution authorizing the President to proclaim the second Sunday in July as "National Prayer Salute to Our Fighting Men in Vietnam Day"; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 779. Resolution to establish the National Commission on Executive Secrecy; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H. Res. 536. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 537. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 538. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 9770. A bill for the relief of Miss Lee Keun Soon; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 9771. A bill for the relief of Raul Alvarez Rodriguez; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 9772. A bill for the relief of Santa Nicolosi; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 9773. A bill for the relief of Jung Il Kim, Jung Sook Kim, and Jung Rang Kim; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause I of rule XXII,

103. The SPEAKER presented petition of Gerald L. K. Smith, Los Angeles, Calif., relative to the Middle East; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the 26th amendment:

A common topic of conversation among Congressmen these days is the political impact of the unprecedented wave of young people entering the electrorate as a result of the baby boom following World War II and the recent adoption of the Constitutional amendment permitting 18, 19 and 20 year-olds to vote.

When the 26th Amendment was ratified, 11 million new voters became eligible to vote—303,000 of them Hoosiers.

In 1964, only 10.5 million young Americans became eligible to vote in their first Presidential election. In 1972, this figure will jump to more than 25 million, including new voters under the Amendment and those reaching 21 years of age since 1968. While the age group 35 and older will increase between 1970 and 1980 by about 6 million, the age group below that which will be able to vote will be increasing by 22 million.

In 1920 women won the right to vote and, although the number of voters doubled overnight, nothing much new happened in American politics.

The question now is, will the addition of the young people make any more difference. Not surprisingly, opinions differ. Some contend they will merely echo their parents' political views. My feeling is that they will constitute an important and independent force in elections.

One of the Nation's decisive political influences of recent years has been the senior citizens. They have had increasing political leverage during the last 30 years or more. As a result, the government has been giving increasing attention to such matters as Social Security, Medicare, special tax considerations for the elderly, and a variety of other benefits.

Now, with the sudden growth of the younger voting group in the 1970's, we can expect increasing emphasis in public affairs and legislation for the benefit of the younger generation. This is, as the director of the Census Bureau recently said, the era of the young marrieds.

A smaller percentage of eligible young people going to the polls may work to delay, or at least weaken, the full political impact of the new voters.

The participation of the young in the democratic process in the past has not been spectacular, to say the least. The Census Bureau reports that only 21 percent of those between the ages of 21 and 29 voted in 1970. This compares to 51 percent of the 30–34 year-olds; 61 percent of the 35–54 year-olds; and 65 percent of the 55–65 year-olds. In the four states which allowed 18, 19 or 20 year-olds to vote in the 1970 elections—Georgia, Kentucky, Alaska and Hawaii—only 26 percent went to the polls.

My observations are that the young people today have a sharp perception of events and a full understanding of the political system. They seem to show special interest in the democratic process, like fair and open procedures and fundamental reform and restructuring of institutions. They tend to be less nationalistic than their elders and more concerned with mankind. They are impatient, less apt to agree to gradual change, and more insistent on immediate progress.

They are not so interested in labels—Democrat or Republican, liberal or conservative—and are more pragmatic and independent. They look with skepticism on the politician's instinct to compromise. Economic security has been the goal of most Americans, but that may recede somewhat with young people, very few of whom have experienced economic hardship and who place more emphasis on fulfillment of personal goals.

The new voters could bring our political process to facing a fundamental reshaping, shifting the grounds upon which elections are fought. Hopefully, they will help to upgrade the process.

ENVIRONMENT: EXPORTING WASTEPAPER

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 12, 1971

Mr. MILLER of Ohio. Mr. Speaker, our environmental problems seem to be on everyone's mind these days. The gravity of the situation has prompted not only grave public concern but nationwide effort to seek new solutions and methods to handle the environmental crisis. A very important field in which research is being conducted is solid waste management and, as we all know, recycling is being viewed as an alternative to clean up what we have already consumed and at the same time conserve our precious resources.

At a recent international waste management conference, Mr. Lloyd E. Williams, vice president of Container Corp. of America, delivered a rather interesting statement on the potentials for expanding the international wastepaper market. Mr. Williams states that, given proper economic incentives, we can export paper waste abroad cheaper than trying to dispose of it here.

In light of the widespread interest in recycling and the need to explore every possible remedy to our solid waste problem, I wish to insert at this point the full text of Mr. Williams' remarks:

EXPANDING THE INTERNATIONAL WASTEPAPER MARKET

I appreciate this opportunity to talk to you today about wastepaper markets. The export of wastepaper by the United States may be on the threshold of a fundamental change. The nature of this change depends a great deal upon how the interested people in this room guide the development of expanding international wastepaper markets.